



ON THE ROAD TO GREAT CHARTER SCHOOLS:  
**STATE POLICY ANALYSIS**  
2016



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# A LETTER FROM THE PRESIDENT AND CEO

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Dear Partners,

A wave of federal and state education policy reforms during the last four years has challenged the status quo and created promising improvements for students. Following this year's election, we now prepare for a new wave of changes. At NACSA, we believe that smart charter policy—giving schools autonomy in exchange for strong accountability—remains a critical strategy to dramatically increase the number of students in great schools.

Since 2012, our advocacy efforts with state and local partners have yielded significant success: **more than half of the 44 states with charter schools have strengthened laws by adopting one or more of our eight key state policies.**<sup>1</sup> Additionally, three states adopted charter laws for the first time (Alabama, Mississippi, and Washington) and these laws are among the strongest in the country. Collectively, our work positively impacted more than one million charter school students.

But we have much more work to do to ensure more children can attend a great charter school.

First, not all recent changes have been positive: North Carolina removed important safeguards from its law that enforced consequences for failing schools. In Louisiana, legislators removed key authorizer quality provisions while addressing a separate issue. If we are to provide quality schools to more children, we cannot afford to move in the wrong direction.

Second, policymakers must address student access to quality schools with the same commitment as accountability. While policies to eliminate failing schools have gained traction, policies that ensure all students have an equal opportunity to attend a quality charter school have proven to be more challenging. For example, 18 states—more than one-third—are expanding access through state chartering boards, but more progress is needed.

Finally, the new federal Every Student Succeeds Act presents a great opportunity for states to re-examine charter laws. For the first time, charter authorizing is recognized in federal law as a key lever for states to improve school accountability, quality, and equity. If done right, these changes to state law can be transformative.

So, in this third edition of NACSA's *State Policy Analysis*, we seek to catalyze robust state discussions about how local policies support and inhibit the growth of a high-quality charter school sector. As laws are re-examined, we ask that policymakers draw heavily from the common sense recommendations in this report, informed by years of experience strengthening access, autonomy, and accountability for charter schools.

We look forward to continuing this important work with you.

Sincerely,



Greg Richmond

President and CEO  
National Association of Charter School Authorizers

# POLICIES AT A GLANCE:

## POLICIES THAT PROMOTE CHARTER SCHOOL EXCELLENCE

### 3 PRINCIPLES

**ACCESS:** protect student interests and provide opportunities to attend good schools

**AUTONOMY:** uphold school autonomy

**ACCOUNTABILITY:** maintain high standards for schools and authorizers and uphold the public interest

### 8 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—regularly or as needed
4. **Authorizer Sanctions:** authorizers face consequences if they have poor practices or a high proportion of persistently failing schools
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

Together, these eight policies ensure a legal framework for every state to

- set high standards for all charter schools;
- approve only good new charter schools;
- monitor the performance of all charter schools;
- empower successful schools to remain open and possibly grow;
- close charter schools that persistently fail.

### ESSA and State Charter Policies

The Every Student Succeeds Act (ESSA), currently being implemented at the federal and state level, requires states to make changes to their state accountability and report card systems. ESSA may impact state charter school policy in two major ways:

- A state's charter law may need conforming amendments to ensure it is up-to-date and enforceable after ESSA is implemented. State charter laws often incorporate terms and requirements from state accountability systems in places such as standards for renewal, a default closure mechanism, or the basis of school performance goals. Any affected terms will need to be updated as soon as possible.
- The content of a state's Title I plan—and how it addresses ESSA's requirements—matters. It can have an impact on charter school accountability and authorizers. Unless charter schools are specifically treated differently in a Title I plan, any action that is required of a school or an LEA (for LEA charters) also applies to a charter school or, in some cases, a charter school authorizer. This includes the new flexibilities and planning requirements and any triggered state interventions. ESSA statute has a specific provision designed to make sure that state charter law is the primary mechanism of charter accountability, but a poorly constructed state Title I plan could get in the way of these systems and make it more difficult to hold schools accountable. A Title I plan should complement state charter law to together foster a quality charter school sector. (More information on the impact of ESSA, including Title I, can be found [here](#).)

# PROGRESS AT A GLANCE: POSITIVE POLICY CHANGES TO STATE LAW AND TRENDING ISSUES

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In 2012, NACSA began formally evaluating state charter laws and ranking them on the eight cornerstone policies in this report. That work set a baseline by which to measure yearly progress towards stronger charter school laws.

Today, these four years of data tell a story of improvement. Two years ago, in the wake of NACSA's first public report, 14 states improved their charter laws by adopting one or more of NACSA's recommended policies. Some key changes in the past year are noteworthy:

**Michigan** established a minimum threshold for charter school performance and default closure of schools falling below that threshold. It also established a simplified A-F accountability system for all Detroit schools and created an accreditation requirement for any authorizer seeking to open a new charter school in the city.

**Missouri** made it easier for high-performing charter schools to replicate and now requires annual reports on charter school performance.

**New York's** courts affirmed the rights of authorizers to enforce a strong standard of renewal.

In **Washington**, a remarkable grassroots advocacy campaign restored the state's charter school law. Washington now receives a perfect score on NACSA's policy analysis.

While only a handful or so of states had an actual change in score, lawmakers' attention to charter school issues in 2016 continued to be high. NACSA tracked a number of additional policies that—while not part of its current scoring methodology—impact charter school access, autonomy, and accountability. Of these issues, student equity was by far the most debated on legislative floors in 2016. Equity is a necessary precursor to meaningful access—it's how children are assisted in overcoming early life disadvantages that would otherwise prevent access to great schools. NACSA uses the term “equity” broadly to encompass bills making changes to ensure that all students are fairly served. This includes bills addressing student discipline; lottery and enrollment processes; and protections for English language learners, students with disabilities, and other special student populations.

Legislators also paid much attention this year to the regulation of relationships between charter schools and management organizations. A network of schools under a common management operator is a relatively new structure and presents unique challenges in the areas of transparency, accountability, and the use of public funds. Authorizers play a key role in holding charter networks accountable to public systems for financial oversight and ensuring that all schools are spending tax dollars appropriately.

Finally, charter school facility and funding issues also dominated many legislative agendas. All of these challenges—equity, transparency, and funding—impact the core issues of access, autonomy, and accountability and reflect the continuing evolution of charter school policy.

# STATES AT A GLANCE:

## CHARTER SCHOOL STATES AND THEIR STATE POLICY SCORES

NACSA's scoring rubric is based on a framework of policies in law, regulation, and/or rules. The eight policies are not new ideas, nor are they cumbersome rules and regulations. They are simply cornerstones of charter school excellence protected by state law.

NACSA recognizes that it may be more difficult for certain states to enact some of the policies for a variety of reasons. Moreover, policies are only one part of the puzzle—what people do with them through implementation and the development of practices matters, too. Implementation does not exist in a vacuum; it is done within an administrative and political landscape by people and institutions that might not always get it right the first time.

Beyond the policy framework, lawmakers, stakeholders, and authorizers must ensure that the policies are implemented properly to provide quality charter schools to families and avert perverse incentives that undermine the system. Over time, a successful charter school system requires a combination of smart policy, committed people, and strong practice.

As with any policy, it's all about the implementation:

- **Ohio** serves as an example of why strong policies alone are not a magic bullet for turning around charter sectors. Beginning in 2009, Ohio passed a series of reforms and now scores very well on this rubric, but rigorous implementation has, until recently, stalled. NACSA believes that once these reforms get through several key stages in the upcoming year—including the first comprehensive authorizer evaluation cycle—Ohio's strong policies can right the ship.
- A handful of other states that rank very high on the analysis, such as **Nevada** and **Texas**, adopted many of NACSA's recommended policies in response to concerns about the quality of their charter sectors. These states show initial signs of improvement, explored in [case studies](#) in 2015, and give hope that student outcomes will continue to improve as implementation continues.
- States with newer charter laws, such as **Alabama**, **Maine**, **Mississippi**, and **Washington**, score highly on NACSA's rubric because their laws reflect many current recommendations. However, with their recent entry into chartering, on some policies they do not yet have implementation records to show policy application and outcomes.

RANK	STATE	2016 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
1	Indiana	33	Beginning in 2011, Indiana passed a series of laws designed to increase the consistency of charter school accountability and authorizer quality. Indiana authorizers supported these changes.
1	Nevada	33	In 2013 and 2015, Nevada passed laws designed to improve authorizer quality, strengthen charter school accountability, and encourage the growth of high-performing charter schools. The legislation was partially motivated by generally weak charter school performance.
1	Washington	33 ↑	In 2016, Washington legislators passed bipartisan legislation re-establishing the state's charter school law. The restored law is based on best practices in charter school policy.

RANK	STATE	2016 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
4	Ohio	32	Ohio passed law changes between 2009 and 2015 that, among other provisions, created new charter school closure mechanisms and a system for the evaluation of authorizers. Ohio had significant challenges with implementation at the state, authorizer, and school level during several years and passed new reforms in 2015 to address this. Implementation challenges persist.
5	Alabama	31	Alabama passed a new charter law in 2015 based on best practices in charter school policy. Alabama's first charter school is expected to open in 2017.
6	Missouri	29 ↑	Missouri passed significant authorizer quality and charter school accountability reforms in the last several years, including new performance reporting and replication policies in 2016. Implementation of these policies is ongoing.
7	Texas	27	Texas passed significant reforms in 2013 to address a history of mixed charter school quality and accountability. The state remains focused on implementation of these reforms.
8	Minnesota	26	In 2009, Minnesota adopted the first charter authorizer evaluation system. The implementation of this well-designed system reached a milestone this year with all authorizers completing their first high-stakes summative review.
8	Mississippi	26	Mississippi passed a new charter law in 2013 based on best practices in charter school policy.
10	South Carolina	25	In 2011 and 2014, South Carolina passed significant charter authorizer quality and school accountability reforms, largely in concert with the statewide authorizer created in 2006. Implementation of these policies is ongoing.
11	Oklahoma	24	Oklahoma passed comprehensive legislation in 2015 to allow charter schools across the state and to establish additional school and authorizer accountability measures. Implementation of these measures is still in its very early stages.
12	Delaware	21	During the last several years, Delaware passed and implemented significant authorizer quality and charter school accountability reforms through law, regulation, and changes in practices. Implementation of these policies is ongoing.
12	Hawaii	21	Hawaii passed significant reforms of its charter school law in 2011, including the creation of a new statewide authorizer. The state is engaged in rulemaking to clarify some of these reforms.
14	Georgia	20	Georgia adopted several charter school policies during a number of years, notably through the regulatory process in 2014 and 2015, to improve authorizer quality and consistency, create assistance for struggling authorizers, and create a strong renewal process. A commission appointed by the governor has also proposed a number of additional school quality and authorizer accountability reforms.
14	Tennessee	20	In 2014, Tennessee passed significant charter school accountability and authorizer quality policies, which included the expansion of the appellate authorizer. The state also modified the implementation of a handful of policies, most notably making an existing annual charter report more robust to provide better information to the public.

RANK	STATE	2016 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
16	District of Columbia	19	The District of Columbia has only one authorizer, with state charter school policy set by the City Council. The sole authorizer voluntarily employs strong practices that mirror those that result from NACSA's recommended policies; enacting them into law will ensure they continue.
16	Maine	19	Maine passed a new charter law in 2011 based on best practices in charter school policy. We expect the state's policy score to increase in late 2016, when the authorizer completes its first-ever renewal cycle.
18	Arizona	18	In 2015, Arizona passed several charter authorizer quality policies to ensure strong practices. The primary authorizer already employs strong practices, and the new law was designed to ensure all authorizers do the same.
18	Florida	18	In ongoing efforts to improve the state's charter school sector, Florida authorizers will seek to incorporate a requirement for annual reports and performance frameworks into state law and practice in 2017.
20	Idaho	17 ↑	In 2013, Idaho modernized its law to put several charter school accountability mechanisms in place, including performance-based contracts. In 2016, Idaho passed policy that makes it easier for high-performing charter schools to replicate.
21	Louisiana	16 ↓	Louisiana's statewide charter authorizer voluntarily developed and employs several model practices, which were subsequently adopted into policy. In 2016, the state took steps to move many charter schools located in New Orleans from the statewide authorizer to the New Orleans Parish School Board. Other legislation removed the ability of local charter authorizers to sponsor schools; this broadly drafted legislation also removed some key authorizer quality provisions in law that were applicable only to these entities.
21	Michigan	16 ↑	Opinions on Michigan's charter school law, authorizing practices, and charter school quality vary tremendously, and local stakeholders vigorously debate how to improve them. In 2016, Michigan passed a package of bills to address the Detroit schools crisis, which include some authorizer quality and charter school accountability reforms for both Detroit and the state.
21	New York	16 ↑	New York is an example of a state where charter authorizers successfully strengthened their strong renewal practices and decisions through the state's judicial system.
24	Connecticut	15	In 2015, Connecticut passed comprehensive policy reforms to ensure the single authorizer employs strong practices for charter school accountability and transparency. The legislation also placed additional limits on charter school approvals. Implementation is ongoing.
24	Massachusetts	15	Massachusetts has adopted several charter school accountability policies, largely through the regulatory process. The sole authorizer voluntarily employs practices that largely mirror those that result from NACSA's recommended policies. This year's debate over whether to raise the charter cap focused attention on charter school quality and accountability issues.

<b>RANK</b>	<b>STATE</b>	<b>2016 SCORE</b> (33 points possible)	<b>POLICY &amp; PRACTICE CONTEXT</b>
24	New Mexico	15	New Mexico continues to seek opportunities to fix structural issues with its largest charter authorizer, as well as provide authorizers stronger statutory backing for high-stakes renewal and closure decisions.
24	Wisconsin	15	Wisconsin passed significant legislation in 2015 that created new charter authorizers and strengthened authorizer quality and school accountability initiatives.
28	Illinois	14	Illinois has several authorizer quality policies in place, spurred largely by the creation of an appellate Independent Charter Board in 2011 and the resulting rules and regulations. Charter schools are highly concentrated in Chicago, where authorizing practices have been somewhat unpredictable.
29	California	13 ↑	California has a school district-focused policy structure that combines some charter school accountability policies with a multi-tiered appeal structure. This creates extreme variability within the authorizing sector, with hundreds of authorizers with very small portfolios and largely undeveloped authorizer practices.
29	New Jersey	13	New Jersey has only one charter authorizer, with much policy set through rules and regulations. The sole authorizer voluntarily employs strong practices that mirror those that result from NACSA's recommended policies; enacting them into law will ensure they continue.
29	Rhode Island	13	Rhode Island has only one charter authorizer, with much policy set through rules and regulations. Legislation passed in 2016 restricts charter school growth by requiring local approval for certain applications and placing new review considerations on all proposals.
32	Arkansas	12	Arkansas has a small charter school sector with largely undeveloped authorizing policies. The State Board of Education and the Charter Authorizing Panel have overlapping and sometimes duplicative authorizing roles that create a confused and onerous charter application and approval process.
32	New Hampshire	12	New Hampshire has a small charter school sector with largely undeveloped authorizing policies.
34	Pennsylvania	11	Pennsylvania has tried unsuccessfully to pass charter law reform in the last several years. The state should bring consistency to historically variable authorizer practices, fix identified problems with school accountability provisions, and engage in standardized performance management practices.
35	Colorado	10	Colorado has a school district-focused policy structure that encourages authorizers to use best practices in charter school authorizing through rules, available templates, and an appeal process. There is significant variability of authorizer size. Advocates scored some legislative victories in 2016 in the areas of charter school access to facilities and operational flexibility.

RANK	STATE	2016 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
36	North Carolina	9 ↓	North Carolina's rank is lower this year due to two years of cumulative law and regulatory changes that will make it more difficult for the sole authorizer to adopt and implement strong accountability policies and practices. The state has had a high growth rate since the charter school cap was expanded in 2011.
37	Utah	8	Utah charter school policy lacks many basic school accountability and authorizer quality provisions.
38	Iowa	7 ↑	Iowa has a particularly weak charter school law with little accountability or autonomy.
39	Oregon	5	Oregon has school district-focused authorizing with generally undeveloped charter school policy and authorizer practices. The state primarily has authorizers with small portfolios of charter schools.
39	Wyoming	5 ↑	Wyoming has a particularly weak charter school law with little accountability or autonomy.
41	Alaska	3	Alaska has a particularly weak charter school law with little accountability or autonomy.
42	Maryland	2	Maryland has a highly variable charter sector, with autonomy and accountability determined largely by each school district. Outside of those districts such as Baltimore that grant autonomy, the law is considered particularly weak.
42	Virginia	2 ↑	Virginia has a particularly weak charter school law with little accountability or autonomy.
44	Kansas	0	Kansas has a particularly weak charter school law with little accountability or autonomy.

# NACSA AT A GLANCE

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**NACSA believes the charter school model—where public schools receive increased autonomy and flexibility in exchange for high standards of accountability—is a powerful strategy for increasing the number of great schools in America.**

When done well, charter schools provide quality public education—not just for a few students, but for millions. While most education improvement plans can take a decade or even a generation to demonstrate impact, charter schools have immediately transformed lives in many urban areas.

Charter school authorizers—many of whom are NACSA members, including school districts, education agencies, independent boards, universities, and not-for-profits—work to increase the number of great charter schools across the nation. They do this through smart charter growth: encouraging the replication of the best schools and making tough decisions to close low-performing schools. Through smart growth, authorizers will give hundreds of thousands of students a better chance each year.

For more than 16 years, NACSA has worked alongside authorizers to build the gold standard for charter school authorizing. NACSA's work advances excellence and accountability in the sector, whether providing authorizers with practical resources and policy guidelines or advocating for laws that raise the bar among authorizers and the schools they charter.

NACSA's One Million Lives initiative is dedicated to providing one million more children the chance to attend a great school that will prepare them for success throughout their lives. NACSA works to engage and support authorizers and a broad coalition to open new, high-performing charter schools and close those charter schools that persistently fail children.

This state policy analysis is based on NACSA's research on authorizing and education policy, combined with years of experience in every state with a significant charter school presence. NACSA has extensive, first-hand experience working with, and for, authorizers across the country. This includes overseeing application evaluation processes in Alabama, Arizona, Mississippi, New Orleans, Tennessee, and Washington; designing performance frameworks in Delaware, Hawaii, Indiana, Nevada, and New Mexico; and conducting detailed and comprehensive evaluations of more than 60 authorizing agencies across the nation.

# POLICIES IN DETAIL:

## EIGHT STATE POLICIES FOR ACCESS, 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—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 applicants can apply directly to only one authorizer, such as a local school district, there should be at least one additional 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, thus 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, states will adopt NACSA's *Principles & Standards*, which were created by independent experts and represent more than 16 years of continuous development in the changing charter school landscape. Professional standards are a step beyond a mere list of an authorizer's legal responsibilities. 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**

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### **What:**

NACSA supports policy requiring a state entity to regularly evaluate authorizers on adherence to authorizer standards. The most comprehensive state policies require evaluation of the performance of the charter schools authorizers oversee, as well. An authorizer evaluation is not just a collection of school performance data, but an accounting of the authorizer's performance across multiple measures. 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**

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### **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.<sup>2</sup> 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 their 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

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#### **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 school performance frameworks 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

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#### **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 performance frameworks 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.<sup>3</sup>

### **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**

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### **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 than this revocation standard.

### **Why:**

A 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” or a similarly vague performance standard has led some courts and appellate bodies to keep demonstrably failing schools open. This has happened when schools 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 lack 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**

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### **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).<sup>4</sup> 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 not only be accepted but 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.

# PROGRESS IN DETAIL: 2012 TO 2016

Year-to-year change tells only part of the story. In this third edition of the *State Policy Analysis*, NACSA goes beyond its annual update to look at cumulative changes since 2012.

NACSA's state policy agenda is part of its broader goal to improve the lives of children by improving public school options. This goal is driving NACSA's *One Million Lives* (OML) initiative, launched in 2012 to engage authorizers and a broad coalition willing to close failing charter schools and open many more good ones. This goal is in sight: at the end of five years (or by the end of school year 2016-17), one million more children will be attending 3,000 high-performing charter schools than attended in 2012.

Smart policies, strong practices, and talented people are vital components of the OML initiative, and experience shows that states with NACSA's eight recommended policies in place are better positioned to do the hard work of creating and sustaining great public schools.

## **Seeing progress: half of all charter states have stronger laws**

During the last four years, thanks to the collaborative work of partners across the country, 23 states—just more than half of all states with a charter school law—have strengthened their laws by adopting one or more of the eight bedrock policies. These policy changes will positively impact more than one million students enrolled in charter schools in these 23 states, more than one-third of all charter students nationally.

