



California County Boards of Education Blueprint for Better Charter Schools

Introduction

Background. Twenty-four years ago, the Legislature and the Governor made the policy decision that charter schools would exist in our state, creating what has become a popular form of choice within the public schools for parents, guardians, educators, and pupils. Enrollment in charter schools has grown steadily, and last year charter schools enrolled nearly nine percent of our state's 6.2 million K-12 pupils. Clearly - regardless of whether we like them, are neutral about them, or dislike them - charter schools are a permanent part of California's educational landscape. It's not about "whether charter schools should continue to exist," it's about creating an environment in which - collectively - we best serve the interests of all pupils in the public schools, including those who have elected to attend charter schools.

County boards of education have specific roles and responsibilities relating to charter schools, including granting or denying charter petitions on appeal (following denial or non-renewal by district governing boards) and granting or denying original charter petitions for countywide charter schools and for charter schools that serve county office of education (COE) pupil populations. Our county boards are in remarkably different places as regards charter authorizing, ranging from three counties that have each authorized more than 10 currently active charter schools, to 17 counties that had no authorized and active charter schools last year. Overall, county-authorized charter schools now enroll more than 62,000 pupils. [See Appendix 1.]

Recognizing that the vast majority of our counties (41 of the 58) have at least some level of involvement in charter authorizing, CCBE brought together a task force April 2016 to address the central questions of how county boards, in particular, can better fulfill their responsibilities as charter authorizers and, as a result, produce better outcomes for pupils in charter schools.

The task force divided into subcommittees that focused on the critical areas of charter policy, charter review, and charter operations. Each subcommittee considered major themes within its issue area, and the information and ideas derived from those robust discussions helped shape the task force's recommendations. This final report was adopted by the CCBE General Membership at its December 2, 2016.

The Charter Schools task force members includes:

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Major Recommendations. The task force settled on a number of useful recommendations, but felt that these four had the potential for truly ground-breaking change:

1. **Encourage each county board that has one or more active charter schools to become a member of California Charter Authorizing Professionals (CCAP)¹, and become a participant in the Charter Authorizers Regional Support Network (CARsNet).** Toward that end, CCBE has negotiated a collaborative pricing arrangement with CCAP, enabling CCBE member counties to receive a 50% discount on CCAP's already very modest annual fee. CCBE is also working to ensure as many county boards and COEs as possible are able to participate in the CARsNet project.

CARsNet (www.carsnet.org) is hosted by the Alameda County Office of Education and funded by a U.S. Department of Education Charter Schools Program National Leadership Activities Grant that was awarded in March 2015. CARsNet is designed to improve the capacity of charter authorizing agencies and their staffs to conduct rigorous application reviews, monitor and oversee charter schools using multiple sources of data, maintain a portfolio of high-quality charter schools, and evaluate and disseminate information on charter school performance.

Components of the CARsNet program include an annual conference *specifically* for charter school authorizing agency staffs and board members, regional leadership opportunities that bring charter authorizers together to share knowledge and resources, a comprehensive training program for beginners and more experienced authorizers, and a website teeming with resources, tools, and an online community. CARsNet has also acquired the use of a comprehensive web-based system called Epicenter that supports all aspects of the charter school review and oversight process for authorizers and charter schools.

2. **Arrange, under the guidance of CCAP and the CARsNet Regional Leads, for an “authorizer audit” of each participating COE within three years of becoming a CCAP member.**

The authorizer audit would be conducted by specially trained and approved assessment teams who would review each COE's current practices and make recommendations for improvement, provide ongoing mentorship to those assigned responsibilities for charter petition review and charter school oversight, and address any questions the county board, county superintendent, and COE staff may have.

3. **Disseminate a model, universal template for evaluation of the petitions for new and renewing charter schools for use by each county board to engage in discussion with the county's district boards and reach agreement on a template that both the county and districts can use.** Once completed for each petition, the locally agreed-upon template would be made available *in full* to the board members, along with any summative or interpretative information that the administration may choose to provide.

The model, universal template - developed by CCAP and CARsNet - will build upon the Alameda County Office of Education matrix, but incorporate enhancements and best practices from other states, tailored to California's specific needs.

The locally agreed-upon template is intended to be utilized by both the county and the districts so that there would be transparency and clarity for all parties from charter schools and charter developers, to authorizer staff, to school district and county board members, regarding the expectations for approval and renewal. It will also reduce confusion and ensure that charter petitioners are evaluated in a district-level review in essentially the same manner that they would be evaluated on appeal. “Surprises” between district and county reviews of charter petition review processes would be minimized, and both reviews would be thorough.