- **Accountability and quality improvements:** Of the 23 states that adopted one or more of NACSA's core recommended policies since 2012, 15 states have made improvements to address both authorizer quality and school accountability.
- **Strong new laws in three states:** Three states that did not have charter school laws in 2012 (Alabama, Mississippi, and Washington) now do, and these laws are among the strongest in the country, setting up these developing charter sectors for success.
- **Progress in big leaps:** In five states with some of the weakest charter school oversight policies in 2012 (Delaware, Georgia, Oklahoma, South Carolina, and Tennessee), reform coalitions have achieved significant improvements in charter laws, moving these states into the top tier of states in NACSA's state policy analysis.

## **Policy change is happening where it is needed most**

Policy change is complex work, influenced by social and political trends and alliances. One point can be made without qualification: policy change is happening where it is needed most. A number of the states making the most significant improvements to charter school oversight policies rank in the bottom half of states on poverty and academic achievement statistics and have large populations of historically underserved students. In these states, the need for high-quality school options is most dire. The impact of these reforms will take time, steady leadership, and a commitment to continuous improvement in order to fully manifest, but these reforms provide a solid foundation for change.

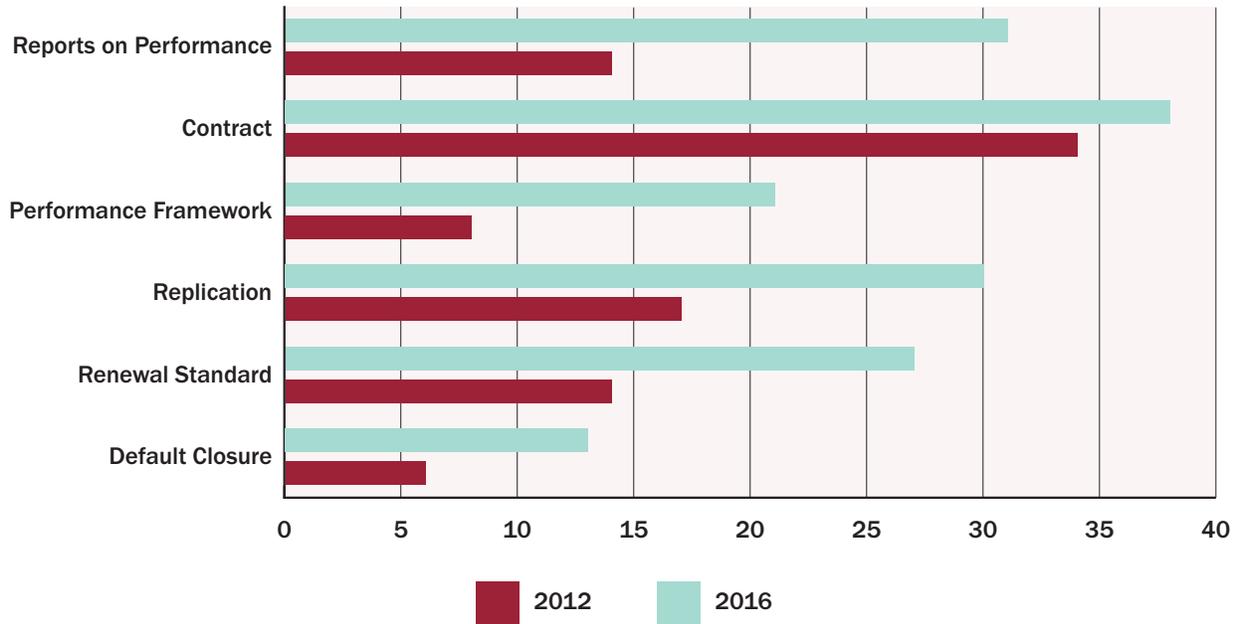
### **Where to focus:**

- **States with the most charter students:** States with the highest charter school enrollment merit special attention, since their policies impact the largest number of students. Three of these states—California, Florida, and Pennsylvania—are particularly ripe for continued involvement by NACSA and others to strengthen their state policies, since their score on NACSA's rubric has not improved (or in California's case, has improved only minimally) during the last four years.
- **States with the lowest policy scores:** More than one million students are currently enrolled in charter schools in the bottom third of states, based on their state's policy score. While many children still attend excellent charter schools in these states, that is generally by virtue of dedicated professionals working at a local level to achieve great things, not because of a solid foundation of policies to reinforce and support strong chartering outcomes. It's time to change that.

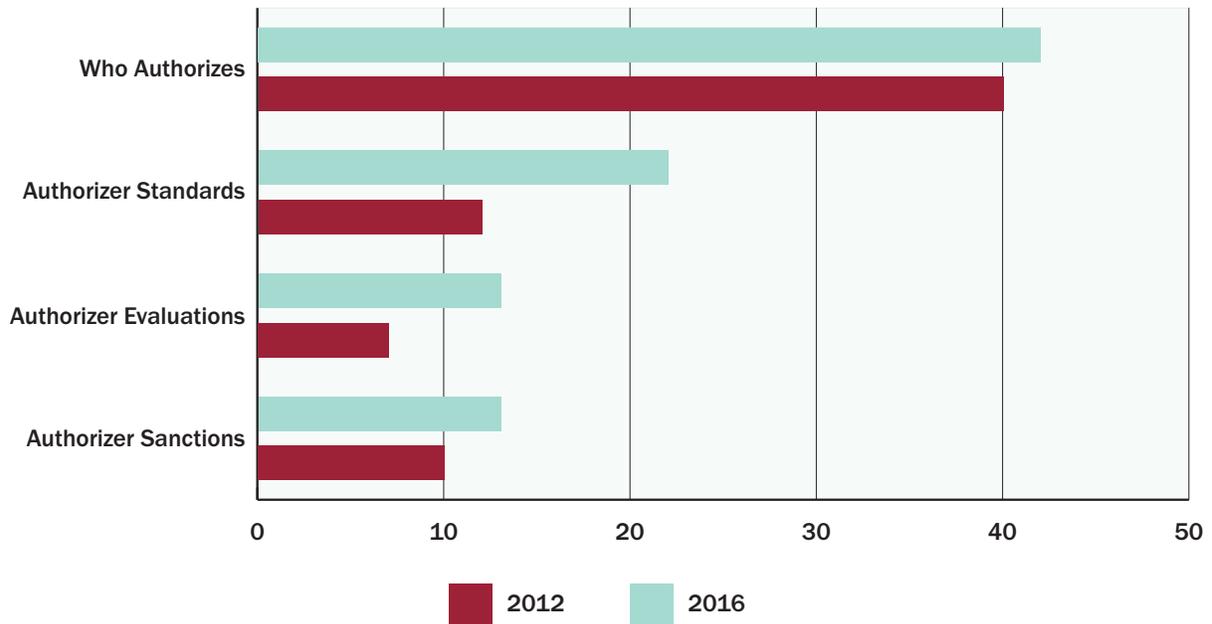
As the charter school sector continues to evolve, NACSA is committed to the continual examination and adaptation of its policy approach and analysis. NACSA is dedicated to ensuring that the policies it promotes are supported by the best evidence available to support authorizers, charter schools, and, most importantly, strong student outcomes.

# CUMULATIVE STATE POLICY CHANGES (2012 TO 2016)

## Number of States with NACSA's School Accountability Policies



## Number of States with NACSA's Authorizer Quality Policies



# NEXT STEPS IN DETAIL: ADAPTING THE EIGHT FOR YOUR STATE

Each state's two-page profile contains the following:<sup>5</sup>

- Points (A), score (B), and rank (C), plus some brief data points (D) describing the charter school landscape
- Comparison of points in 2016 vs. 2015 (A) and any noteworthy developments (E)
- NACSA's recommendations to boost quality charter school oversight (F)
- A table with details and context for each policy and the points received (G)

The image shows two pages from a NACSA report for the District of Columbia. The left page is titled 'DISTRICT OF COLUMBIA' and features a radar chart showing a score of 19/33 and a rank of 16. It includes a 'YEARLY COMPARISON' table and 'NACSA RECOMMENDATIONS'. The right page is titled 'THE SCORE' and contains a table of policy points and details.

**Annotations:**

- C (rank):** Points to 'RANK 16, SCORE 19/33'.
- B (score):** Points to 'SCORE 19/33'.
- A (points):** Points to the 'YEARLY COMPARISON' table.
- E (developments):** Points to the 'A LEADER IN CUTTING-EDGE POLICY' section.
- F (recommendations):** Points to the 'NACSA RECOMMENDATIONS' section.
- D (brief data):** Points to the radar chart.
- G (detailed table):** Points to the 'THE SCORE' table.

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PRR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	1	3	0	3	2	6	0	19/33
2015	4	1	3	0	3	2	6	0	19/33

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	Independent Charter Board (ICB) only. The District of Columbia Public Charter School Board (DCPCSB), an ICB, is the sole authorizer in the state.
Authorizer Standards	1/3	State law requires the Comptroller General to establish authorizer standards as evaluation criteria but does not provide guidance on the content of the standards.
Authorizer Evaluations	3/3	By law, the Comptroller General reviews the authorizer every five years.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	The sole authorizer's policy is to publish an annual report on the academic performance of its entire portfolio of charter schools.
Performance Management and Replication	2/3	State law provides for the creation of a charter agreement that includes school performance goals. State law does not require performance frameworks, but DCPCSB uses them in practice. The law allows a charter school to add an additional campus under an existing charter.
Renewal Standard	6/6	By law, an authorizer must close a charter school for failure to meet student achievement goals in its charter.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum universal academic standards. In practice, DCPCSB uses its rigorous performance frameworks, annual reviews, and a formal five-year review process to, in effect, make closure the expected outcome for schools that fail to meet the performance goals set forth in their charter contracts.
<b>TOTAL POINTS: 19/33, RANK 16 (TIED WITH ME)</b>		

**Look at your state's policy points, score, rank, and details. Then you and other stakeholders can begin to map the changes needed and adapt them to your state, so your journey on the road to public charter school excellence will be safer, more predictable, and ultimately more successful. Here are some conversation starters:**

1. What is your authorizing structure? (School district authorizers? Many overlapping authorizers? One or two non-district authorizers?)
2. What entities currently oversee other public agencies? Is there an agency or other entity that routinely handles guidance, accountability, and oversight in the education arena? To streamline this work, could you piggyback on activities already happening in your state, such as reporting, technical assistance, or professional development?
3. What are some strengths to build upon and challenges to address in your state's charter school sector in the areas of academics, access, autonomy, and accountability?

## GETTING STARTED: THE ROADMAP TO IMPROVED ACCESS, AUTONOMY, AND ACCOUNTABILITY

- Every state can benefit from all eight of NACSA's policy recommendations. These eight policies encourage the kind of behavior you want; these policies also discourage problems in the beginning and address those that may arise.
- These policies fit together. School accountability is not separate from authorizer quality—it is a loop of positive reinforcement when all policies are adopted.
- Policies need to be adapted to fit your state and coordinated with other aspects of charter school and general public education policy. Policies should minimize duplication and work towards a cohesive system of oversight for charter schools.

### SCENARIO 1: My state has school district authorizers. What policies should I prioritize to make these authorizers the best?

States with primarily school district authorizers are prone to wide variations in their authorizing quality and in their enforcement of school accountability, based partially on the sheer number of school districts, usually with small portfolios of charter schools. In addition, the relationship between the school district and the charter school can be adversarial; thus, policies that foster transparency (for both schools and authorizers) help establish trust.

#### START WITH

**Authorizer standards:** These frame authorizing duties as a distinct responsibility for school districts and bring consistency to their practices across the state.

**Performance management:** A charter contract and performance frameworks are tools unique to charter school accountability that define a school district's relationship with a charter school as one based on autonomy and accountability.

**Alternative authorizer:** An alternative authorizer or, at a minimum, an appeal option provides an alternative when a school district does not want to be an authorizer or is hostile to charter schools.

#### THEN CONSIDER

**Reports on performance:** These let the public see how charter schools are performing and if a school district is appropriately holding charter schools accountable.

**Default closure:** This creates a universal threshold for charter school closure and requires all districts to take appropriate, consistent action.

**Authorizer evaluations:** These give the state a way to evaluate if a school district is respecting charter autonomy and enforcing accountability.

**Authorizer sanctions:** These create consequences for school districts that don't fulfill their authorizing responsibilities. Sanctions must ensure that authorizing activity can continue in each locale.

**Renewal standard:** This reinforces that renewal is based on performance outcomes, giving charter schools and school districts a transparent basis for renewal decisions.

## SCENARIO 2: My state has many authorizers operating in overlapping jurisdictions. What policies should I put in place to make these authorizers the best?

States with many different authorizers operating in overlapping locales can present a real challenge for charter school accountability. When there are many different authorizers, challenges can sometimes manifest as a “race to the bottom” as some charter schools or operators seek out the authorizers with the lowest standards. Policy should seek to raise the quality bar for all authorizers and all schools to make it clear there is room only for quality authorizing and quality charter schools in the state.

### START WITH

**Authorizer standards:** These provide a common set of rules that all authorizers must follow to standardize practices and expectations in every locale.

**Reports on performance:** The impact of authorizers can get lost if the public doesn’t know which authorizer oversees which charter schools. Annual reports clearly link the authorizer with its charter schools and identify if any authorizers have good or bad histories of school performance.

**Authorizer evaluations:** These identify which authorizers are great and could serve as models for the state and if any authorizers are failing to fulfill their responsibilities.

**Authorizer sanctions:** These impose a consequence for failing authorizers, which ensures a single authorizer cannot erode charter school accountability for the entire locale.

### THEN CONSIDER

**Performance management:** This provides a common set of tools that all authorizers can use to set clear expectations for performance that the public (and other authorizers) can see.

**Default closure:** This establishes a universal performance threshold that all authorizers must enforce, which prevents failing schools from jumping from one authorizer to another to avoid accountability.

**Renewal standard:** This allows authorizers to enforce the charter contract and hold schools accountable. Decisions to non-renew a charter school must be respected by all the authorizers in a locale to ensure the decision “sticks.”

**SCENARIO 3: My state has only one or two non-district authorizers, who are  
(a) doing a great job;  
(b) not doing a great job. They don't seem to know how to  
handle something that is not a traditional public school.**

States with only one or two authorizers are impacted by the quality of that dominant authorizer. This can be a great asset if the authorizer is high quality, but the reverse is also true. State policy serves one of two purposes for these authorizers: it codifies existing high-quality charter school oversight practices to ensure a smooth transition to new personnel or a new administration, or it sets high expectations for the authorizer if current practices are weak.

**START WITH**

**Authorizer standards:** These will justify a high-quality authorizer's existing practices and require low-quality authorizers to change their practices.

**Renewal standards:** Renewal decisions are less likely to be circumvented in a state with few authorizers, and as such, a strong renewal statute can significantly improve charter school accountability for the entire state.

**Performance management:** Standardized, modern practices reflect the unique relationship between a charter school and its authorizer. They can help authorizers "flip the switch" to outcome-based accountability. These tools also can immediately impact the entire sector and make it easier for any authorizer to manage a large portfolio of schools.

**THEN CONSIDER**

**Authorizer evaluations:** These will bring transparency to authorizer practices and help ensure the authorizing sector is operating well. In states with just one authorizer, a self-evaluation may be appropriate, as it can be used to identify areas for improvement.

**Reports on school performance:** These ensure that both the public and the charter schools themselves are provided regular updates on the performance of the schools.

**Alternative authorizer:** The addition of a second authorizer provides an alternative for charter schools and a safeguard if the only available authorizer becomes unwelcoming to charter schools.

**Default closure:** This requires the authorizer to act if there are failing charter schools. This can appropriately streamline the process for charter school accountability, which can help very large authorizers focus staff resources appropriately.

**COMMON PROBLEM:** I have a hard time figuring out how the charter schools in my state are doing. How can I bring more transparency to the work of the authorizers and the charter schools?

**START HERE**

**Reports on performance** make sure the public knows how charter schools are doing each and every year.

**Performance contracts and frameworks** publically detail the responsibilities of charter schools and authorizers. This includes setting performance goals as well as policies that ensure fairness and transparency for all families and students.

**ALSO CONSIDER**

**Authorizer standards** make authorizer practices consistent, and those practices reinforce academic, operational, and financial transparency for authorizers and charter schools.

**Authorizer evaluations** publicize the practices used by authorizers and whether those practices meet national standards.

**COMMON PROBLEM:** My authorizers are all over the place, with big differences in the quality of their schools and the quality of their practices. How do I make these authorizers and their practices reasonably consistent?

**START HERE**

**Authorizer standards** define what good authorizing looks like and require authorizers to employ those practices.

**Authorizer evaluations** highlight which authorizers are models and which may need to change their practices.

**ALSO CONSIDER**

**Default closure** sets a statewide minimum threshold for charter school performance, ensuring that failing charter schools are closed regardless of the identity of their authorizer.

**Authorizer sanctions** create consequences for bad authorizers, removing them from the authorizing sector.

## COMMON PROBLEM: I have great charter schools that I want to grow.

### START HERE

**Reports on performance** objectively identify which schools have great academic performance and may be candidates for replication.

**Performance management policies** set operational and financial parameters for school health that help authorizers judge if a school is ready to replicate.

**Replication policies** make it easier for a high-quality school to gain approval to replicate or to manage the logistics of multi-campus operation.

### ALSO CONSIDER

**Alternative authorizers** have only one responsibility: to be a high-quality authorizer of high-quality schools. This lets them bring a laser-like focus to charter schools that is often defined in their mission. As such, they often have more capacity and experience to identify and replicate great charter schools.

**Authorizer standards** give authorizers the tools to differentiate practices and the confidence to evaluate if a school is prepared to replicate.

Also see NACSA and Charter School Growth Fund's report on [Replicating Quality](#).

## COMMON PROBLEM: My state has many low-performing charter schools that no one is trying to close.

### START HERE

**Default closure** sets a statewide minimum threshold for charter school performance, ensuring that failing charter schools are closed.

**Reports on performance** identify which schools are failing and who their authorizer is, identifying which authorizers are letting failing schools stay open.

### ALSO CONSIDER

**Authorizer standards** require authorizers to enforce charter contracts and give them policy and practice tools to enforce school accountability.

**Renewal standards** make achieving goals the bar for renewal, making it easier for authorizers to close schools that don't fulfill their promises.

## COMMON PROBLEM: How can I get a reluctant authorizer to do better?

### START HERE

**Authorizer standards** enumerate an authorizer's responsibilities and require authorizers to fulfill them.

**Performance contracts and frameworks** place authorizer responsibilities in an enforceable contract that protects the rights of charter schools and the authorizer and sets standards for regular oversight of academic, financial, and operational benchmarks.

**Reports on performance** ensure an authorizer is annually assessing its charter schools and providing that information to schools and the public.

### ALSO CONSIDER

**Alternative authorizers** are designed solely to authorize charter schools and have no competing priorities.

**Default closure** makes it easier to close failing charter schools, giving authorizers additional statutory support to fulfill a core accountability function.

**Authorizer evaluations** identify areas of strength and weakness and can encourage authorizers to change their behaviors.

# STATE-BY-STATE PROFILES

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Alabama .....	26	Nevada.....	78
Alaska .....	28	New Hampshire.....	80
Arizona.....	30	New Jersey.....	82
Arkansas.....	32	New Mexico.....	84
California.....	34	New York.....	86
Colorado.....	36	North Carolina.....	88
Connecticut.....	38	Ohio.....	90
Delaware.....	40	Oklahoma.....	93
District of Columbia.....	42	Oregon.....	95
Florida.....	44	Pennsylvania.....	97
Georgia.....	46	Rhode Island.....	99
Hawaii.....	48	South Carolina.....	101
Idaho.....	50	Tennessee.....	103
Illinois.....	52	Texas.....	105
Indiana.....	54	Utah.....	107
Iowa.....	56	Virginia.....	109
Kansas.....	58	Washington.....	111
Louisiana.....	60	Wisconsin.....	113
Maine.....	63	Wyoming.....	115
Maryland.....	65		
Massachusetts.....	67		
Michigan.....	69		
Minnesota.....	72		
Mississippi.....	74		
Missouri.....	76		

# ALABAMA

**RANK 5, SCORE 31/33**



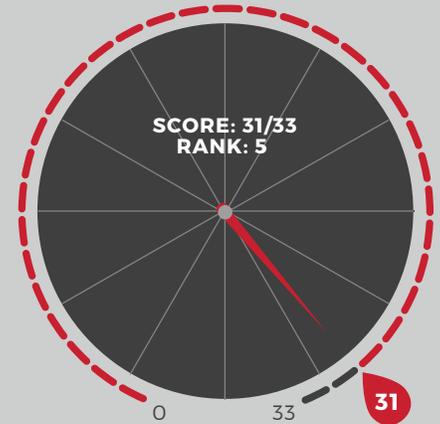
STATE WITH FEW CHARTERS (0-24)  
0 CHARTER SCHOOLS  
BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



DISTRICT AUTHORIZING STATE  
(ANTICIPATED)  
0 ACTIVE AUTHORIZERS



YEAR LAW ESTABLISHED: 2015



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	3	3	3	3	3	6	6	31/33
2015	4	3	3	3	3	3	6	6	31/33

## POISED FOR A STRONG START

The Alabama Public Charter School Commission completed its first charter school application cycle and approved its first two charter school proposals (one with conditions) in fall 2016. Alabama is now poised to have its first charter schools open in fall 2017.

## NACSA RECOMMENDS

- **Alabama has all of NACSA's recommended policies in law.** NACSA encourages the state to continue with thoughtful implementation and development of high-quality authorizer practices. Strong statutes identified in this report, as well as a robust charter school petition and evaluation process also defined in law, will help Alabama authorizers conduct rigorous front-end quality controls to get this new sector off to a strong start.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	LEAs, Independent Charter Board (ICB). The Alabama Public Charter School Commission is the only statewide authorizer. School districts may register with the State Department of Education for chartering authority within their boundaries. Registration includes the submission and review of several components to demonstrate commitment to and understanding of quality authorizing. The Commission may directly authorize charter schools in jurisdictions where the local school district is not a registered authorizer and may also authorize on appeal. Authorizers may approve no more than 10 start-up charter schools per year until 2020. In September 2016, the Commission completed its first application review process and ultimately approved one proposal and conditionally approved another. Two districts have completed the registration process to become authorizers.
Authorizer Standards	3/3	State law requires 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. The State Board of Education will enact rules and regulations to this effect.
Authorizer Evaluations	3/3	By law, the State Department of Education oversees the performance and effectiveness of all authorizers. The Department can conduct a special review and evaluation of any authorizer, if needed.
Authorizer Sanctions	3/3	State law allows the State Department of Education to revoke the chartering authority of local school boards if they fail to remedy identified deficiencies. State law allows the Department to recommend the removal of Commission members if the Commission fails to remedy deficiencies.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	By law, all authorizers must submit to the State Department of Education and the Legislature an annual report on the academic and financial performance of their charter school portfolio. This includes a performance report for each charter school they oversee.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Multiple schools may be governed under one charter and a single governing board may hold one or more charter contracts.
Renewal Standard	6/6	Authorizers may non-renew a school if it fails to meet the performance expectations set forth in the charter contract.
Default Closure	6/6	By law, a charter contract shall not be renewed if the school fails to attain the minimum state proficiency standard for public charter schools in each year of operation and over the charter term. A school that receives an F at the time of renewal or a D or F for the past three most recent years is considered to fall below the minimum state standard. The authorizer may justify keeping the school open under exceptional circumstances.

**TOTAL POINTS: 31/33, RANK 5**

# ALASKA

## RANK 41, SCORE 3/33



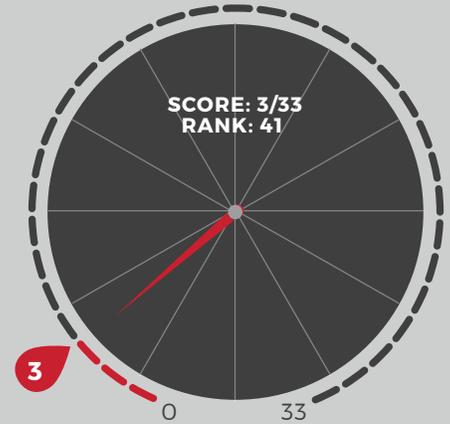
STATE WITH SOME CHARTERS (25-99)  
 28 CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



DISTRICT AUTHORIZING STATE  
 8 AUTHORIZERS  
 100% OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: 1995



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	2	0	0	0	0	1	0	0	3/33
2015	2	0	0	0	0	1	0	0	3/33

## TIME FOR TRUE AUTONOMY

Alaska’s charter school sector has grown despite a particularly weak law. Current policy essentially serves as a “shell law”—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

## NACSA RECOMMENDS

- **Create legally autonomous schools.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Eliminate the dual-approval system and empower school districts and an alternative authorizer to directly approve charter schools.** Alaska is one of only five states with a dual-approval system, which is nearly synonymous with limited autonomy charter schools. If an alternative authorizer is not viable, the state should, at a minimum, empower the State Board of Education and Commissioner of Education to serve as an authorizer on appeal.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require performance frameworks and annual performance reports for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	2/6	LEAs; SEA considers appeals. Alaska has a dual-approval system for charter schools. All schools are authorized by LEAs but, upon district approval, must also be approved by the State Board of Education (SBE). The Commissioner of Education and the SBE consider and rule on appeals, but LEAs remain the legal authorizers.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 3/33, RANK 41**

# ARIZONA

## RANK 18, SCORE 18/33



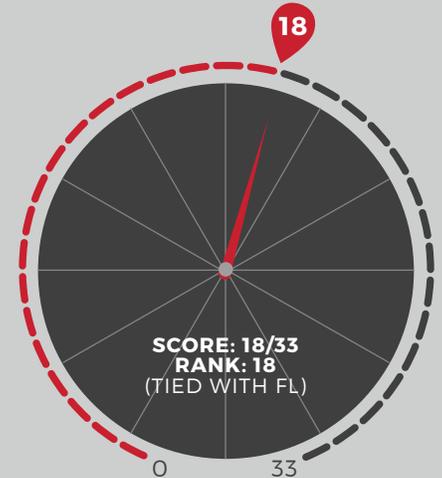
STATE WITH MANY CHARTERS (100+)  
**588** CHARTER SCHOOLS  
 ABOVE AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (10+%)



STATE WITH FEW AUTHORIZERS  
**4** AUTHORIZERS  
**92%** AUTHORIZED BY THE  
 ARIZONA STATE BOARD FOR CHARTER SCHOOLS



YEAR LAW ESTABLISHED: **1994**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	0	3	3	3	3	0	0	18/33
2015	6	0	3	3	3	3	0	0	18/33

## INDEPENDENT CHARTER BOARD SETS STRONG EXAMPLE

The Arizona State Board for Charter Schools employs a strong renewal standard in practice. This should be codified to ensure that all authorizers apply a similarly strong standard when making renewal decisions.

## NACSA RECOMMENDS

- **Institute a strong renewal standard** by ensuring all authorizers may close schools that fail to achieve the performance goals set out in their charter contracts. The Arizona State Board for Charter Schools, the primary authorizer, enforces a strong renewal standard in practice, but there is no requirement in law that other authorizers in the state do so.
- **Establish a default closure provision** *making closure the expected outcome* for failing charter schools, regardless of their authorizer.
- **Endorse professional standards for charter school authorizing.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	Independent Charter Board (ICB), SEA, Higher Education Institutions (HEIs). Arizona allows the Arizona State Board for Charter Schools (ASBCS), the State Board of Education, and HEIs to authorize charter schools. The State Board of Education currently has a self-imposed moratorium on charter school authorizing and therefore is no longer accepting charter school applications. Only two HEIs are active authorizers (collectively overseeing five charter entities). <b>New in 2016:</b> As of June 30, 2016, school districts are no longer allowed to authorize charter schools.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	3/3	The Auditor General must review annual reports submitted by each authorizer for noncompliance with state law.
Authorizer Sanctions	3/3	The Legislature will consider revoking the authorizer's authority to authorize charter schools if the Auditor General finds significant noncompliance with state law.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	Authorizers are required to submit an annual report to the Auditor General that includes the academic and operational performance of the authorizer's charter portfolio.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks and allows multi-site charter schools.
Renewal Standard	0/6	State law allows "sufficient progress" to be the basis for charter school renewal. In practice, the state's dominant authorizer sets a strong renewal standard through its adopted performance frameworks system, which defines "sufficient progress" as minimally meeting the academic performance expectations established by the Arizona State Board for Charter Schools.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. In practice, the state's dominant authorizer has adopted practices that should lead to closure of failing schools.

**TOTAL POINTS: 18/33, RANK 18 (TIED WITH FL)**

# ARKANSAS

**RANK 32, SCORE 12/33**



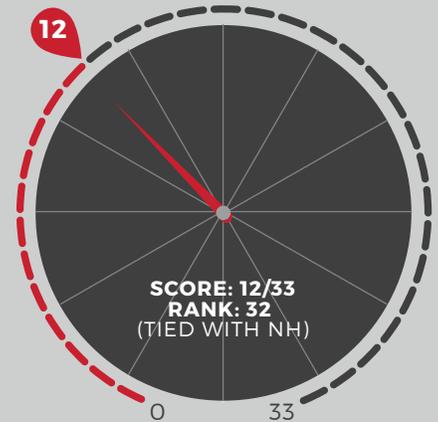
STATE WITH SOME CHARTERS (25-99)  
**55** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
 100% OF CHARTER SCHOOLS AUTHORIZED BY  
 THE ARKANSAS DEPARTMENT OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	0	2	6	0	12/33
2015	4	0	0	0	0	2	6	0	12/33

## BETTER STRUCTURES, BETTER AUTHORIZING

Arkansas's Charter Authorizing Panel (CAP) is composed of top staff from the Arkansas Department of Education (ADE). The CAP should be given true authorizing power, with the Arkansas State Board of Education moving to a more conventional appeals role, or the state should create an Independent Charter Board to focus solely on authorizing high-quality charter schools.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Establish an autonomous Independent Charter Board** that includes members outside the ADE. An Independent Charter Board could focus solely on authorizing high-quality charter schools
- **Codify the use of performance frameworks by the authorizer.** The CAP is moving toward the use of this performance tool as a matter of practice, and codification will ensure that the practice continues in perpetuity. Performance frameworks set academic, financial, and organizational performance expectations for each charter school.
- **Require the authorizer to issue annual public reports on the academic performance of its portfolio of charter schools.**
- **Establish authorizer evaluations** on an as-needed or self-evaluative basis. Authorizer self-evaluations require authorizers to reflect on their practices and outcomes and identify areas for improvement.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	SEA only. The Arkansas Department of Education is the designated statewide charter authorizer. By law, it exercises its authority through the Charter Authorizing Panel, an internal body established to review charter school applications and renewal requests. Members of the Panel are appointed by the Commissioner of Education and must be employees of the State Department of Education. In addition, the State Board of Education may choose to review decisions made by the Department and may affirm them, request additional information, or take other actions. Conversion charter schools must first be approved by their LEA and then be authorized by the SEA (dual approval).
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	2/3	State law requires a charter contract but not performance frameworks. The law requires a differentiated process for replicating proven, successful schools.
Renewal Standard	6/6	State law allows an authorizer to place a school on probation or revoke its charter for failure to meet academic or fiscal performance criteria.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 12/33, RANK 32 (TIED WITH NH)**

# CALIFORNIA

**RANK 29, SCORE 13/33**



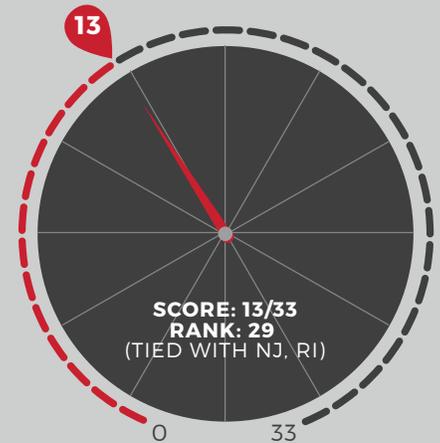
STATE WITH MANY CHARTERS (100+)  
**1,232** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



**DISTRICT AUTHORIZING STATE**  
**327** AUTHORIZERS  
**100%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	2	1	6	0	13/33
2015	4	0	0	0	0	1	6	0	11/33

## PATCHWORK STATE RIPE FOR REFORM

NACSA calls on California to improve its authorizing practices by implementing the top-to-bottom policy recommendations outlined in NACSA's recent policy paper [Time to Modernize Charter Authorizing in California](#).

### Noteworthy in 2016

Score Increase: +2

- **Reports on Performance (+2).** The Local Control and Accountability Plan (LCAP) annual report, part of a new state accountability mechanism implemented during the last three years, requires each charter school to report on its progress on meeting the academic goals in its charter agreement.

## NACSA RECOMMENDS

- **Expand options for high-quality authorizing.** Consider a hybrid state/local approach or regional authorizing bodies. An improved authorizing structure should guarantee that every authorizer wants to be in the business and has the capacity and commitment to do the job correctly.
- **Reinforce authorizer professionalism.** Adopt national industry standards for quality charter authorizing and require authorizers to meet them. Increase transparency through annual reports on high-stakes decisions.
- **Strengthen school-level accountability.** Give authorizers and charter schools the tools needed to create clear agreement on performance expectations and commitments—including a Memorandum of Understanding (MOU) for each charter school and renewal decisions based on performance, not promises.
- **Strengthen state oversight and support.** Develop a quality control office to support the State Board of Education's oversight functions. Increase the range of technical support needed for strengthening authorizers' professional practices.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	LEAs; <sup>1</sup> SEA on appeal. <sup>2</sup> There is extreme variability in the size of California authorizers.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. However, two voluntary statewide initiatives were launched in 2015 to improve the quality of authorizing practices: the California Authorizers Regional Support Network (CARSNet), a federally funded training and development network for small authorizers, and California Charter Authorizing Professionals (CCAP), a network of support and resources for authorizing professionals.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	2/3	<b>New in 2016:</b> The Local Control and Accountability Plan (LCAP) report template for charter schools requires schools to report on, among other things, the academic performance of their students. These reports are not aggregated by authorizer but are readily available to the public.
Performance Management and Replication	1/3	State law does not require a charter contract or performance frameworks. Multiple schools may be operated under a single charter. Significant education reforms passed in 2013—collectively referred to here as the Local Control Funding Formula reforms—may impact charter school performance management as they are fully implemented during the next several years.
Renewal Standard	6/6	By law, authorizers must consider academic performance as the most important factor when considering renewal. In addition, a charter school may not be renewed unless the school demonstrates academic achievement according to state standards, or the authorizer determines the school's performance is at least equal to the performance of a school in the district in which it is located.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. While the law does set a non-renewal threshold, the law provides authorizers with considerable discretion to renew schools that fail to meet the minimum performance standards, far beyond what NACSA considers reasonable circumstances for exemption. As such, NACSA does not interpret California law as making closure the default or expected consequence for schools that fail to meet minimum academic standards.

**TOTAL POINTS: 13/33, RANK 29 (TIED WITH NJ, RI)**

<sup>1</sup> LEAs include County Offices of Education. The County Office of Education may authorize on appeal and may also directly authorize schools of countywide benefit.

<sup>2</sup> California has a two-tiered appeals process. Schools can appeal a decision from the school district to their respective County Office of Education. The County Offices of Education can authorize the school or uphold the denial. If denied by the County Office of Education, the school can then appeal to the State Board of Education (SBE), which can authorize the school or uphold the denial. The SBE can authorize schools of statewide benefit.

# COLORADO

**RANK 35, SCORE 10/33**



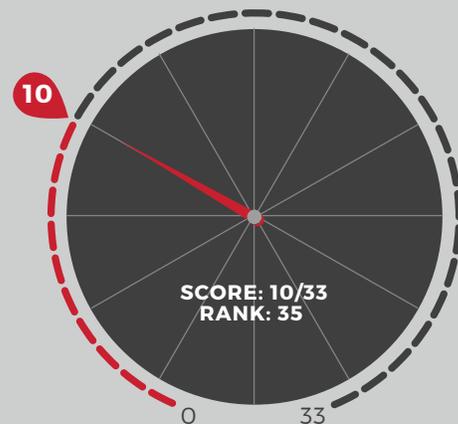
STATE WITH MANY CHARTERS (100+)  
**226** CHARTER SCHOOLS  
 ABOVE AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (10+%)



**DISTRICT AUTHORIZING STATE**  
**45** AUTHORIZERS  
**84%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	2	3	0	0	3	2	0	0	10/33
2015	2	3	0	0	3	2	0	0	10/33

## NEXT STRONG MOVE: DEFAULT CLOSURE

Big 2016 legislative victories were won in areas of charter school facilities and operational flexibility. The state should continue improvements in the sector with a default closure law.

### NACSA RECOMMENDS

- **Institute a default closure provision.** Enforcement of charter school accountability has been inconsistent among Colorado authorizers. A default closure provision will ensure that failing charter schools are considered for closure. Colorado is well positioned to adopt such a policy because of the state's existing well-developed accountability system and the willingness of the state's charter school membership organization to include a default closure provision in its 2016 legislative agenda.
- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals set out in their charter contracts.
- **Codify in state law the expectation that all authorizers use performance frameworks.** Performance frameworks used by Denver Public Schools and the Colorado Charter School Institute (CSI) are already promoted in the state for use by all authorizers.
- **Transform the Colorado Charter School Institute into a statewide Independent Charter Board.** Currently, CSI's authority is limited to jurisdictions that do not retain exclusive chartering authority, either by choice or due to state revocation. The CSI should be able to directly authorize charter schools across the state.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	2/6	LEAs, Independent Charter Board (ICB) with limited jurisdiction; SEA considers appeals. <sup>1</sup> The Colorado Charter School Institute (CSI) is a limited-jurisdiction ICB. The CSI was established to serve as both an alternative authorizer and as a model authorizer for the state. The CSI may authorize charter schools directly in the nine districts that do not currently have exclusive authorizing authority. Districts may not have exclusive authorizing authority for a variety of reasons, including voluntary relinquishment (either wholesale or for a particular school or applicant) or forcible loss after demonstrating a pattern of treating charters in a hostile manner.
Authorizer Standards	3/3	State law requires the State Board of Education (SBE) to adopt authorizer standards. The SBE's final rules reference NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> . Authorizer practices around the state have achieved some consistency due to the establishment of authorizer standards and a collaborative effort among districts, the CSI, the State Department of Education, and the Colorado League of Charter Schools to improve authorizing. At the same time, the small scale of authorizing by the majority of Colorado's LEA authorizers remains an ongoing challenge.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority. Colorado has a limited form of authorizer sanctions through the SBE's power to remove a district's Exclusive Chartering Authority (ECA) for cause. Legislation passed in 2016 expands the grounds under which a district's ECA can be challenged. When successfully invoked, a charter applicant may seek authorization directly from the CSI.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires the ICB and LEAs to produce an annual public report on the academic performance of their portfolio of schools. State law requires all LEAs to provide an annual report to the State Department of Education, which by regulation must include school performance data.
Performance Management and Replication	2/3	State law requires the use of a charter contract but not performance frameworks. In practice, the State Department of Education's School Performance Framework is established in policy and promoted as a model tool to be used by district authorizers statewide for all schools, but it is not explicitly tied to charter school oversight. A single charter board may hold multiple charters.
Renewal Standard	0/6	State law allows "adequate progress" to be sufficient for a charter school to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 10/33, RANK 35**

<sup>1</sup> The SBE is the official appellate body. If the SBE overturns a decision by an LEA, the school is first remanded back to the LEA for its authorization. If the LEA refuses to authorize the school, the SBE may order the establishment of the school. At that point, the LEA is the authorizer. The SBE can also review the CSI's decision to deny an application or to revoke or non-renew one of its charter schools. After review, the State Board can instruct the CSI to establish, renew, or reinstate the charter school.