4. **Create a pilot program for interested COEs to consolidate their charter school oversight efforts with districts in the county that also want to improve charter authorizing practices and make them more cost effective.** The pilot program may be sanctioned legislatively, but statutory authority already appears sufficient per Education Code (EC) sections 35160 and 35160.2 and grant funding to assist with implementation and evaluation of the pilot will be sought.

¹ California Charter Authorizing Professionals (CCAP) is an organization of charter authorizers dedicated to ensuring quality charter schools in the state's public education sector. CCAP provides a network of support and resources to the build professional capacity of the individuals serving in the vital role of charter authorizing. CCAP's mission is to advance quality public education for all students by providing charter school authorizing professionals with the support, resources, and collective voice necessary to foster high-performing, fiscally sound, autonomous, and accountable charter schools. For more information on CCAP, go to <http://www.calauthorizers.org/>.



The intent behind this pilot program would be to generate - through consolidation - sufficient resources to have a full-time team (hired directly, on contract, or a combination of both) visit and evaluate each charter school at least annually, taking advantage of the team members' specific expertise in such areas as business operations, curriculum and instruction, special education, facilities, and parent/guardian involvement. Then, in addition to reporting back to authorizing entities, the teams would offer support and assistance to help strengthen the schools and improve outcomes for pupils. The pilot program would be evaluated to see if more robust and successful oversight is achievable through consolidation of resources.

Additional Recommendations. Beyond these four major recommendations, the task force concluded that charter school operations and charter authorizing would be enhanced, depending upon specific circumstances, by any or all of the following:

- Have charter school governing boards shoulder more responsibility related to oversight and ensure they are trained for that task.

Instead of the charter authorizer doing extensive, costly, and sometimes intrusive oversight activities, charter school governing boards (in fulfilling their fiduciary and governance responsibilities) should be reviewing and certifying - based on clear and appropriate standards - the school's compliance with law and the educational success of the students the school serves. Having each charter school governing board fulfill these responsibilities will also build critically important board capacity. The authorizer should be more in the position of reviewing and certifying charter school governing board submissions with appropriate controls and verification processes. In key ways, this models the accreditation self-study process, but includes a greater level of verification, especially in the area of fiscal solvency and fraud detection.

As part of this effort, authorizers may wish to organize (or petition the California School Boards Association to organize) professional development opportunities for charter school governing board members. A COE, for example, could provide this type of professional development for the governing board members of schools chartered not only by the county board, but also by district boards within the county.

- Determine the intensity of oversight based on the charter school meeting or failing to meet key performance indicators.

If key performance indicators are met (e.g., attendance, academic performance, course/credit completion, state accountability measures, balanced budgets and adequate reserve level, fire marshal and other safety-related clearances), then less intrusive oversight should be satisfactory. However, failure to meet agreed-upon benchmarks will trigger more intensive review. The purpose of the more intensive review is both to better assess the level of risk that exists and to motivate, support, and help the school identify possible solutions.

This type of performance-based accountability is of growing interest across the nation. It is intended to improve performance by encouraging organizations (in this case, charter schools) to improve outcomes in ways that make a difference (in this case, to the charter authorizers). At its core, performance-based accountability (1) identifies specifically the goals that need to be achieved or the changes that need to be made, (2) tailors an incentive structure that promotes the outcomes or changes, and (3) defines a set of performance measures to be used within the incentive structure to achieve the desired results.

- Ensure fiscal transparency.

A key way to enhance fiscal transparency is for charter schools to make the following types of information readily accessible to the public: (1) budget (revenue, expenditure, reserve) information, including each year's originally adopted budget, first and second interim updates, and unaudited actuals; (2) annual audit; (3) salary schedules, including those for administrators (or, if the school does not have salary schedules, the functional equivalent thereof); and (4) significant contracts (above a specified dollar amount, e.g., \$5,000) including some brief explanatory information about each contract. Authorizers should request that charter schools post this type of information on their websites. If the charter operator declines, then the authorizer can post items (1) and (2) directly, because they are already being received by the COE. Also, per EC 47604.3, the authorizer can seek items (3) and (4) for the preceding year, then post that information as well.

- Insist upon operational transparency.

As with fiscal transparency, an authorizer can require operational transparency by making mandatory that its countywide charter schools pursue measures toward that end, including, for example, (1) having open, noticed meetings of its governing board; (2) making documents, as appropriate, available for public inspection; and (3) having a conflict of interest code to



which its governing board members and administrators adhere. For schools approved on appeal, the authorizer should strongly encourage the petitioners to comply with these same operational transparency measures.

There is some dispute as to whether - and to what extent - certain statutes already apply to charter schools, including the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act of 1974, and state conflict of interest provisions (generally referred to as a group as “Government Code 1090”). However, as regards the Political Reform Act, in particular, the California Attorney General has opined that the Act does apply to charter schools, and an authorizer thus has a strong basis on which to seek compliance by all of its charter schools. [See Opinion 11-027 (March 7, 2011).]

As for the Brown Act, Public Records Act, and Government Code 1090, even if a charter school were to refuse an authorizer’s request to follow these statutes (or similar provisions), the authorizer can pursue some aspects of operational transparency on its own accord. For example, through the authorizer’s representative on the charter school governing board (appointed pursuant to EC 47604), the governing board’s meeting agendas, minutes, and related materials can be obtained and posted on the authorizer’s website. Similarly, as for records being sought, the authorizer could demand them pursuant to EC 47604.3 or (via the county superintendent) pursuant to EC 47604.4, and make the content publicly available, except where otherwise restricted (e.g., student names should be redacted). Finally, as for conflicts of interest, the authorizer can obtain information about charter school governing board members through Fair Political Practices Commission filings and the organization’s annual federal Form 990 filing and post that information on the authorizer’s website.

As noted above, CARNet has acquired the use of a comprehensive web-based system called Epicenter as an additional resource for county boards and COEs. This system provides very extensive transparency of information, while also providing powerful tools to both the authorizer and the charter school in support of effective operations and oversight. [Please see major recommendation 1, above.]

- Ensure WASC accreditation as a condition of renewal for charter high schools.

Currently, a charter high school is not required to have accreditation by the Western Association of Schools and Colleges (WASC). However, pupils who graduate from unaccredited

high schools are placed at a serious disadvantage when seeking admission to four-year colleges and universities. The authorizer of any charter school that will serve grades nine through 12 should make clear at the time of approval that WASC accreditation (at least provisional accreditation) will be a condition for the school’s renewal (assuming the initial charter period is reasonably long enough to obtain the accreditation). Obtaining WASC accreditation is clearly one indicator of pupil academic achievement, which must be “the most important factor in determining whether to grant a charter renewal.”

- Ensure that the powers to suspend and expel are used sparingly and appropriately.

There are detailed and somewhat complex laws governing suspension and expulsion in traditional schools, including various quasi-judicial processes that must be accorded pupils. A charter school, by contrast, is required to include in its charter - as approved by the authorizer - an element detailing “the procedures by which pupils can be suspended or expelled.” The charter school is obligated to abide by the provisions of that charter element. In the process of charter review, the authorizer may certainly question the charter petitioner about the suspension and expulsion element, and nothing prohibits the authorizer from negotiating different (stronger) provisions relating to suspension and expulsion as part of the charter’s approval.

Some authorizers are satisfied with the handling of suspension and expulsion in the schools they have chartered. However, some allege that charter schools have systematically exploited the suspension and expulsion provision to exclude students who are disciplinary problems and/or academically low achieving. If evidence of the latter arises, an authorizer should consider requesting different or additional provisions related to suspension and expulsion both for the school’s protection and for the authorizer’s peace of mind. Examples of these different or additional provisions could include (1) requiring periodic reports on suspension and expulsion to the authorizer, (2) establishing the authorizer as an independent appellate body for parents or guardians who are dissatisfied with the outcome of the charter school’s own appeals mechanism, and (3) in the case of expulsion, requiring that the charter school monitor the student’s status until such time as the student’s enrollment in a satisfactory alternative educational setting has been verified (with a report back to the authorizer).



- Enhance the review process for charter petitions through professional development.

In addition to the common template for review [see major recommendation 3 above], county boards can establish ways in which district board members (and district staff) can learn the county board's expectations when considering charter petitions on appeal through periodic workshops, trainings, or other professional development opportunities.

Both petitioners and district board members (and district staffs) may complain that county-conducted reviews produce different results. A petitioner, for example, may have invested time and energy in endeavoring to address a district-identified issue with a charter element, only to find that the county found that particular element to be perfectly acceptable as is. Conversely, a petitioner may have considered the petition to be "home free" on a given element, since the district review had no comments or objections, only to find the county review found the element lacking. While eliminating all variation in reviews is not possible, it could be valuable for the county to take the lead in making known its expectations for charter petitions. In this way, district board members (and staff) will have benchmarks to use in conducting charter petition reviews. The State Board of Education (SBE) has established its expectations for charter petitions, although the SBE regulations are arguably somewhat general.