# CONNECTICUT

**RANK 24, SCORE 15/33**



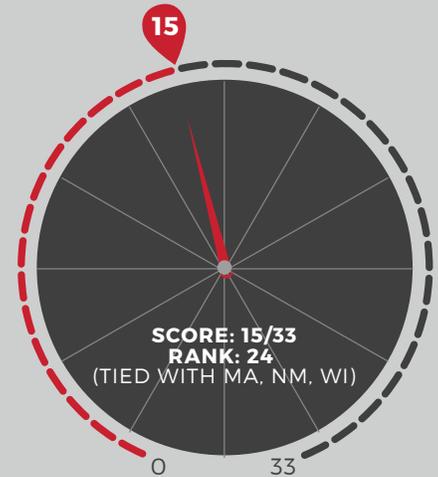
STATE WITH FEW CHARTERS (0-24)  
**24** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY  
 THE STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	2	3	6	0	15/33
2015	4	0	0	0	2	3	6	0	15/33

## PREDICTABLE FUNDING NEEDED FOR PREDICTABLE ENROLLMENT

Connecticut has worked to make charters more transparent and accountable through the implementation of many 2015 policy reforms and by changing the practices of the only authorizer. Connecticut should continue this work to ensure authorizing policies and practices are consistently high quality. This must include reforms to the charter school appropriations process.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Simplify the annual charter school approval and appropriation mechanism to make funding levels more predictable for charter schools.** Connecticut has an unusual charter school funding process that requires the Legislature to appropriate funding annually for each charter school seat through a budgetary line item. This process was further codified in 2015 through the initial certification process, described in the Score: Details & Context on the next page, whereby approval of a charter petition does not go into effect until funding is appropriated, often fewer than three months before the start of the school year. This process creates uncertainty for students and families at new schools, at existing schools, and at those tentatively approved to expand.
- **Implement a strong CMO whole-school management review process to ensure the primacy of the charter contract and a clear delineation of each party's roles and responsibilities.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	SEA only. The State Board of Education (SBE) is the only authorizer. The approval process for charters is structured in two parts: first, the SBE grants an “initial certificate of approval” to a charter school; second, the charter becomes effective when the General Assembly appropriates the necessary funding. Local charter schools—which include conversions—must be authorized by both the local or regional board of education and by the SBE. State law includes enrollment restrictions (subject to waivers) and geographic restrictions.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer’s portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	2/3	State law requires charter schools to annually submit a report to the Commissioner of Education on the school’s progress in meeting academic and organizational performance goals in the charter. State law also requires these reports to be posted on the Commissioner’s public website.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. State law allows a charter school to operate multiple facilities under a single charter contract upon authorizer approval. This provides an additional mechanism for quality growth and replication. However, other policies, such as the General Assembly enrollment approval mechanism and limitations on allowable charter governance structures, can inhibit the growth of high-quality charter schools.
Renewal Standard	6/6	By law, the authorizer must evaluate the performance of the charter school according to its academic goals when considering renewal of the charter. The authorizer may decide what level of performance warrants renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 24 (TIED WITH MA, NM, WI)**

# DELAWARE

**RANK 12, SCORE 21/33**



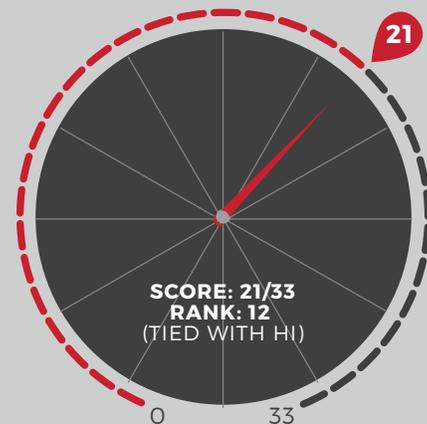
STATE WITH SOME CHARTERS (25-99)  
27 CHARTER SCHOOLS  
AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
2 AUTHORIZERS  
89% OF SCHOOLS AUTHORIZED BY  
THE DEPARTMENT OF EDUCATION



YEAR LAW ESTABLISHED: 1995



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	0	0	3	3	6	0	21/33
2015	6	3	0	0	3	3	6	0	21/33

## PUTTING NEW POLICIES TO THE TEST

Delaware is once again accepting applications for new charter schools. New applicants will now have to go through a schools-and-community “impact analysis” to demonstrate the benefits of the proposed school. This is the first time these laws and rules—developed and adopted in 2014-15—will be put into action.

## NACSA RECOMMENDS

- **Consider a default closure policy to make closure the expected outcome for failing charter schools.** This creates a differentiated renewal mechanism that can streamline the renewal process while enforcing a high level of charter school accountability.
- **As the state conducts its first round of reviews under the new application process, review the process and outcome of the new impact analysis and consider if any modifications are needed.** A quality impact analysis process should reflect input from parents and contribute to a high-quality charter sector.
- **Review charter school enrollment policies** to ensure that state law prevents charter schools from establishing undue barriers to enrollment.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, SEA. For state-approved charters, the Department of Education is referred to as “the approving authority.” The oversight and staff support for authorizing functions are performed by the Department. The Department’s decisions to approve, renew, revoke, or make a material modification to a charter, as well as changes to the performance frameworks and regulations, require the assent of the State Board of Education. Local district authorizer decisions do not require Board approval. For the first time this year, the Department will require applicants to go through an “impact analysis” as part of the application process to demonstrate the benefits of the proposed school. In addition, new charter schools proposing to operate in Wilmington will be subject to additional local screening and approval processes to varying degrees by the local school district.
Authorizer Standards	3/3	Regulations specify that the charter school law is to be implemented with chartering policies and practices consistent with nationally recognized principles and standards for quality charter school authorizing in all major areas of authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer’s portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires the Department of Education to produce an annual report on charter schools. Regulations require that report to contain an analysis of each charter school’s performance according to its performance frameworks and to post the report on the Department’s public website. In addition, state law requires charter schools to submit annual reports to their authorizer, the Department of Education, and the State Board of Education on their progress in meeting student performance goals. Per regulations, these reports must be publicly accessible on the school’s website.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. The Charter School Performance Fund is available for high-quality schools seeking to expand.
Renewal Standard	6/6	State law requires renewal decisions to be grounded in the performance frameworks. In addition, regulations make renewal contingent on performance according to the school’s performance frameworks.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 21/33, RANK 12 (TIED WITH HI)**

# DISTRICT OF COLUMBIA

**RANK 16, SCORE 19/33**



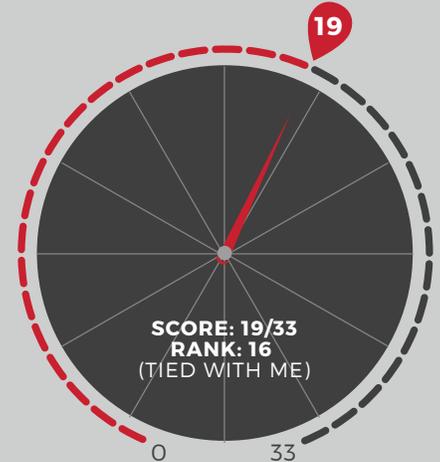
STATE WITH MANY CHARTERS (100+)  
**111** CHARTER SCHOOLS  
 ABOVE AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (10+%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY  
 THE PUBLIC CHARTER SCHOOL BOARD



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	1	3	0	3	2	6	0	19/33
2015	4	1	3	0	3	2	6	0	19/33

## A LEADER IN CUTTING-EDGE POLICY

The District of Columbia continues its leadership in cutting-edge authorizing policy, passing new legislation to better oversee complex charter management relationships.

## NACSA RECOMMENDS

- **Clarify the components of the charter agreement required under law in order to keep pace with evolving practices and policies.** Current law does not require that charter agreements contain all of the elements needed for effective charter school oversight.
- **Endorse robust authorizer standards that are equivalent in rigor to nationally recognized standards for charter school authorizing.**
- **Establish a default closure policy in law based on a state-defined minimum threshold of performance.** In practice, the District of Columbia Public Charter School Board (DCPCSB) uses its rigorous performance frameworks, annual reviews, and a formal five-year review process to, in effect, make closure the expected outcome for schools that fail to meet the performance goals set forth in their charter contracts. A default closure policy will complement this practice by setting a universal expectation that the identified “worst of the worst” schools will be closed. This still allows the authorizer to continue enforcing higher performance standards for its schools through its contracting process while establishing an additional, universal safeguard to ensure consistent identification of persistently failing schools for closure.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	Independent Charter Board (ICB) only. The District of Columbia Public Charter School Board (DCPCSB), an ICB, is the sole authorizer in the state.
Authorizer Standards	1/3	State law requires the Comptroller General to establish authorizer standards as evaluation criteria but does not provide guidance on the content of the standards.
Authorizer Evaluations	3/3	By law, the Comptroller General reviews the authorizer every five years.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	The sole authorizer's policy is to publish an annual report on the academic performance of its entire portfolio of charter schools.
Performance Management and Replication	2/3	State law provides for the creation of a charter agreement that includes school performance goals. State law does not require performance frameworks, but DCPCSB uses them in practice. The law allows a charter school to add an additional campus under an existing charter.
Renewal Standard	6/6	By law, an authorizer must close a charter school for failure to meet student achievement goals in its charter.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum universal academic standards. In practice, DCPCSB uses its rigorous performance frameworks, annual reviews, and a formal five-year review process to, in effect, make closure the expected outcome for schools that fail to meet the performance goals set forth in their charter contracts.

**TOTAL POINTS: 19/33, RANK 16 (TIED WITH ME)**

# FLORIDA

## RANK 18, SCORE 18/33



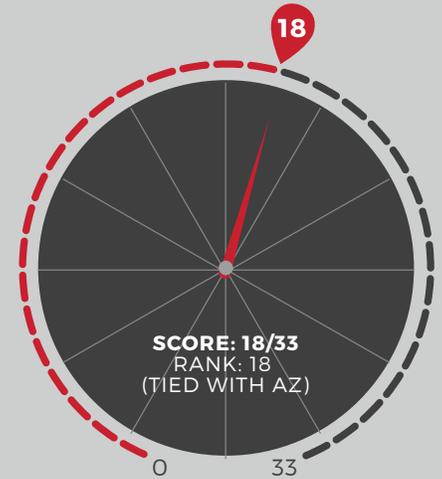
STATE WITH MANY CHARTERS (100+)  
**656** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



**DISTRICT AUTHORIZING STATE**  
**48** AUTHORIZERS  
**99%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1996**



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	2	0	0	0	2	2	6	6	18/33
2015	2	0	0	0	2	2	6	6	18/33

### EXPANDING SECTOR NEEDS SMART GROWTH

The state’s authorizers have called on the Legislature to enact smart policy enabling them to provide strong accountability and oversight of the state’s large charter school sector.

### NACSA RECOMMENDS

- **Enrich the annual reports on school performance** by including data from authorizers on the progress each school is making towards its contractual performance goals.
- **Require authorizers to use performance frameworks with academic, financial, and organizational performance metrics** and incorporate that into the charter contract. This establishes the agreed-upon expectations for school performance before a school is open, providing a basis for on-going accountability and renewal decisions.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	2/6	LEAs, limited-jurisdiction Higher Education Institutions (HEIs); SEA considers appeals. Florida constitutionally limits charter school authorizing primarily to its 67 school districts, although HEIs may authorize specified lab schools. Florida school districts are generally large, and as such, many have large portfolios of charter schools. Florida statute also empowers the State Board of Education to hear charter school appeals, but the original LEA serves as the authorizer if its decision is reversed on appeal.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In 2014, the Florida Department of Education released the <i>Florida Principles &amp; Standards for Quality Charter School Authorizing</i> , which are consistent with national authorizing standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	2/3	A charter school must report progress in meeting academic goals to its authorizer. This report is then transmitted by the authorizer to the Commissioner of Education (SEA). Florida would receive full credit if the reports were generated by authorizers themselves or otherwise verified by authorizers prior to publication.
Performance Management and Replication	2/3	State statute requires the use of a charter contract but not performance frameworks. Multiple charter schools may operate or replicate under a single governing board.
Renewal Standard	6/6	By law, authorizers may decide not to renew a school if it fails to meet the performance goals in the charter.
Default Closure	6/6	By law, charter schools that receive an F rating two years in a row must be closed, with few exceptions.

**TOTAL POINTS: 18/33, RANK 18 (TIED WITH AZ)**

# GEORGIA

## RANK 14, SCORE 20/33



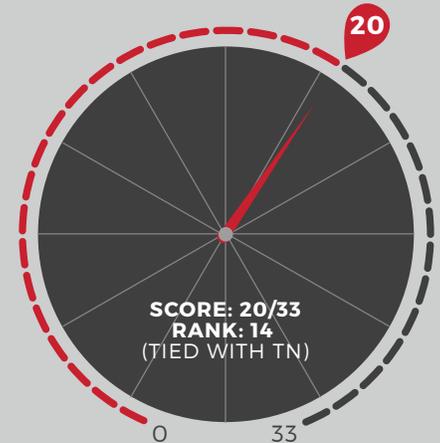
STATE WITH SOME CHARTERS (25-99)  
 99 CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



DISTRICT AUTHORIZING STATE  
 26 AUTHORIZERS  
 80% OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: 2002



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	0	3	0	3	2	6	0	20/33
2015	6	0	3	0	3	2	6	0	20/33

## POISED TO LEAD IN ACCOUNTABILITY IN CHARTER LAW

Georgia has strengthened its charter policies in recent years and is pursuing additional positive changes. This includes recommendations from the Governor’s 2015 Education Reform Commission that, if adopted, would make Georgia’s authorizing law one of the strongest in the country. These improvements should be taken up in earnest in the next legislative session.

## NACSA RECOMMENDS

- **Implement the authorizer evaluation and rating system** to encourage authorizer improvement and provide support to improve the quality of all authorizers in the state. As this process moves forward, the people and groups shaping the new evaluation system should consider what consequences, if any, will be attached to each rating, particularly the lowest authorizer rating category of “needs improvement.”
- **Require all authorizers to follow best practices in charter authorizing in accordance with national professional standards.** This policy is one of the Education Reform Commission’s final recommendations. In practice, the Georgia State Charter Schools Commission (SCSC) employs many best practices in charter school authorizing, such as having a mission statement and strong criteria to evaluate new applications and issuing annual reports on school performance. Codifying this expectation for all authorizers and incorporating it into the authorizer evaluation system under development will ensure consistent high quality across the authorizing sector.
- **Require all authorizers to use performance frameworks.** The SCSC officially approved performance frameworks in September 2015 that it now incorporates in all of its new and renewal charter contracts. Codifying this expectation for all authorizers will promote greater transparency and school quality.
- **Institute a default closure mechanism** to make closure the presumptive expectation for failing charter schools, barring extenuating circumstances. This policy is one of the Education Reform Commission’s final recommendations.

## THE SCORE

POLICY                      POINTS                      DETAILS & CONTEXT

### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Independent Charter Board (ICB). Georgia allows LEAs and the Georgia State Charter Schools Commission (SCSC), an ICB, to authorize charter schools. The State Board of Education (SBE) must affirm the approval or renewal of an SCSC-authorized charter school. Charter schools approved by local school boards are governed by three-way contracts between the SBE, the local school board, and the charter school governing board.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Georgia State Charter Schools Commission employs many best practices in charter school authorizing.
Authorizer Evaluations	3/3	State rules require the Department of Education to annually place authorizers into one of four categories (first-time authorizer, exemplary, adequate, and needs improvement) and then to provide technical assistance to authorizers not in the “exemplary” category. When fully implemented, this will require a state entity to assess authorizers’ compliance with applicable standards and/or portfolio performance.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer’s portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law and associated rules require authorizers to produce an annual public report on the performance of their portfolio of schools, which must include academic performance mechanisms.
Performance Management and Replication	2/3	State law requires the use of a charter contract but not performance frameworks. Authorizers must provide for an expedited review process for renewal, expansion, and replication of high-quality schools. This includes a state definition of a high-quality school codified in rules.
Renewal Standard	6/6	State rules require authorizers to evaluate renewal petitions based on the charter school’s performance in relation to the expectations and goals in the charter contract and to take appropriate action based on that evaluation.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 20/33, RANK 14 (TIED WITH TN)**

# HAWAII

**RANK 12, SCORE 21/33**



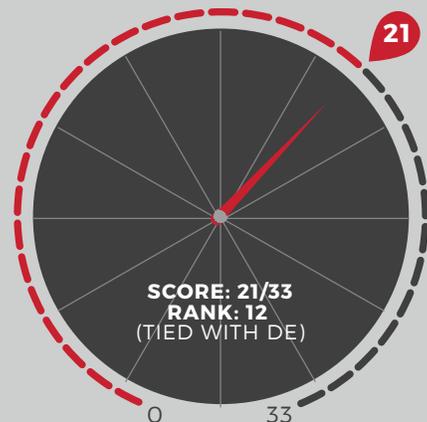
**STATE WITH SOME CHARTERS (25-99)**  
**34** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT **(5-9%)**



**STATE WITH FEW AUTHORIZERS**  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY  
 THE HAWAII STATE PUBLIC CHARTER SCHOOL COMMISSION



YEAR LAW ESTABLISHED: **1994**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	3	3	3	0	0	21/33
2015	6	3	3	3	3	3	0	0	21/33

## AUTHORIZER QUALITY MUST STAY FRONT AND CENTER

Hawaii has all of NACSA's recommended authorizer quality policies in place. However, 2016 legislative efforts to make it easier to become an authorizer threaten the quality of authorizing in the state.

### NACSA RECOMMENDS

- **Institute a strong renewal standard in state policy.** Empower authorizers to close schools that fail to achieve performance goals stated in the charter contract. Hawaii has historically struggled to enforce accountability, though new regulations and practices of the Hawaii State Public Charter School Commission should give the authorizer more tools to assess a charter school's performance and hold it accountable. The existing weak renewal statute is still in place, and NACSA is concerned it will undermine the Commission's ability to employ these new practices and enforce accountability.
- **Create a default closure mechanism** to make closure the expected outcome for failing charter schools.
- **Continue implementation of a robust authorizer application process** to maintain strong authorizing practices.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	Independent Charter Board (ICB). (Allowed but inactive: Higher Education Institutions [HEIs], Not-For-Profits [NFPs], and Non-Educational Government [NEGs] entities.) Hawaii is unique, having a single LEA/SEA across the state. The Hawaii State Public Charter School Commission, an Independent Charter Board, is the only active authorizer. Other eligible entities must apply to the State Board of Education (SBE) to receive authorizing authority. To date, no other entities have applied to become an authorizer.
Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
Authorizer Evaluations	3/3	State law does not provide for periodic review of authorizers, but the SBE can evaluate authorizers and must apply nationally recognized principles and standards when evaluating authorizer performance.
Authorizer Sanctions	3/3	State law allows sanctions of authorizers for poor portfolio performance or failure to meet standards for quality authorizing. Sanctions can include removal of authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	By law, authorizers must provide an annual public report summarizing the academic performance of all schools in their portfolios as measured by state standards.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. The law allows multiple schools to operate under a single governing board.
Renewal Standard	0/6	State law allows “sufficient progress” to be the basis for charter school renewal. However, the charter law and associated rules were changed to strengthen the charter renewal process and provide the authorizer with additional tools to evaluate charter school performance and enforce charter school accountability, which may allow the Commission to enforce a strong renewal standard in practice.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 21/33, RANK 12 (TIED WITH DE)**

# IDAHO

**RANK 20, SCORE 17/33**



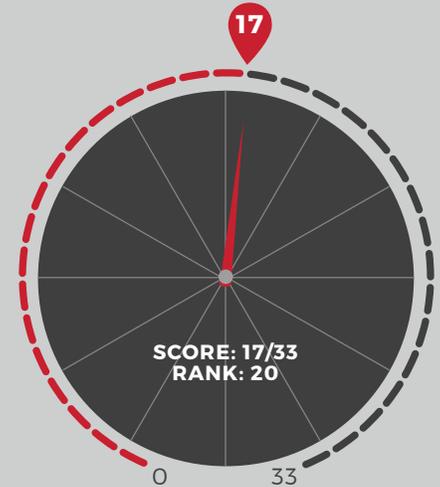
STATE WITH SOME CHARTERS (25-99)  
**48** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
**15** AUTHORIZERS  
**69%** OF SCHOOLS AUTHORIZED BY  
 THE IDAHO PUBLIC CHARTER SCHOOL COMMISSION



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	0	0	0	2	3	6	0	17/33
2015	6	0	0	0	2	2	6	0	16/33

## STEP IN RIGHT DIRECTION WITH REPLICATION

Starting with significant reforms in 2013, Idaho continues to improve charter school policy with the enactment of strong replication legislation.

### Noteworthy in 2016

Score Increase: +1

- **Performance Management and Replication (+1: Replication).** Legislation passed in 2016 allows a single charter school board to hold multiple charters.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authoring.** In practice, the Idaho Public Charter School Commission employs many best practices in charter school authorizing. Codifying this expectation for all authorizers will ensure consistent high quality across the authorizing sector.
- **Institute a default closure policy** to make closure the expected outcome for failing charter schools.
- **Consider adopting authorizer screening, evaluation, and sanction policies if additional authorizers become active.** State law allows Higher Education Institutions to authorize charter schools. The state would benefit from additional authorizer quality initiatives—for example, authorizer applications or other screening processes—such as those adopted in Minnesota or Indiana. These initiatives are quality control measures that ensure only authorizers with a commitment to quality are allowed to authorize. These policies would prevent authorizer-shopping activities from eroding charter school accountability, a problem in states with more than two non-LEA authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Independent Charter Board (ICB). (Allowed but inactive: Higher Education Institutions [HEIs].) The Idaho Public Charter School Commission, an ICB, is the dominant authorizer, with 14 LEAs authorizing the remaining schools. Idaho has a large virtual charter school sector.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Commission employs many best practices in charter school authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	2/3	State law requires authorizers to produce an annual public performance report on each charter school they oversee, based on the school's performance frameworks, but it is not a consolidated report on their portfolio. The Commission, in practice, produces an annual report on the performance of its portfolio of charters schools.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. <b>New in 2016:</b> A single governing board can hold multiple charter contracts.
Renewal Standard	6/6	By law, renewal decisions must be grounded in the performance frameworks.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 17/33, RANK 20**

# ILLINOIS

## RANK 28, SCORE 14/33



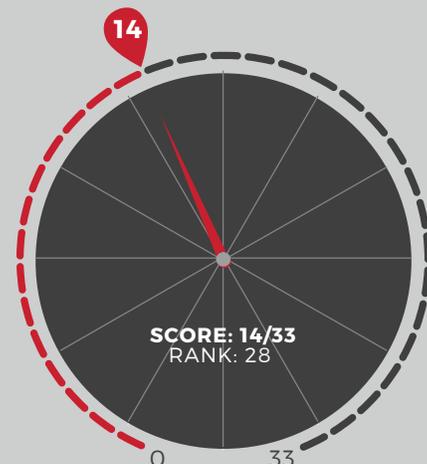
STATE WITH MANY CHARTERS (100+)  
**148** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



**DISTRICT AUTHORIZING STATE**  
**12** AUTHORIZERS  
**97%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	3	0	3	3	1	0	0	14/33
2015	4	3	0	3	3	1	0	0	14/33

## VITAL COMPONENT UNDER THREAT

Continued legislative and legal challenges to the authority of the Illinois State Charter School Commission threaten charter school access. Recent action by Chicago Public Schools imposes a temporary cap on charter schools through its collective bargaining agreement with its teacher union. This underscores the importance of an alternative authorizer to ensure access to quality charters in both Chicago and statewide.

## NACSA RECOMMENDS

- **Preserve the Illinois State Charter School Commission as a necessary appellate body.** Recent legislative efforts and legal challenges have attempted to dissolve the Commission or to severely limit its authority. Illinois must prioritize the preservation of the Commission and, ideally, allow it to receive charter applications directly, rather than through appeals only.
- **Codify into law a requirement for authorizers to use performance frameworks and replication incentives,** which are already used by the state's largest charter authorizer, Chicago Public Schools.
- **Institute a strong renewal standard** that empowers authorizers to close schools that fail to achieve the performance goals in the charter contract.
- **Reform the state protocols to allow authorizer evaluations, as needed.** Under current State Board of Education (SBE) rules, an evaluation takes place only in response to an official complaint on a defined set of issues. The SBE should revise its administrative rules to provide the authority to initiate an evaluation outside that defined process.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	LEAs; Independent Charter Board (ICB) on appeal. The Illinois State Charter School Commission, an ICB, may approve schools on appeal. Charter schools are primarily located in Chicago, with Chicago Public Schools serving as authorizer of 132 schools, or nearly 90% of all charter schools in Illinois.
Authorizer Standards	3/3	By law, the Illinois State Charter School Commission and all LEAs overseeing charters must carry out all their chartering duties in a manner consistent with nationally recognized principles and standards of charter school authorizing.
Authorizer Evaluations	0/3	Under rules promulgated by the State Board of Education (SBE), the SBE can conduct an evaluation of authorizers in response to a complaint, but not outside that defined process.
Authorizer Sanctions	3/3	State law allows for sanctions for poor portfolio performance or failure to meet standards for quality authorizing. Sanctions can include removal of authorizing power or authority to grant new charters.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	By law, authorizers are required to report on the academic performance of all charter schools in their portfolio as measured by state standards.
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks or a replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 14/33, RANK 28**

# INDIANA

## RANK 1, SCORE 33/33



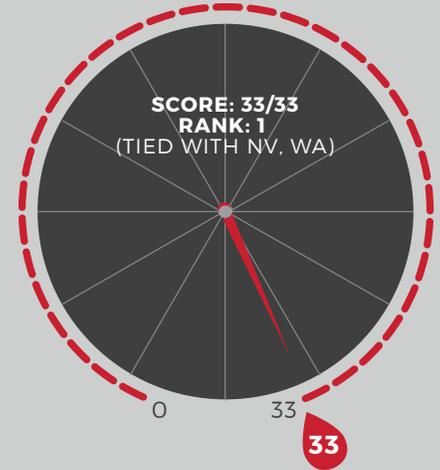
STATE WITH SOME CHARTERS (25-99)  
**91** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH MANY AUTHORIZERS  
**9** AUTHORIZERS  
**3** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **2001**



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	3	3	3	6	6	33/33
2015	6	3	3	3	3	3	6	6	33/33

### MODEL POLICIES SUPPORT FOCUS ON PRACTICES

With a perfect score, Indiana seeks to improve its charter schools through strong practice led by committed professionals.

### NACSA RECOMMENDS

- *Indiana has all of NACSA's recommended policies in law.*

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
--------	--------	-------------------

### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Higher Education Institutions (HEIs), Independent Charter Board (ICB), Non-Educational Government (NEGs) entities. <sup>1</sup> In practice, there are nine active authorizers of varying sizes, with Ball State University, the Mayor of Indianapolis, and the Indiana Charter Board (an ICB) each maintaining mid-to large-sized portfolios that account for most of the 91 charter schools in the state. State law allows state HEIs offering four-year undergraduate degrees and 30 different not-for-profit HEIs to become active authorizers at any time. Beginning in 2015, any new authorizer must apply to the State Board of Education (SBE) in order to authorize charter schools. The SBE evaluates the application and can decide to grant authorizing status for a six-year term.
Authorizer Standards	3/3	State law requires all authorizers to adopt standards for quality charter school authorizing.
Authorizer Evaluations	3/3	New authorizers must be approved through an authorizer application process conducted by the SBE. These authorizers must meet various quality assurances to continue authorizing after the initial term.
Authorizer Sanctions	3/3	By law, an authorizer may be sanctioned if the SBE has intervened to close or transfer 25% or more of its schools.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires authorizers to produce an annual public report that includes all testing, growth, and improvement data for each charter school.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Boards holding multiple charters may apply to consolidate tuition distributions within the state, mirroring an attribute of multi-campus charters.
Renewal Standard	6/6	By law, authorizers must make renewal decisions based on a school's performance according to the performance frameworks in a charter contract.
Default Closure	6/6	By law, a school remaining in the lowest state category of school improvement in the third year after its initial placement in this group shall be closed.

**TOTAL POINTS: 33/33, RANK 1 (TIED WITH NV, WA)**

<sup>1</sup> The Mayor of Indianapolis is the only Non-Educational Government entity that may authorize charter schools.

# IOWA

**RANK 38, SCORE 7/33**



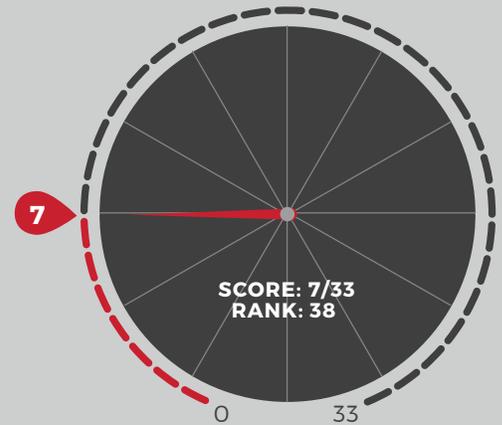
STATE WITH FEW CHARTERS (**0-24**)  
**3** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (**0-4%**)



**DISTRICT AUTHORIZING STATE**  
**3** AUTHORIZERS  
**100%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **2002**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	3	0	0	0	7/33
2015	4	0	0	0	0	0	0	0	4/33

## COMPLETE POLICY REVAMP ESSENTIAL TO FUTURE

Iowa has established a charter school sector despite a particularly weak law. Current policy essentially serves as a “shell law”—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

### Noteworthy in 2016

Score Increase: +3

- **Reports on Performance (+3).** The Iowa statute was scored incorrectly in 2015. The law requires the State Board to publish an annual report evaluating the state’s charter school program overall that contains performance information for each charter school, including the self-reported progress each school has made towards its individual charter goals.

## NACSA RECOMMENDS

- **Create legally autonomous schools.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Eliminate the dual-approval system and empower school districts and an alternative authorizer to directly approve charter schools.** Iowa is one of only five states with a dual-approval system, which is nearly synonymous with limited-autonomy charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require contracts and performance frameworks for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
--------	--------	-------------------

### AUTHORIZER QUALITY

Who Authorizes	4/6	LEAs; SEA on appeal. Iowa allows LEA authorizers and empowers the SEA to authorize on appeal. The SEA must also approve all charter contracts issued by LEAs, a process referred to as dual approval. Although the SEA has the power to authorize on appeal, it has not yet done so.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires the State Board of Education to publish an annual report evaluating the state's charter school program generally that contains performance information for each charter school, including the self-reported progress each school has made towards its individual charter goals.
Performance Management and Replication	0/3	State law requires no charter contract, performance frameworks, or replication policy.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 7/33, RANK 38**

# KANSAS

## RANK 44, SCORE 0/33



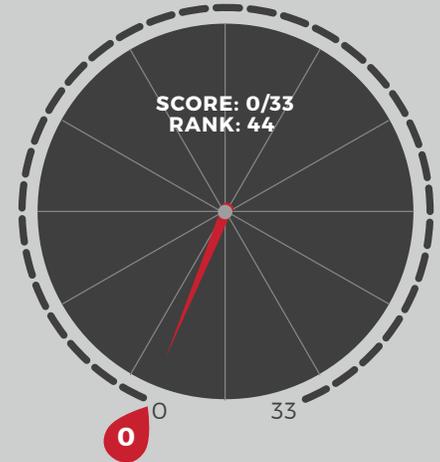
STATE WITH FEW CHARTERS (0-24)  
 10 CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



DISTRICT AUTHORIZING STATE  
 10 AUTHORIZERS  
 100% OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: 1994



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	0	0	0	0	0	0	0	0	0/33
2015	0	0	0	0	0	0	0	0	0/33

## NOWHERE TO GO BUT UP

Kansas has established a charter sector despite a particularly weak law. Current policy essentially serves as a “shell law”—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

## NACSA RECOMMENDS

- **Create legally autonomous schools.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Eliminate the dual-approval system and create an alternative authorizer or, at a minimum, an appellate authorizer.** Kansas is one of only 2 states that allow only LEAs to authorize charter schools and have no appeals system, and one of only five states with a dual-approval system. This structure severely limits charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require contracts, performance frameworks, and annual performance reports for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	0/6	LEAs only. The SEA must also approve any charter petition approved by a local board of education before it can be established, a process referred to as dual approval.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	0/3	State law requires no charter contract, performance frameworks, or replication policy.
Renewal Standard	0/6	State law allows "demonstrated progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 0/33, RANK 44**

# LOUISIANA

**RANK 21, SCORE 16/33**



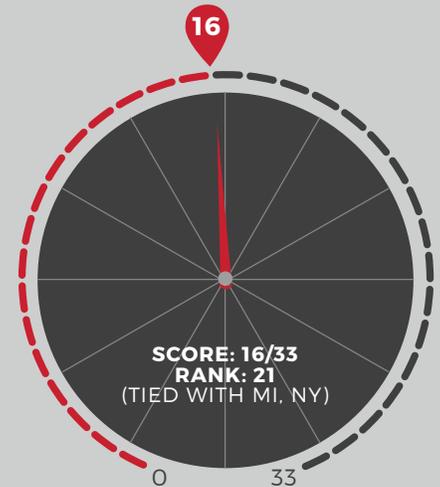
STATE WITH MANY CHARTERS (100+)  
**138** CHARTER SCHOOLS  
 ABOVE AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (10+%)



STATE WITH FEW AUTHORIZERS  
**11** AUTHORIZERS  
**70%** OF SCHOOLS AUTHORIZED BY  
 THE STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>16/33</b>
2015	<b>6</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>24/33</b>

## TIME TO PROTECT AUTHORIZER QUALITY AS SECTOR SHIFTS

In 2016, charter school supporters defeated legislation that would have severely limited charter school access. However, successful legislation taking smart steps to control the number of authorizers also removed key levers of authorizer quality and accountability. The state should restore these levers immediately for remaining authorizers.

### Noteworthy in 2016

Score Decrease: -8

- **Who Authorizes (-2).** The state no longer permits Higher Education Institutions, Not-For-Profits, or Non-Educational Government entities to apply to the Louisiana Board of Elementary and Secondary Education (BESE) to become an officially designated “Local Charter Authorizer” (LCA). LCAs were the only authorizers empowered under Louisiana law to directly authorize charter schools statewide.
- **Authorizer Evaluations (-3).** The law no longer allows LCAs; LEAs and the SEA are not subject to evaluations.
- **Authorizer Sanctions (-3).** The law no longer allows LCAs; LEAs and the SEA are not subject to sanctions.

## NACSA RECOMMENDS

- **Consider empowering BESE, which employs strong authorizing practices, to directly authorize charter schools in all districts.** BESE currently can directly authorize in the lowest-performing school districts but only on appeal in other districts. Giving BESE this authority can help provide uniform high standards for authorizing across the state.

- **Make LEAs and the SEA subject to authorizer evaluations and sanctions.** Although a multi-authorizer marketplace can threaten charter sector quality, the section of Louisiana’s law permitting LCAs contained some key accountability provisions for them, such as authorizer evaluations and sanctions. The bill that eliminated LCAs also removed these smart policies.
- **Require all authorizers to include school performance information in their annual reports.** Louisiana statute already requires all authorizers to submit an annual report to the State Board of Education on their portfolio of charter schools, but this report does not include school performance information.
- **Extend the default closure policy used by BESE to all authorizers and all charter schools.** State policy currently requires the non-renewal of failing charters authorized by BESE but not of failing charters under other authorizers.
- **Continue creating and implementing policies to address the unique challenges of New Orleans’s nearly all-charter district.** Policies already developed for transportation, enrollment procedures, charter school restarts, and student discipline serve as important models for the rest of the country. As the proportion of charter schools increases in other locales, policymakers are increasingly turning to New Orleans for data on the effect of system-wide policy initiatives.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	<p>LEAs, SEA, limited-jurisdiction Recovery School District (RSD). The Louisiana Board of Elementary and Secondary Education (BESE) operates the RSD, and can also authorize charter schools directly in districts with a D or F rating and in districts in academic crisis. For all other districts, BESE can authorize on appeal. BESE currently oversees approximately 70% of all charter schools in the state, while 10 school districts oversee the remaining schools. Nearly all of New Orleans’s public school students are enrolled in charter schools.</p> <p><b>New in 2016:</b> BESE and the RSD must begin the process of transferring all recovery charter schools located in New Orleans back to the Orleans Parish School Board (OPSB) by July 1, 2018, with a possible one-year extension if OPSB is not ready for transfer by the initial deadline. This will significantly alter current authorizer portfolio sizes.</p> <p><b>New in 2016:</b> The state no longer permits Higher Education Institutions (HEIs), Not-For-Profits (NFPs), or Non-Educational Government (NEGs) entities to apply to BESE to become an officially designated “Local Charter Authorizer” (LCA). While none of these entities ever became an active authorizer, the previous law allowed for the possibility of a very large number of authorizers in Louisiana.</p>
Authorizer Standards	3/3	State law requires authorizers to develop standards. For the review of charter applications, the standards authorizers develop and employ must comply with NACSA’s <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authoring.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer’s portfolio, or remove authorizing authority.



# MAINE

**RANK 16, SCORE 19/33**



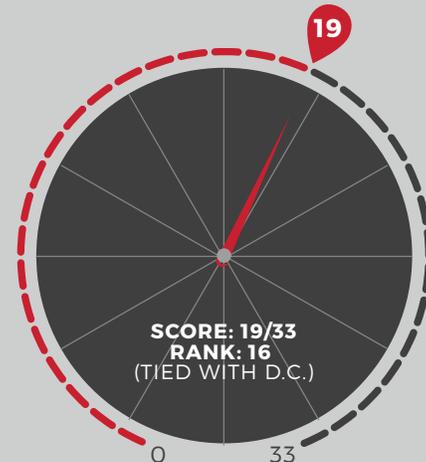
STATE WITH FEW CHARTERS (0-24)  
7 CHARTER SCHOOLS  
BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
1 AUTHORIZER  
100% OF SCHOOLS AUTHORIZED BY  
THE MAINE CHARTER SCHOOL COMMISSION



YEAR LAW ESTABLISHED: 2011



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	1	3	3	0	0	19/33
2015	6	3	3	1	3	3	0	0	19/33

## PUT POLICY TO WORK FOR ACCOUNTABLE SCHOOLS

The Maine Charter School Commission will complete its first renewal cycle this year, setting an important precedent for the enforcement of accountability in this maturing charter sector.

### NACSA RECOMMENDS

- **Implement a rigorous first renewal cycle with a strong renewal standard.** At this time, state policy—which encompasses statute, rules, and regulations—contains provisions that can be interpreted as a strong renewal policy (based on achieving performance goals) or a weak renewal policy (based on progress toward performance goals). NACSA anticipates the Commission will employ state policy to enforce a strong renewal standard based on the achievement of academic goals.
- **Institute a default closure policy** to make closure the expected outcome for failing charter schools.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Independent Charter Board (ICB). The Maine Charter School Commission (an ICB) is limited to 10 charter schools until 2021, while LEAs may authorize an unlimited number of charter schools. To date, the Commission is the only active authorizer.
Authorizer Standards	3/3	State law requires the State Department of Education to establish policies and practices consistent with nationally recognized principles and professional standards for authorizers.
Authorizer Evaluations	3/3	State law allows the State Department of Education to investigate and evaluate authorizers' performance.
Authorizer Sanctions	1/3	State law allows sanctions for failure to meet standards for quality authorizing but not for poor portfolio performance. Sanctions can include revocation of authority to grant new charters or renew existing charters.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires authorizers to submit an annual report on every charter school's academic performance according to the charter contract's performance measures and expectations.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. The law also allows multiple schools to operate under a single governing board.
Renewal Standard	0/6	State policies contain variable provisions governing charter school renewal that allow both "sufficient progress" to be the basis for charter school renewal (a weak renewal standard) and ground renewal decisions on the performance of the school in accordance with its performance goals (a strong renewal standard). The Commission is expected to complete its first renewal cycle before the end of 2016, which will allow NACSA to assess whether the authorizer is able to use the policies to enforce a strong renewal standard. NACSA anticipates awarding full points once that renewal cycle is complete.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 19/33, RANK 16 (TIED WITH D.C.)**

# MARYLAND

**RANK 42, SCORE 2/33**



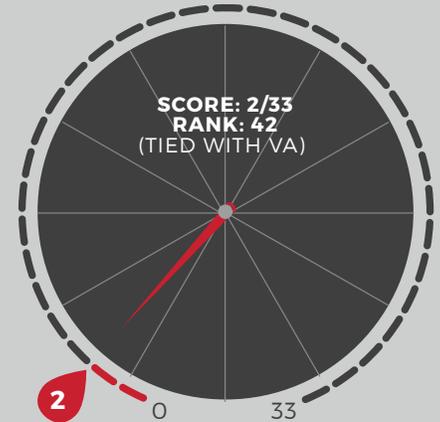
STATE WITH SOME CHARTERS (25-99)  
**53** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



**DISTRICT AUTHORIZING STATE**  
**5** AUTHORIZERS  
**100%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **2003**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	2	0	0	0	0	0	0	0	2/33
2015	2	0	0	0	0	0	0	0	2/33

## STRIVE FOR CONSISTENCY AND QUALITY IN BUILDING OUT CHARTER SCHOOL LAW

Maryland’s charter school sector has grown despite a particularly weak law. Current policy essentially serves as a “shell law”—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

## NACSA RECOMMENDS

- **Create legally autonomous schools across the state.** Policy should ensure that all schools in all districts have a legally autonomous governing board and autonomy in crucial areas of school operations.<sup>1</sup>
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require contracts, performance frameworks, and annual performance reports for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	2/6	LEAs; SEA considers appeals. State law allows the State Board of Education to hear appeals, but the original LEA serves as the authorizer if its decision is reversed on appeal.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	0/3	State law requires no charter contract, performance frameworks, or replication policy.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 2/33, RANK 42 (TIED WITH VA)**

<sup>1</sup> The governing structure of charter schools and the degree of charter school autonomy vary considerably from school to school and from district to district in Maryland. The law neither explicitly requires nor explicitly precludes charter schools from having a separate, legally autonomous charter school governing board, and it does not automatically grant charter schools a waiver from any local or state laws or regulations. Instead, a charter school must individually apply to its LEA authorizer or the State Board of Education for any autonomies it seeks. The law does additionally require each LEA to develop a charter school policy; in practice, some LEAs have policies that provide additional autonomies. As a result, individual schools may be granted autonomy and operate with the freedom usually found in states with stronger laws.