- Consider outreach and recruitment strategies and activities carefully.

Each charter petition is required to include an element discussing the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the district. For the most part, these elements involve a listing of outreach and recruitment strategies and activities. When evaluating charter petitions, it is important that authorizers consider these proposed strategies and activities carefully. Changing the racial and ethnic mix in a charter school is very difficult after the initial few years.

- Harmonize the basic charter renewal criterion with the state's new accountability system.

The basic criterion for renewal of a charter school (as noted above) is that increases in pupil academic achievement must be the most important factor considered. At the same time, though, the state is in the process of establishing a new accountability system based on multiple measures. It is important that this

basic renewal criterion be harmonized with the new accountability system. The task force recommends that work continue in this critical area.

- Encourage sharing best practices with traditional public schools.

The authorizer can ask the petitioner to describe in the petition the manner in which the charter school will seek to share best and promising practices of the charter school with other traditional public schools and charter schools that have low academic performance.

- Ensure that all parents, guardians, and community members have access to board meetings.

If charter school governing board meetings are held at a remote location (e.g., many miles from one of the school sites, or even outside of the county where the charter is authorized), the governing board should be required to provide remote access to its meetings.

Conclusion. President Barack Obama has said that charter schools can and should serve as "incubators of innovation." In that regard, he cited the two principal features of charter schools that make them useful tools of change:

- First, they have "unique flexibility" to "cultivate new teaching models and creative methods to meet students' needs."
- Second, they have "strong accountability and high standards" so that "underperforming charter schools can be closed."

The task force believes that, as charter authorizers, it is incumbent upon county boards of education to ensure that the schools we charter are consistent with this vision: that they are accorded flexibility, and that they are held accountable for results. We believe this blueprint's recommendations help move our state toward that end.

Appendix 1. County-Authorized Charters with 2015-16 Total Enrollment*

County Name	County Authorized Charters	Directly Funded/ Local Funded	2015/16 Total Enrollment	County Name	County Authorized Charters	Directly Funded/ Local Funded	2015/16 Total Enrollment
Santa Clara	24	24 / 0	9,243	Marin	1	0 / 1	2
San Francisco	13	12 / 1	5,976	Mariposa	1	1 / 0	124
Los Angeles	12	11 / 1	4,337	Merced	1	0 / 1	107
Nevada	8	4 / 4	3,458	Plumas	1	1 / 0	332
Alameda	7	6 / 1	2,378	Sacramento	1	1 / 0	1,195
Orange	6	5 / 1	553	San Bernardino	1	1 / 0	744
Fresno	5	5 / 0	1,272	San Diego	1	1 / 0	1,639
Riverside	5	3 / 2	7,181	San Luis Obispo	1	0 / 1	240
Ventura	5	5 / 0	2,371	Santa Cruz	1	0 / 1	518
Contra Costa	4	3 / 0	3,575	Siskiyou	1	1 / 0	389
Glenn	4	0 / 2	387	Tuolumne	1	1 / 0	125
Monterey	4	3 / 1	1,331	Yolo	1	1 / 0	322
Tulare	4	2 / 2	1,406	Alpine	0	NA	NA
El Dorado	3	0 / 3	748	Colusa	0	NA	NA
Inyo	3	0 / 3	2,009	Imperial	0	NA	NA
Kern	3	2 / 1	2,663	Kings	0	NA	NA
Mono	3	1 / 2	492	Lake	0	NA	NA
San Joaquin	3	3 / 0	1,967	Lassen	0	NA	NA
Shasta	3	2 / 1	534	Mendocino	0	NA	NA
Stanislaus	3	2 / 1	1,486	Modoc	0	NA	NA
Butte	2	1 / 1	972	Napa	0	NA	NA
Del Norte	2	1 / 1	524	San Benito	0	NA	NA
Madera	2	0 / 2	544	San Mateo	0	NA	NA
Placer	2	1 / 1	489	Santa Barbara	0	NA	NA
Tehama	2	0 / 2	186	Sierra	0	NA	NA
Yuba	2	1 / 1	371	Solano	0	NA	NA
Amador	1	0 / 1	42	Sonoma	0	NA	NA
Calaveras	1	0 / 1	495	Sutter	0	NA	NA
Humboldt	1	1 / 0	176	Trinity	0	NA	NA
				TOTALS	149	108/41	62,903

* Source: CDE School Directory and CDE DataQuest (6/9/2016)