# MASSACHUSETTS

**RANK 24, SCORE 15/33**



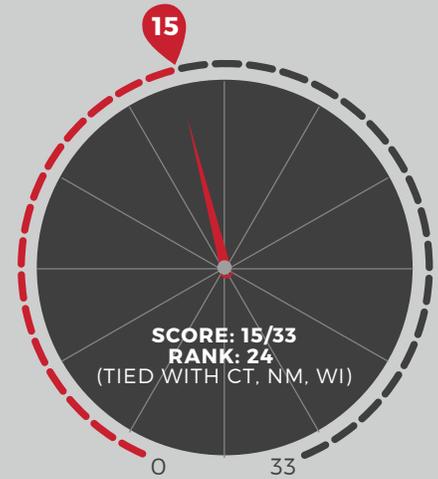
STATE WITH SOME CHARTERS (25-99)  
**80** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY THE STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION



YEAR LAW ESTABLISHED: **1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	2	3	6	0	15/33
2015	4	0	0	0	2	3	6	0	15/33

## STRONG SECTOR SHOULD MAKE ROOM TO GROW

Massachusetts has one of the highest-performing charter sectors in the country, but its charter law severely restricts future charter school growth and expansion. Policies must be changed to allow new, high-quality schools to grow where they are needed.

## NACSA RECOMMENDS

- **Remove or significantly reform the charter school cap system.** Though a 2016 ballot initiative to allow new charter school growth was unsuccessful, policymakers should revisit the charter cap issue next session.
- **Require all charter school annual reports to be published in one location on a consolidated website, such as the Department of Education's charter school website.** Currently, these reports are available on individual school websites and also available to the public by request to the Department of Education, but they are not easily accessible in a single, consolidated location. This minor change would make it easier to access performance information for every charter school and would qualify for full points.
- **Codify the expectation that the authorizer follows professional standards for authorizing.** In practice, the Board of Elementary and Secondary Education uses practices consistent with much of NACSA's *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures it will continue to do so in perpetuity.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	SEA only. The Board of Elementary and Secondary Education (BESE) is the only authorizer. The Department of Elementary and Secondary Education provides the necessary professional staff. Massachusetts classifies two different types of charter schools (Commonwealth charters and Horace Mann charters) that have different approval requirements. The state has various charter school caps relating to the total number of each type of charter school in the state, the performance level of the home district, and the home district population size. There is also a statutory limit on the amount of charter school tuition funds that can be transferred to charter schools from any one district. There are some exemptions to these restrictions for charter schools in the lowest-performing districts, but they are still subject to a statutory limit on the amount of funds they can receive from any one district, which under current law will reach 18% in fiscal year 2017.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. The sole authorizer voluntarily engages in many practices that are consistent with best practices in charter school authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	2/3	State law requires each charter school to submit an annual report on its performance. These reports are made available to the public on the schools' individual websites and can be requested through the Department of Education, but they are not required to be accessible to the public in a single, consolidated location.
Performance Management and Replication	3/3	State regulations require a charter contract and a separate accountability plan, which is structurally the same as performance frameworks. Regulations allow multiple campuses under a single charter and provide successful school operators exclusive access to specified jurisdictions. <sup>1</sup>
Renewal Standard	6/6	State law allows "progress made in student achievement" to be sufficient for a charter to be renewed. However, state regulations and Department guidance provide further renewal requirements. In order to grant renewal, BESE must find affirmative evidence of academic success, linked to a school's performance goals. By using the regulatory process to, in essence, define "progress" as fulfilling charter school goals, Massachusetts is able to create a strong renewal standard.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 24 (TIED WITH CT, NM, WI)**

<sup>1</sup> Those wishing to seek proven provider status submit additional information to the Commissioner at the time they submit their initial or renewal charter application. Approved proven providers can then submit applications to school districts performing in the lowest 10% statewide and in which the 9% net school spending is or would be exceeded. Proven providers are the only applicants that can apply to operate charter schools in these jurisdictions.

# MICHIGAN

**RANK 21, SCORE 16/33**



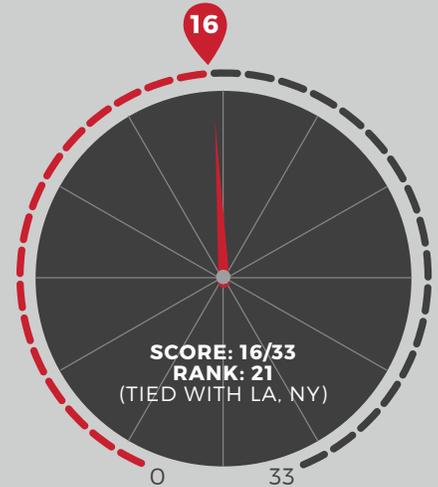
STATE WITH MANY CHARTERS (100+)  
**303** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH MANY AUTHORIZERS  
**45** AUTHORIZERS  
**10** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	1	0	1	0	2	0	6	16/33
2015	6	0	0	1	0	2	0	0	9/33

## DETROIT REFORMS CAN CATALYZE OTHER STATEWIDE IMPROVEMENTS

Legislation passed in 2016 to address the Detroit schools crisis contains a number of charter reforms intended to turn around the city’s ailing charter sector. While a good start, more can be done—through policies such as performance frameworks and a strong renewal standard—to improve quality and choice in Detroit and statewide.

### Noteworthy in 2016

Score Increase: +7

- **Authorizer Standards (+1).** Authorizers that seek to open any new charter schools in Detroit must be accredited by a “nationally recognized accreditation body.”
- **Default Closure (+6).** Any charter school that ranks in the bottom 5% of schools in the state for three consecutive years must be closed. In addition, under a new A-F accountability system that will be administered in Detroit, any charter school in Detroit that receives an F rating for the immediately preceding three school years must be closed or reconstituted.

## NACSA RECOMMENDS

- **Require authorizer evaluations.** Michigan is the only state with multiple non-LEA authorizers that does not have an authorizer evaluation explicitly in state policy. While the new authorizer accreditation requirement is a promising start, it currently applies only to a very small number of authorizers—those who wish to open a new charter school in Detroit—and does not involve ongoing evaluation to maintain the right to authorize. A system of authorizer evaluation should be further developed and given the full weight of the law.

- **Strengthen authorizer sanctions.** Sanctions for underperforming authorizers should include the ability to revoke an authorizer’s authority to issue new charter contracts and oversee existing schools. These possible sanctions should apply to authorizers that fail in their duties, demonstrate poor practices or conduct, or oversee portfolios with too many persistently low-performing schools. A fully developed system of authorizer evaluations is a necessary counterpart to this policy.
- **Institute a strong renewal standard.**
- **Require all authorizers to use performance frameworks.** Many Michigan authorizers already use performance frameworks, a practice which should be required by law for all authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, Higher Education Institutions (HEIs). LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts. There are 14 HEIs that authorize 83% of all charter schools in the state. Most HEI authorizers have a significant portfolio of more than 10 charter schools. <b>New in 2016:</b> Legislation passed in 2016 eliminates the Education Achievement Authority (EAA), a statewide recovery school district with limited jurisdiction.
Authorizer Standards	1/3	<b>New in 2016:</b> Authorizers that seek to open any new charter schools in Detroit must be accredited by a “nationally recognized accreditation body.” Authorizers are not required to be accredited in order to renew existing charter schools in Detroit. The content of the authorizer accreditation process piloted this year and last year is not fully consistent with NACSA’s <i>Principles &amp; Standards for Quality Charter School Authorizing</i> , and as such, Michigan receives partial points in this category.
Authorizer Evaluations	0/3	State law provides for an accreditation process for authorizers seeking to open new charter schools within Detroit, which could in the future provide a foundation for authorizer evaluations. However, at this time accreditation is not required for authorizers that seek to open new charter schools solely outside of Detroit (meaning it does not apply to all authorizers), the accreditation process is not currently consistent with rigorous standards for quality authorizing, and it is unknown if accreditation review will be done periodically or as needed.
Authorizer Sanctions	1/3	The State Superintendent may suspend an authorizer’s ability to issue new contracts if the authorizer is not conducting appropriate oversight. In order for the state to implement this policy appropriately, it must first fully develop a system of authorizer evaluations and give it the full weight of the law. In addition to the Superintendent’s sanction authority, an authorizer may not grant charters for new schools within Detroit if the authorizer is not accredited.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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SCHOOL ACCOUNTABILITY		
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Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools. In practice, some authorizers do produce annual reports on the performance of their portfolio of charter schools.
Performance Management and Replication	2/3	State law requires a charter contract but not performance frameworks. The law allows multiple schools under a single charter.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	6/6	<b>New in 2016:</b> 2016 legislation updated criteria in the state’s default closure provision to make it enforceable in the wake of the No Child Left Behind Act of 2009. Under the updated provision, charter schools that rank in the bottom 5% of schools in the state for three consecutive years must be closed, with few exceptions. In addition, a new A-F accountability system will be administered in Detroit in tandem with the general state accountability system. Once the A-F system is fully implemented, any charter school in Detroit that receives an F rating for the immediately preceding three school years must be closed or reconstituted.

**TOTAL POINTS: 16/33, RANK 21 (TIED WITH LA, NY)**

# MINNESOTA

**RANK 8, SCORE 26/33**



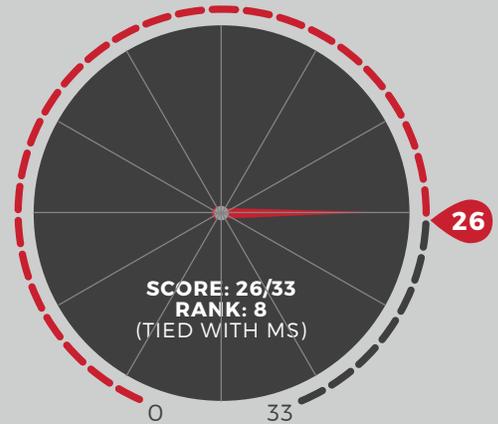
STATE WITH MANY CHARTERS (100+)  
**165** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH MANY AUTHORIZERS  
**26** AUTHORIZERS  
**9** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **1991**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	3	3	2	6	0	26/33
2015	6	3	3	3	3	2	6	0	26/33

## NATION'S STRONG FIRST CHARTER LAW HAS ROOM TO IMPROVE

Minnesota reached a major landmark this year in the implementation of 2009 reform legislation, with all authorizers completing their first high-stakes Department of Education evaluations. The state should now focus on adding additional school accountability tools in law, such as performance frameworks and default closure provisions.

## NACSA RECOMMENDS

- **Require all authorizers to use performance frameworks.** Many authorizers in Minnesota already use performance frameworks and regularly demonstrate their use statewide and nationally.
- **Establish a default closure provision that makes closure the expected outcome for failing charter schools.** The number of active authorizers in Minnesota can present challenges for school accountability due to variable authorizer quality. A default closure provision would help ensure charter school accountability is consistently enforced and honored by all authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, Higher Education Institutions (HEIs), Not-For-Profits (NFPs). Non-LEA authorizers may authorize charter schools statewide. Legislation passed in 2009 requires all authorizers (both prospective and then-operating) to be approved by the State Department of Education and reviewed every five years. Since the law's passage, Minnesota created and is implementing the nation's first state-led system to solicit and evaluate authorizer applications. Since 2009, the number of active, approved authorizers went from 55 to 26 and is expected to drop further. The state has not approved a new authorizer since 2011.
Authorizer Standards	3/3	State law requires the State Education Commissioner to consider procedures and other criteria for chartering that are consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> when making a decision on an authorizer application.
Authorizer Evaluations	3/3	By law, the State Education Commissioner (through the State Department of Education) is required to review all authorizers' performance every five years. In 2015, the State Department of Education conducted its first round of authorizer reviews and evaluations, a first for a statewide authorizer cohort of comparable size. It will complete the fourth and final round by December 2016.
Authorizer Sanctions	3/3	By law, the State Education Commissioner has the discretion to terminate an authorizer's ability to charter a school for, among other things, failing to meet criteria of the approved authorizing plan or for unsatisfactory performance as an approved authorizer.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	By law, authorizers must produce an annual report pursuant to Commissioner specifications that includes academic, operational, and financial performance of schools.
Performance Management and Replication	2/3	State law requires a charter contract but not performance frameworks. It also permits the board of a charter school to add additional sites.
Renewal Standard	6/6	State law gives the authorizer discretion to close schools for failing to meet student achievement goals.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 26/33, RANK 8 (TIED WITH MS)**

# MISSISSIPPI

**RANK 8, SCORE 26/33**



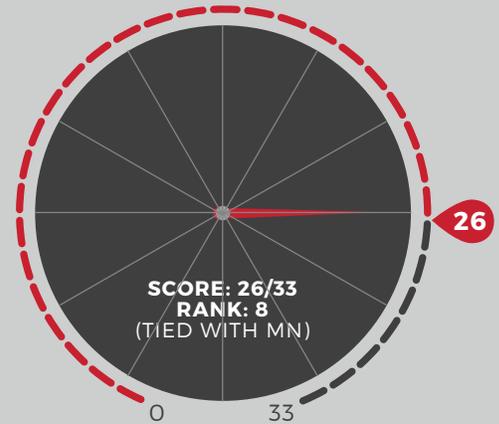
**STATE WITH FEW CHARTERS (0-24)**  
**2 CHARTER SCHOOLS**  
**BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% OF SCHOOLS AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD**



**YEAR LAW ESTABLISHED: 2013**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	3	1	0	3	3	6	6	26/33
2015	4	3	1	0	3	3	6	6	26/33

## GOOD START NEEDS STRENGTHENING

New legislation that allows students trapped in failing districts to attend out-of-district charter schools is a good start, but stronger policies are needed to ensure that all Mississippi students have access to a great public school.

## NACSA RECOMMENDS

- *Continue development and implementation of strong authorizer practices to complement the strong state policy environment.*
- *Consider empowering the Mississippi Charter School Authorizer Board to directly authorize schools statewide without conditions or restrictions.*

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	<p>Independent Charter Board (ICB) only. The Mississippi Charter School Authorizer Board, an ICB, is the sole authorizer in the state. The ICB may directly authorize charter schools in school districts with a D or F rating on the state accountability system. The ICB may also authorize charter schools in districts with an A, B, or C rating if a majority of the local school board votes to endorse the charter application or if a local school district is the charter applicant.</p> <p><b>New in 2016:</b> Charter schools must now be open to any student who resides in a district rated C, D, or F at the time the charter school was approved by the ICB or at the time the student enrolls in the charter school.</p>
Authorizer Standards	3/3	State law requires the ICB to develop chartering policies consistent with nationally recognized principles and standards of quality charter school authorizing.
Authorizer Evaluations	1/3	By law, the authorizer must self-report annually on its adherence to authorizer standards.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	By law, the authorizer must provide the Legislature with a performance report for each charter school it oversees.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks and allows multiple schools under one charter.
Renewal Standard	6/6	By law, a renewal decision must be grounded in the school's performance in accordance with the performance frameworks.
Default Closure	6/6	By law, the authorizer may not renew a charter if the school receives an F rating on the state accountability system during the final year of the charter term.

**TOTAL POINTS: 26/33, RANK 8 (TIED WITH MN)**

# MISSOURI

**RANK 6, SCORE 29/33**



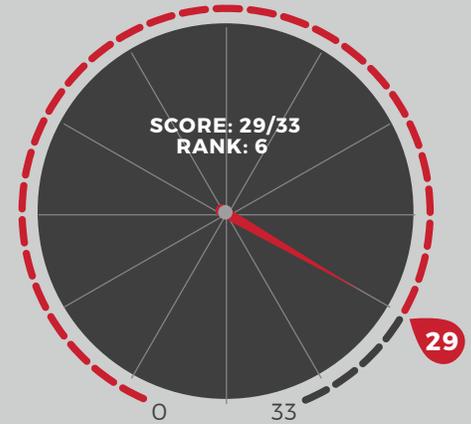
STATE WITH SOME CHARTERS (25-99)  
**54** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH MANY AUTHORIZERS  
**9** AUTHORIZERS  
**4** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **1998**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	<b>6</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>29/33</b>
2015	<b>6</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>25/33</b>

## GETTING STRONGER USING POLICY

Missouri has added Department-created annual reports for each charter school and replication opportunities for high-quality schools.

### Noteworthy in 2016

Score Increase: +4

- **Reports on Performance (+3).** By law, the Department of Education must produce an annual report for each charter school, citing the school's annual performance.
- **Performance Management and Replication (+1: Replication).** High-quality charter schools must be provided expedited opportunities to replicate in certain districts.

## NACSA RECOMMENDS

- **Improve authorizer standards,** making the standards adopted equivalent to nationally recognized best practices in charter school authorizing.
- **Establish a defined academic performance threshold for the existing default closure provision.** Creating a universal metric for the application of the default closure statute makes it easier for authorizers to identify and close persistently failing charter schools.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, limited-jurisdiction Higher Education Institutions (HEIs), limited-jurisdiction Independent Charter Boards (ICBs). (Allowed but inactive: SEA on appeal.) LEAs may authorize within their respective jurisdictions. HEIs and the Missouri Charter Public School Commission (an ICB) may authorize schools only in jurisdictions that fail to meet specified accreditation and performance thresholds. The State Board of Education (SBE) is notified of all approved charter applications by all authorizers and, if it chooses, may intervene and invalidate any application's approval at that time. Without SBE intervention, an application is deemed approved by its authorizer. The SBE may also approve and authorize schools that have been denied by other authorizers.
Authorizer Standards	1/3	State law requires authorizers to develop authorizing standards in key areas. The SBE also notifies authorizers of any required or recommended best practices. The content of these standards is not fully consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> , and as such, Missouri receives only partial points in this category.
Authorizer Evaluations	3/3	By law, the SBE evaluates authorizers against national standards every three years and may evaluate an authorizer at any time for cause.
Authorizer Sanctions	3/3	State law includes sanctions for authorizers failing to meet standards for quality authorizing but not for poor performance of the schools they oversee.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	<b>New in 2016:</b> By law, the Department of Education must produce an annual report for each charter school, citing the school's annual performance.
Performance Management and Replication	3/3	State law requires a charter contract, and state policy regarding authorizer evaluations requires authorizers to submit performance frameworks for their charter schools. <b>New in 2016:</b> High-quality charter schools must be provided expedited opportunities to replicate in certain districts.
Renewal Standard	6/6	By law, a charter may be revoked or put on probation if the school does not meet performance expectations stated in its charter contract.
Default Closure	4/6	State law requires default closure of schools that show clear evidence of underperformance in three of the last four years. However, the law does not define underperformance or establish a specific threshold for closure.

**TOTAL POINTS: 29/33, RANK 6**

# NEVADA

## RANK 1, SCORE 33/33



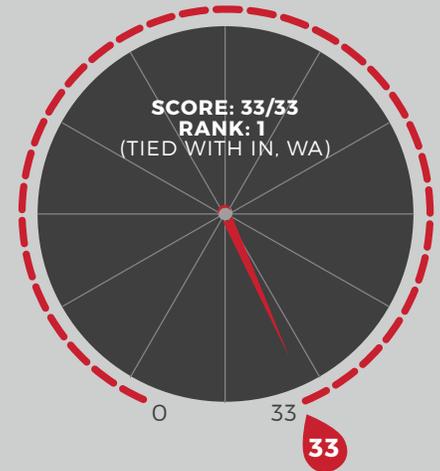
STATE WITH SOME CHARTERS (25-99)  
**38** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
**5** AUTHORIZERS  
**58%** OF SCHOOLS AUTHORIZED BY THE  
 NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY



YEAR LAW ESTABLISHED: **1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	3	3	3	6	6	33/33
2015	6	3	3	3	3	3	6	6	33/33

## FOCUS ON PRACTICES TO BUILD ON MODEL POLICIES

With a perfect state policy score, Nevada seeks to improve its charter schools through strong practices led by committed professionals.

## NACSA RECOMMENDS

- *Nevada has adopted all of NACSA's recommended policies.*
- *Consider providing the Nevada State Public Charter School Authority with additional budget autonomy, especially as implementation of new policies continues. The Authority is officially designated as an LEA in statute and, as such, has specific categorical budget constraints that are unusual for a dedicated statewide authorizer. This creates constraints that can limit the Authority's ability to staff appropriately for authorizer-specific tasks and to fulfill its statutory role as a model authorizer.*

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, Independent Charter Board (ICB). (Allowed but inactive: Higher Education Institutions [HEIs].) The Nevada State Public Charter School Authority is the primary authorizer. However, a significant portion of the state's charter schools remain authorized by local school districts, making policy particularly important to ensure consistent, high-quality practices among all authorizers.
Authorizer Standards	3/3	State law requires authorizers to develop authorizing standards consistent with national professional standards.
Authorizer Evaluations	3/3	State law provides for an authorizer application process and evaluations of authorizers every three years. The evaluations are to be based on the performance of charter schools in the authorizer's portfolio and nationally recognized best practices in charter school authorizing.
Authorizer Sanctions	3/3	State law allows sanctions for failure to meet standards for quality authorizing but not for poor portfolio performance. Sanctions can include revocation of authorizing power or authority to grant new charters.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	By law, authorizers must annually submit to the state a written report summarizing the performance of charter schools they oversee.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Charter management organizations may directly submit charter school applications.
Renewal Standard	6/6	State law requires authorizers to use the performance frameworks as the basis for renewal decisions.
Default Closure	6/6	State law requires authorizers to revoke a charter if the charter school receives the lowest rating possible on the state accountability system for any three years in a consecutive five-year period.

**TOTAL POINTS: 33/33, RANK 1 (TIED WITH IN, WA)**

# NEW HAMPSHIRE

**RANK 32, SCORE 12/33**



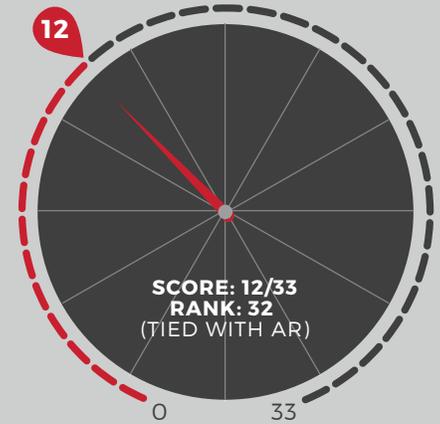
STATE WITH SOME CHARTERS (25-99)  
**26** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**2** AUTHORIZERS  
**96%** OF SCHOOLS AUTHORIZED BY  
 THE STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	0	0	0	0	0	6	0	12/33
2015	6	0	0	0	0	0	6	0	12/33

## SLUGGISH SECTOR RIPE FOR STRONG POLICY JUMPSTART

New Hampshire has a strong authorizer structure, but charter funding inequity and the lack of key authorizer quality and school accountability policies have led to inconsistent practices and laggard quality growth.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Require charter contracts and performance frameworks for all charter schools and all authorizers.** New Hampshire is one of only six states that do not require a separate charter contract for all charter schools. In an unusual legal structure, schools authorized by LEAs are required to have charter contracts, but those authorized by the State Board of Education (SBE) are not. NACSA believes this is a drafting oversight—dating back to when the SBE could authorize only on appeal—that should be corrected immediately. Charter contracts and performance frameworks establish clear expectations for schools and authorizers and are an important component of charter school autonomy and accountability.
- **Require all authorizers to report annually on the academic performance of their schools.**
- **Establish authorizer evaluations** based on the performance of their portfolio of schools and their adherence to best practices in charter school authorizing. Authorizer evaluations increase transparency in the charter sector and ensure authorizers are fulfilling their responsibilities to charter schools and the public.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, SEA. New Hampshire allows LEAs to authorize charter schools. The State Board of Education (SBE) can also authorize charter schools directly and on appeal. A local school board's decision to approve a charter school application must be affirmed by the SBE based on an evaluation of the required application elements and then ratified by the voters of the school district, who must also decide what percentage of their students will be allowed to enroll in the charter school. The SBE authorizes all but one of the state's 26 existing charter schools.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	0/3	Charter schools authorized by LEAs are required to have a charter contract, but those authorized by the SBE are not. State law does not require performance frameworks or a replication policy.
Renewal Standard	6/6	By law, a charter school must meet the academic goals in its charter by the final year of the charter term to be eligible for renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 12/33, RANK 32 (TIED WITH AR)**

# NEW JERSEY

**RANK 29, SCORE 13/33**



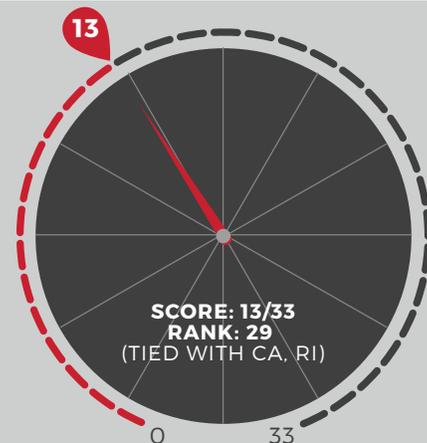
STATE WITH SOME CHARTERS (25-99)  
89 CHARTER SCHOOLS  
BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
1 AUTHORIZER  
100% OF SCHOOLS AUTHORIZED BY  
THE STATE COMMISSIONER OF EDUCATION



YEAR LAW ESTABLISHED: 1995



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	0	3	6	0	13/33
2015	4	0	0	0	0	3	6	0	13/33

## WORK TOWARDS BALANCE ON POLICIES

New Jersey is looking to strengthen charter school autonomies through the rulemaking process. This presents an opportunity for the state to revisit and strengthen its quality and accountability policies.

## NACSA RECOMMENDS

- **Codify the expectation that the authorizer follows professional standards for charter school authorizing.** The New Jersey Department of Education voluntarily follows NACSA's *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures the Department will continue to do so in perpetuity.
- **Adopt the proposed rule change to require the Department to publicly report on each charter school's academic performance.** Current rules require all charter schools to prepare annual reports on their academic performance. Rules also require the Department to review annually the performance of each charter school according to the performance frameworks. However, nothing currently in policy requires either the annual reports or the annual reviews to be publicly released.
- **Consider a statewide alternative authorizer, such as an Independent Charter Board.** This additional authorizer would serve as a safety net for the state's charter sector if electoral changes ever lead to significant reduction or suspension of authorizing activity or commitment by the SEA.
- **Establish authorizer evaluations on an as-needed or self-evaluative basis.** Authorizer self-evaluations require authorizers to reflect on their practices and outcomes and identify areas for improvement.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	SEA only. New Jersey allows only the State Commissioner of Education to authorize charter schools, although districts are required to make non-binding recommendations. The authorizing staff work is conducted by the New Jersey Department of Education. The level of authorizing activity in the state has historically varied significantly from one commissioner to the next.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Department of Education has publicly committed to authorizing consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	0/3	State law requires the authorizer to conduct an annual review of its charter schools to determine whether they are meeting the goals of their charters. To facilitate that review, charter schools must submit an annual report, which by regulation must include information on their academic performance according to their performance frameworks. However, state policy does not require the information to be made available to the general public. The State Board is now considering a rule change that would require the Department to publicly report on each charter school's academic performance. If this rule is adopted, NACSA anticipates awarding full points in this category.
Performance Management and Replication	3/3	State regulations require a charter contract and performance frameworks. The regulations also provide for an expedited application process for charter applicants with demonstrable experience.
Renewal Standard	6/6	State regulations require the Commissioner of Education to use the performance frameworks to make charter renewal decisions.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 13/33, RANK 29 (TIED WITH CA AND RI)**

# NEW MEXICO

**RANK 24, SCORE 15/33**



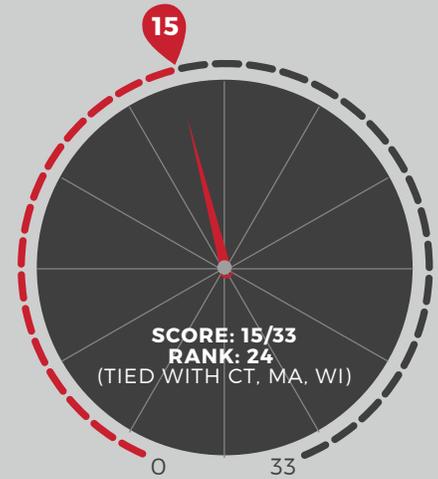
STATE WITH SOME CHARTERS (25-99)  
**99** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
**18** AUTHORIZERS  
**60%** OF SCHOOLS AUTHORIZED BY  
 THE PUBLIC EDUCATION COMMISSION



YEAR LAW ESTABLISHED: **1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	0	0	3	3	0	0	15/33
2015	6	3	0	0	3	3	0	0	15/33

## FAILED AUTHORIZING STRUCTURE IMPEDES PROGRESS

The state must first fix a failed governing structure for its largest authorizer and then ensure policies address failing schools and failing authorizers.

## NACSA RECOMMENDS

- **Eliminate the dual-entity authorizing relationship between the Public Education Commission (PEC) and the State Superintendent** and allow one entity to serve as the authorizing body for the charter schools under its jurisdiction.
- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals in their charter contract.
- **Create a default closure provision, *making closure the expected outcome*** for failing charter schools.
- **Establish authorizer evaluations and allow sanctions for failing authorizers.** The PEC is the state’s dominant authorizer, overseeing 60% of charter schools—qualifying New Mexico as a “State with Few Authorizers.” However, the state also has a large number of active school district authorizers; many oversee small portfolios of charter schools. This can make it difficult to (1) have consistently high-quality authorizing across the charter school sector and (2) enforce charter school accountability. Authorizer evaluations and, if necessary, authorizer sanctions can identify low-quality authorizers and impose consequences if they fail to meet standards of quality authorizing.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, SEA. New Mexico allows LEAs and the Public Education Commission (PEC), which is functionally similar to an Independent Charter Board, to authorize charter schools. The PEC is a quasi-independent body that officially serves in an advisory capacity to the New Mexico Secretary of Education and is also the authorizer for all state-chartered schools in New Mexico. Both PEC and local school district decisions on charter schools are subject to reversal by the Secretary of Education. At the same time, the PEC relies on staff from the State Department of Education for some functions. This arrangement creates conflict. The PEC authorizes 60% of all charter schools in the state. Nearly half of the remaining charter schools are authorized by Albuquerque School District. The rest are overseen by other LEAs with smaller charter school portfolios. Because a significant proportion of the state's charter schools remain authorized by local school districts, policy is particularly important to ensure consistent, high-quality practices among all authorizers.
Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	By law, authorizers must annually report on school performance based on their charter performance frameworks.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. State law allows charter schools to operate multiple campuses within a single school district.
Renewal Standard	0/6	By law, "substantial progress" toward academic goals may be sufficient for charter renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 24 (TIED WITH CT, MA, WI)**

# NEW YORK

**RANK 21, SCORE 16/33**



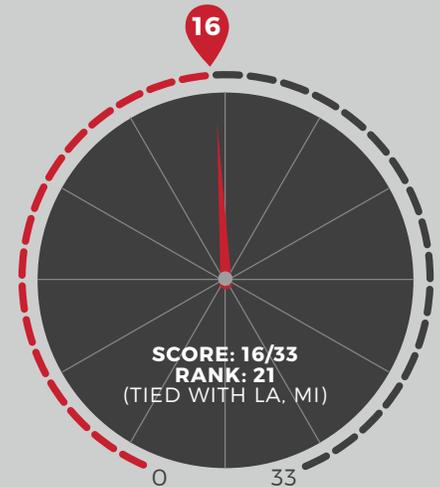
STATE WITH MANY CHARTERS (100+)  
**257** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**4** AUTHORIZERS  
**71%** OF SCHOOLS AUTHORIZED BY THE STATE UNIVERSITY OF NEW YORK AND STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1998**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>16/33</b>
2015	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7/33</b>

## GOOD PRACTICE GROUNDED IN POLICY

Recent court decisions strongly held that New York’s authorizers are indeed empowered by law to enforce strong charter school renewal standards.

### Noteworthy in 2016

Score Increase: +9

- **Reports on Performance (+2).** New York was scored incorrectly in 2015. State law requires each charter school to submit to its authorizer and the SEA an annual performance report. The reports are published on the SEA’s website. This requirement is distinct from the general school report card process and thus receives two points.
- **Performance Management and Replication (+1: Replication).** New York was scored incorrectly in 2015. The law allows a single charter school governing board to hold multiple charters. However, New York’s charter caps limit the capacity of replication as a strategy to build the supply of quality charter schools.
- **Renewal Standard (+6).** Two 2016 court opinions reinforce an authorizer’s discretion to close schools for failure to fulfill charter school goals.

## NACSA RECOMMENDS

- **Codify the expectation that all authorizers will follow professional standards for charter school authorizing.** In practice, the three dominant authorizers—the State University of New York (SUNY), the Board of Regents, and the New York City Department of Education—use practices consistent with many of NACSA’s *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures all authorizers will continue to do so in perpetuity.
- **Codify the expectation that authorizers use performance frameworks.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, SEA, Higher Education Institutions (HEIs). New York allows the Board of Regents (the State Board of Education), the Board of Trustees of the State University of New York (SUNY), and LEAs to serve as charter school authorizers. In 2010 and again in 2015, the charter cap was expanded in such a way that only the Board of Regents and SUNY may approve new-start charter schools.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. The dominant authorizers voluntarily engage in many practices that are consistent with best practices in charter school authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	2/3	State law requires each charter school to submit to its authorizer and the SEA an annual performance report.
Performance Management and Replication	2/3	State law requires a charter contract but not performance frameworks. The three largest authorizers use performance frameworks in practice. The law allows a single charter school governing board to hold multiple charters. However, New York's charter caps limit the use of replication as a strategy to build the supply of quality charter schools.
Renewal Standard	6/6	<b>New in 2016:</b> The law provides that an authorizer's denial of a charter school application is final and not reviewable. Two judicial opinions from 2016 make clear that, absent exceptional circumstances, authorizer renewal determinations will not be reviewed in court. These court decisions reinforcing an authorizer's discretion to close schools for failure to fulfill charter school goals confirm a strong renewal standard.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 16/33, RANK 21 (TIED WITH LA, MI)**

# NORTH CAROLINA

**RANK 36, SCORE 9/33**



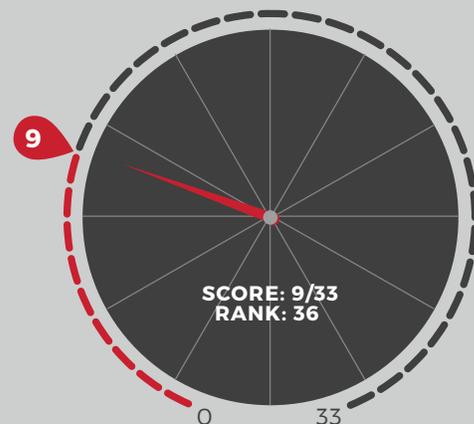
STATE WITH MANY CHARTERS (100+)  
**161** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY  
 THE STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	3	2	0	0	<b>9/33</b>
2015	4	0	0	0	3	2	6	0	<b>15/33</b>

## AUTHORIZER NEEDS TOOLS TO DO AUTHORIZING RIGHT

The Office of Charter Schools of the North Carolina Department of Public Instruction has worked to implement practices largely consistent with nationally recognized best practices in authorizing. Unfortunately, harmful legislation passed in 2015 and 2016 removed key levers of enforceable accountability, making it harder for the sole authorizer to successfully carry out its work.

### Noteworthy in 2016

Score Decrease: -6

- **Renewal Standard (-6).** In 2015, the Legislature amended North Carolina’s charter law to make renewal the default renewal outcome and to make “substantial progress” sufficient for charter renewal. The State Board of Education later defined “substantial progress” without reference to meeting academic performance expectations in a charter contract.

## NACSA RECOMMENDS

- **Institute a strong renewal standard.** Current North Carolina law sets a very low bar for renewal, granting schools a 10-year renewal unless they demonstrate a substantial, egregious failing. Renewal should be earned by demonstrated success, not granted by default. NACSA supports policy that empowers authorizers to close schools that fail to achieve the performance goals set out in their charter contract.
- **Establish a default closure provision** that makes closure the expected outcome for persistently failing charter schools. North Carolina should reverse recently enacted laws that weakened its closure rules by preventing the authorizer from closing persistently failing schools in most circumstances. The state now identifies “continually low-performing charter schools” pursuant to its state accountability criteria. Revocation should be reinstated as the expected accountability consequence for charter schools with this classification.
- **Endorse professional standards for charter school authorizing.**
- **Codify the expectation that the authorizer will use performance frameworks.** The Department does this in practice; however, nothing in state policy ensures the Department will continue to do so in perpetuity.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	SEA only. Only the State Board of Education (SBE) may authorize charter schools. Charter applications and renewal requests are first reviewed by the North Carolina Charter Schools Advisory Board, which then makes recommendations to the SBE. The SBE and the Advisory Board are both staffed by the North Carolina Office of Charter Schools, which is administratively located in the Department of Public Instruction (DPI) and subject to supervision, direction, and control by the SBE. The Executive Director of the Office of Charter Schools is appointed by the SBE.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Office of Charter Schools employs practices that are largely consistent with nationally recognized best practices in authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	By law, the State Board of Education must report on the student academic progress of charter schools measured against the previous year.
Performance Management and Replication	2/3	State law requires a charter contract but not performance frameworks. The law offers an expedited application process for replication of high-quality charter schools.
Renewal Standard	0/6	<b>New in 2016:</b> By law, the authorizer shall renew a school unless it is, among other criteria, not in "substantial compliance" with the terms of its charter. The terms of its charter include student performance goals. The law directs the SBE to define "substantial compliance" in rules. In January 2016, the SBE adopted a definition of "substantial compliance." The definition fails to require an examination of whether a school is meeting the academic standards in its charter contract. Instead, substantial compliance is defined as "improve[ing] or sustain[ing] student learning." This is equivalent to a renewal standard based on "reasonable progress" towards charter goals, giving North Carolina a weak renewal policy.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. <b>New in 2016:</b> Charter schools that receive a school performance grade of D or F on the state accountability system and do not exceed expected growth in at least two of three consecutive school years must be identified by the SBE as "continually low performing" (a classification already used for traditional public schools under the state accountability system). However, the consequence of that identification is not closure. Instead, the SBE is explicitly prohibited from terminating or not renewing the charter of a continually low-performing charter school solely for its continually low-performing status if the charter school has either (1) met growth in each of the immediately preceding three school years or (2) if the charter school has implemented a strategic improvement plan approved by the SBE and is making "measurable progress" toward student performance goals. The new standard creates a loophole for continually low-performing charter schools to escape default closure.

**TOTAL POINTS: 9/33, RANK 36**

# OHIO

**RANK 4, SCORE 32/33**



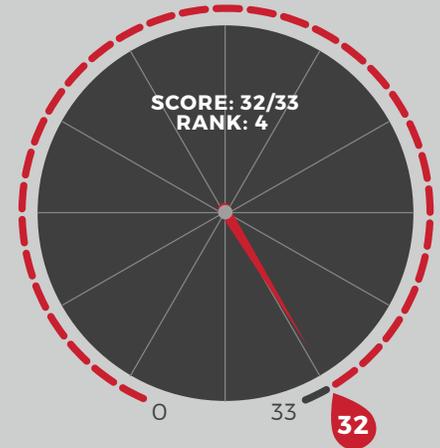
**STATE WITH MANY CHARTERS (100+)**  
**373** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT **(5-9%)**



**STATE WITH MANY AUTHORIZERS**  
**64** AUTHORIZERS  
**13** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	3	3	3	2	6	6	32/33
2015	6	3	3	3	3	2	6	6	32/33

## STRONG POLICIES; TIME FOR BETTER PRACTICES

Ohio must focus on aggressively implementing its strong authorizer and school quality and accountability policies to ensure they translate into an improved charter sector.

## NACSA RECOMMENDS

- Refine and streamline authorizer evaluations.** After appropriate questions on methodology led to the premature withdrawal of Ohio’s first sponsor ratings, the Department of Education completed its first comprehensive round of evaluations using a revised methodology. These ratings will make authorizing more transparent and trigger consequences for authorizers that do not meet expectations. However, the Department has received feedback that the evaluations measure too many things, diluting the value of the results and creating an onerous system for both the Department and the authorizers. Going forward, the Department should consider ways to streamline its rating methodology to better focus on key indicators of authorizer quality.
- Through practice, ensure authorizers are using the strong renewal standards afforded them by law.** Ohio law contains multiple provisions concerning renewal; some constitute a strong renewal standard and some constitute a weak renewal standard. Legislation passed in 2015 contained provisions to reinforce the intent that authorizers will use a strong renewal standard. NACSA encourages the state to use guidance, the authorizer evaluation process, and other means to ensure a strong renewal standard is indeed being used.

- **Renew focus on virtual charter school accountability.** Oversight of virtual charter schools has drawn sharp attention this year. Recent reports by the Thomas B. Fordham Institute (examining virtual education in Ohio) and the National Alliance for Public Charter Schools, 50CAN, and NACSA (examining virtual education nationwide) were critical of virtual schools' academic performance. The Ohio Auditor of State has called for funding virtual charter schools based on performance. These developments may impact policy going forward, but Ohio's authorizers should use their existing powers under law to develop sound academic, financial, and operational goals for virtual charters, to hold virtual schools accountable for performance, and to close chronically failing virtual schools.
- **Establish a statewide incentive for the replication of high-performing charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, SEA, Higher Education Institutions (HEIs), Not-For-Profits (NFPs), Non-Educational Government (NEGs) entities. LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts. There are 55 LEA authorizers overseeing charter schools across the state, but most LEA authorizers have small portfolios. NFP authorizers and the SEA maintain larger portfolios on average and oversee almost 50% of schools. New-start charter schools in Ohio may be located only in state-designated "challenged" school districts. Ohio statute includes an authorizer application, evaluation, and sanction process. Ohio grandfathered in some existing authorizers, exempting them from the authorizer application process, but this exemption is revoked if the grandfathered authorizer receives low authorizer evaluation ratings for two or more consecutive years.
Authorizer Standards	3/3	State law requires the adoption of NACSA standards.
Authorizer Evaluations	3/3	By law, the Ohio Department of Education must evaluate authorizers on their academic performance, compliance with all applicable laws and administrative rules, and their adherence to quality practices.
Authorizer Sanctions	3/3	State law establishes authorizer sanctions for failing to comply with any charter school contract or for failing to comply with the State Department of Education's rules for authorizing, which pertain to standards for quality authorizing. In addition, authorizers who are rated less than "effective" on the annual authorizer evaluation system due to deficiencies in legal compliance, adherence to quality authorizing practices, or school portfolio performance are also subject to sanctions.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	State law and the associated regulations on authorizer evaluations require the production of an annual consolidated report on the performance of schools in each authorizer’s portfolio, including information on academic, operational, and fiscal performance.
Performance Management and Replication	2/3	State law requires a charter contract and requires that each contract include performance standards that relate to the academic, fiscal, and operational performance of the charter school. This is equivalent to performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	State law allows authorizers to non-renew or terminate a charter contract if the school fails to meet the student performance requirements in the charter contract. State law also allows “satisfactory progress” to be sufficient for a charter to be renewed. Several amendments to the charter law made in 2015 reinforce the Legislature’s intent that authorizers will enforce a strong renewal standard that is based on achieving student performance expectations. NACSA encourages the state to ensure authorizers are upholding the strong renewal standard specified in law.
Default Closure	6/6	State law requires default closure of schools declared to be in academic crisis, with different standards for different grade configurations. The implementation of the default closure provision has faced challenges when closed schools have successfully engaged in authorizer shopping to remain open. Several provisions adopted in law in 2015 are designed to prevent that behavior.

**TOTAL POINTS: 32/33, RANK 4**

# OKLAHOMA

**RANK 11, SCORE 24/33**



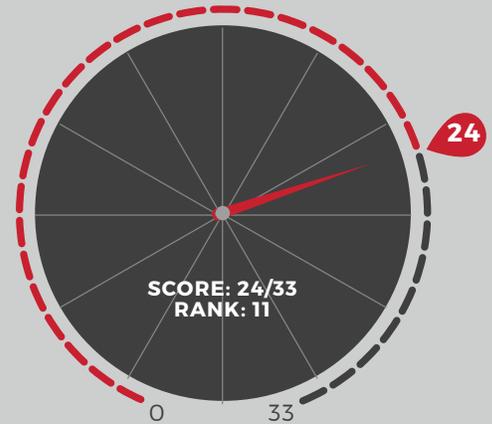
STATE WITH SOME CHARTERS (25-99)  
**34** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



**DISTRICT AUTHORIZING STATE**  
**8** AUTHORIZERS  
**53%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1999**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	1	0	2	2	3	6	6	24/33
2015	4	1	0	2	2	3	6	6	24/33

## POLICY IMPROVEMENTS IN THE WORKS

Oklahoma continues to implement 2015 reforms, with attention currently on several authorizer quality initiatives. Stakeholders are preparing to begin official review of proposed authorizer standards, accompanied by in-state initiatives to develop a toolkit for all authorizers.

## NACSA RECOMMENDS

- **Ensure the authorizer standards established by the Department of Education are consistent with national professional standards for quality authorizing.** NACSA anticipates this will occur, which will earn Oklahoma full points for this category.
- **Ensure the annual performance reviews conducted by authorizers are made public and include information on the academic performance of each school.** NACSA anticipates this will occur, which will earn Oklahoma full points for this category.
- **Empower a state entity to conduct authorizer evaluations, as needed.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	LEAs, limited-jurisdiction Higher Education Institutions (HEIs), limited-jurisdiction Independent Charter Board (ICB), limited-jurisdiction Non-Educational Government (NEGs) entities; SEA on appeal. Schools can appeal a decision by a school district to the SEA; the SEA will serve as authorizer if the district's decision is reversed. HEIs may authorize only in school districts located in counties with a population of more than 500,000 or those with schools on the state's school improvement list. The Virtual Charter School Board, an ICB, may authorize statewide, full-time virtual charter schools. In addition, "federally recognized Indian tribes" may authorize charter schools within the boundaries of their treaty areas.
Authorizer Standards	1/3	State law requires authorizers to develop and maintain authorizing standards consistent with those established by the State Department of Education. The Department had not yet established standards at the time of publication; it is expected these standards will meet or exceed NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	2/3	By law, an authorizer may be sanctioned if the State Board of Education (SBE) has intervened to close or transfer 25% or more of its schools. Sanctions are limited to suspending an authorizer's ability to sponsor new schools.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	2/3	State law requires each charter school to file a report annually with the Office of Educational Quality and Accountability (OEQA) that includes a report on the academic performance of the school. The SBE then uses this information to issue an annual report on the status of charter schools in the state. The subsequent report includes the academic performance of every charter school and the identity of the authorizer. In addition, language added in statute in 2015 requires authorizers to conduct annual performance reviews of all charter schools in their portfolios. When this language was added, it was unclear if that will result in an annual public report by each authorizer on the academic performance of its portfolio of charter schools.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Multiple schools may be governed under one charter, and a single governing board may hold one or more charter contracts.
Renewal Standard	6/6	By law, authorizers may decide not to renew a school for failing to complete the obligations of the charter contract or the provisions required of all charter schools under the state's law. This includes meeting academic performance expectations.
Default Closure	6/6	An authorizer must non-renew a school in the bottom 5% of all public schools based on a three-year average or must appear before the SBE to justify its decision to renew the school.

**TOTAL POINTS: 24/33, RANK 11**

# OREGON

**RANK 39, SCORE 5/33**



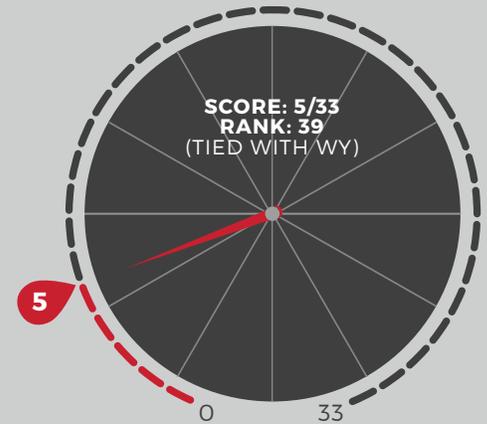
STATE WITH MANY CHARTERS (100+)  
**126** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



**DISTRICT AUTHORIZING STATE**  
**79** AUTHORIZERS  
**97%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1999**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	0	1	0	0	5/33
2015	4	0	0	0	0	1	0	0	5/33

## TIME FOR STRONG POLICY AS STUDENT NUMBERS GROW

Despite a large and growing number of charter schools, Oregon’s charter school law remains particularly weak on accountability for schools and authorizers.

### NACSA RECOMMENDS

- **Endorse professional standards for charter school authoring.** Oregon authorizers currently can receive the highest authorizer fee in the country, which can create mixed incentives for authorizers. Authorizer standards prioritize quality authorizing as the most important goal and ensure fair, transparent, and equitable actions by authorizers.
- **Require authorizers to report annually on the performance of their schools and use performance frameworks.**
- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals set out in their charter contract.
- **Create a default closure provision, making closure the expected outcome for failing charter schools.** This is particularly important given Oregon’s historically low-performing charter sector.
- **Create a viable alternative authorizer, such as an Independent Charter Board.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	4/6	LEAs; SEA on appeal (allowed but inactive: Higher Education Institutions [HEIs]). Effective July 1, 2017, HEIs will no longer be allowed to authorize charter schools. Existing HEI-authorized charter schools as of that date will stay under their HEI authorizers.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	1/3	State law requires the use of a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	By law, a charter school that is "working toward" meeting performance goals may meet the standard for renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 5/33, RANK 39 (TIED WITH WY)**

# PENNSYLVANIA

**RANK 34, SCORE 11/33**



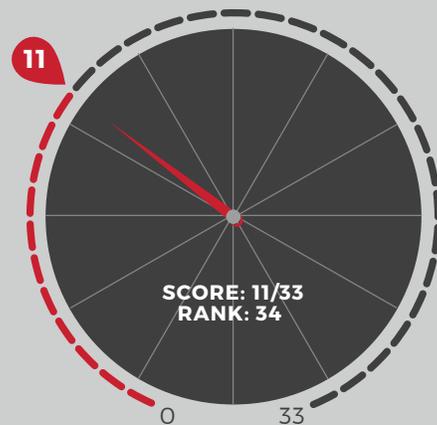
STATE WITH MANY CHARTERS (100+)  
**175** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



**DISTRICT AUTHORIZING STATE**  
**72** AUTHORIZERS  
**92%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	0	1	6	0	11/33
2015	4	0	0	0	0	1	6	0	11/33

## OUTDATED LAW OVERSHADOWS IMPROVEMENTS IN PRACTICE

Pennsylvania’s charter law has not been significantly reformed in nearly 20 years. Robust policy reform will strengthen the foundation for school accountability and authorizer quality and ensure the law keeps pace with the sector’s evolution. The state’s largest authorizer is undertaking initiatives to improve school and authorizer quality, from establishing rigorous measures for renewal and approval to issuing robust annual charter evaluations.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.** Professional standards bring consistency and transparency to authorizing practices and ensure that strong practices continue regardless of the political environment. This is especially important given the variability of authorizing practices throughout the state and over the history of the charter sector.
- **Reform state policies to ensure that charter school closure decisions, once made, can be executed in a timely manner.** The multiple layers of administrative and judicial appeal processes established by Pennsylvania law are intended to ensure charter schools have due process when faced with a closure decision. In practice, the system stymies efforts to close even demonstrably, perpetually failing charter schools. Reforms to the appeals timeline and standards of judgment, which could include a default closure policy, can preserve due process while enforcing accountability.
- **Reform state protocols to ensure the required annual charter reports include clear information on the academic performance of each charter school.** State law empowers the State Secretary of Education to make such a change through rules, regulations, or guidance. This parallels some of the initiatives being undertaken by the largest authorizer and makes sure all authorizers engage in similar performance management practices.
- **Create mechanisms for the oversight of all authorizers and, if necessary, intervention.**

- **Create a statewide alternative authorizer, such as an Independent Charter Board or an Achievement School District**, a statewide recovery school district with limited jurisdiction that acts like an Independent Charter Board.
- **Ensure state policy provides authorizers with meaningful access to necessary charter school data in a timely fashion.** Pennsylvania authorizers report some difficulty accessing basic charter school enrollment and performance data necessary to perform adequate charter school oversight. NACSA encourages the state to work with authorizers and charter schools to identify and address any challenges.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	LEAs; SEA on appeal; <sup>1</sup> SEA for virtual schools only. The State Department of Education oversees 14 virtual charter schools. In addition, consortia of LEAs may authorize regional charter schools that serve larger areas. The Charter School Appeal Board, an independent appointed board, presides over appeals statewide and may overturn or uphold LEA authorizing decisions. Schools approved by the Board are then authorized by the original LEA authorizer or, if the original authorizer refuses, by the SEA. The majority of Pennsylvania's charter schools are in Philadelphia and authorized by the Philadelphia School District, which in turn is governed by the School Reform Commission (SRC). <b>New in 2016:</b> In February, the Pennsylvania Supreme Court declared unconstitutional a state law provision that allowed the SRC to waive provisions of the state school code in the interest of financial stability; historically, the SRC had relied on this authority to impose additional restrictions on chartering.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	0/3	State law requires charter schools to produce annual reports, with content governed by rules, regulations, and guidance from the State Secretary of Education. Unfortunately, the existing report format does not include annual reporting on the academic performance of each charter school.
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	By law, authorizers have discretion to close schools for failing to meet student performance standards. However, in practice the legal and administrative appeals process can create significant delays in the execution of non-renewal and revocation decisions.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 11/33, RANK 34**

<sup>1</sup> The Charter School Appeal Board (CAB) presides over both brick-and-mortar and virtual school appeals. Schools approved by the CAB are then authorized by the LEA or the SEA.

# RHODE ISLAND

**RANK 29, SCORE 13/33**



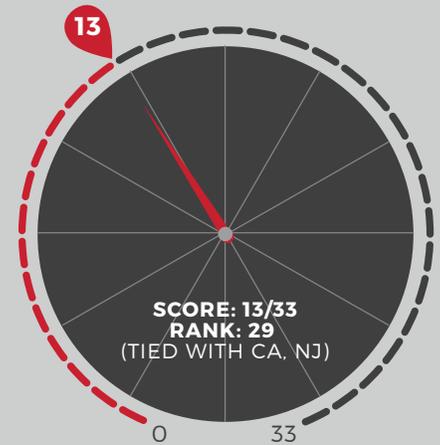
STATE WITH FEW CHARTERS (0-24)  
**24** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
**1** AUTHORIZER  
**100%** OF SCHOOLS AUTHORIZED BY  
 THE STATE COMMISSIONER OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	4	0	0	0	2	1	6	0	13/33
2015	4	0	0	0	2	1	6	0	13/33

## CHARTER RESTRICTIONS HAMPER PROGRESS

Rhode Island charter schools are generally high quality, but the state’s laws are missing key accountability elements for schools and authorizers. Instead of fixing the law in 2016, the Legislature enacted worrisome restrictions on the opening and expansion of charter schools, which may deny more children the opportunity to choose a quality school.

## NACSA RECOMMENDS

- **Repeal unwarranted limits on multi-campus approvals.** New legislation this year requires new networks seeking to open multiple campuses to gain approval from every city or town council the charter school will serve before it can be authorized. This policy is unnecessary, duplicative, and burdensome and, in practice, will likely prevent the opening of any new networked schools.
- **Carefully implement new community impact policies.** New legislation passed this year requires the authorizer to place substantial weight on the fiscal, programmatic, and student impact on the sending cities and school districts when reviewing proposals to expand existing charter schools or open new schools. Such a policy must be carefully implemented to ensure it is free from political bias and does not result in a de facto charter moratorium.
- **Codify the expectation that the authorizer follows professional standards for charter school authorizing.** In practice, the Rhode Island Department of Education, which staffs the State Board of Education, uses practices consistent with much of NACSA’s *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures the authorizer will continue to do so in perpetuity. Codifying this will help protect quality authorizing should the political environment change.
- **Codify the expectation that authorizers use performance frameworks.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	4/6	SEA only. Rhode Island allows the State Board of Education (SBE) to authorize charter schools. Charter schools must first be approved by the LEA or the State Commissioner of Elementary and Secondary Education before being authorized by the SBE. The Rhode Island Department of Education staffs the Commissioner and the State Board of Education on authorizing matters. State law also requires that all charter school applicants partner with an existing in-state not-for-profit during the charter school application process. The charter school is then required to form a separate not-for-profit to serve as the governing board of the school. State law classifies three types of charter schools—district charter schools, independent charter schools, and mayoral academies—with varying levels of autonomy. <b>New in 2016:</b> Starting this year, new charter networks must be additionally approved by every town or city council the charter school will serve.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Rhode Island Department of Education employs many practices consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	2/3	State rules require charter schools to report annually on their progress in meeting the academic and organizational performance goals identified in their charters.
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools. In practice, the Department of Education requires charter schools to use performance frameworks.
Renewal Standard	6/6	State rules require the State Board of Education to base its renewal decisions on affirmative evidence of the success of the school's academic program as defined by the academic goals in the charter.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 13/33, RANK 29 (TIED WITH CA, NJ)**

# SOUTH CAROLINA

**RANK 10, SCORE 25/33**



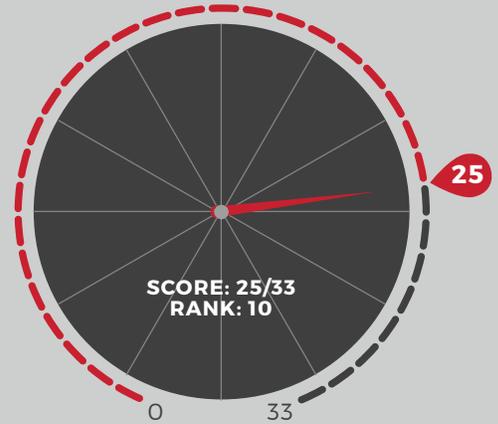
STATE WITH SOME CHARTERS (25-99)  
**67** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



**DISTRICT AUTHORIZING STATE**  
**18** AUTHORIZERS  
**50%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	0	0	3	1	6	6	25/33
2015	6	3	0	0	3	1	6	6	25/33

## SMART POLICY ADDITIONS WILL PROTECT SECTOR

A few smart policies for authorizer accountability will help South Carolina maintain quality.

### NACSA RECOMMENDS

- **Require all authorizers to use performance frameworks.**
- **Empower a state entity to conduct authorizer evaluations, as needed.** As the South Carolina Public Charter School District has grown, the disparities in practice among authorizers have become more apparent. An evaluation done periodically or as needed would allow the state to identify authorizers in need of improvement based on their practices or the performance of their portfolios of charter schools.
- **Focus on implementation of professional standards for charter school authorizing,** especially with local school districts that may struggle to separate authorizing responsibilities from their traditional district functions.
- **Consider adopting authorizer screening policies if alternative authorizers expand.** Because South Carolina’s charter law allows for the potential of a large number of authorizers, the state will benefit from additional authorizer quality initiatives—for example, authorizer applications or other screening processes—such as those adopted in Minnesota or Indiana. These quality control measures help potential authorizers understand the scope of authorizing work and ensure only authorizers with a commitment to quality are allowed to authorize. These policies also help prevent authorizer-shopping activities from eroding charter school accountability, a problem in states with more than two non-LEA authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Independent Charter Board (ICB), Higher Education Institutions (HEIs). South Carolina's authorizing sector is in transition, with a nearly 50/50 split of schools authorized by LEAs and schools authorized by the South Carolina Public Charter School District (SCPCSD), the state's ICB created in 2007. NACSA anticipates that the SCPCSD will eventually authorize a majority of the state's charter schools. The SCPCSD is the only authorizer of statewide, full-time, virtual schools. HEIs are required to register with the South Carolina Department of Education before serving as an authorizer.
Authorizer Standards	3/3	State law requires the adoption of professional standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	By law, authorizers must annually compile all school reports on performance and submit them to the State Department of Education.
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	By law, charter schools must not be renewed if they fail to meet academic performance standards.
Default Closure	6/6	State law requires default closure for charter schools that are in the state's lowest performance level for three consecutive years.

**TOTAL POINTS: 25/33, RANK 10**

# TENNESSEE

**RANK 14, SCORE 20/33**



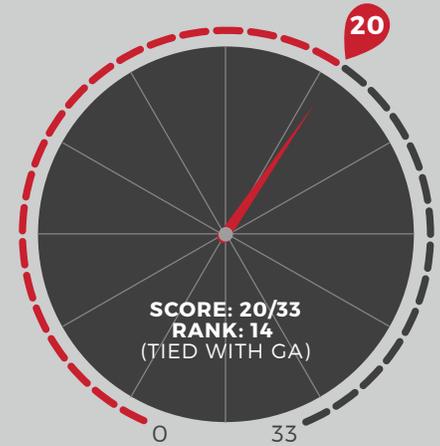
STATE WITH SOME CHARTERS (25-99)  
**99** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



**DISTRICT AUTHORIZING STATE**  
**5** AUTHORIZERS  
**77%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **2002**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	2	3	0	0	3	0	6	6	<b>20/33</b>
2015	2	3	0	0	3	0	6	6	<b>20/33</b>

## MORE AUTHORIZERS AT WORK HIGHLIGHTS NEEDS

The Tennessee State Board of Education has approved its first charter schools. Strong performance management policies will help ensure consistency across this expanded authorizer landscape—an effort that will be aided by the expansion of authorizer operational funding to all authorizers.

## NACSA RECOMMENDS

- **Require all authorizers to use nationally recognized professional standards for charter school authorizing.** Tennessee law requires the State Board of Education to follow nationally recognized best practices in charter school authorizing and recommends that other authorizers in the state do so as well. Metro Nashville Public Schools adopted a set of authorizing policies in 2015 that are contrary to nationally recognized best practices. Given this, NACSA recommends that Tennessee law be further strengthened to require all authorizers to follow nationally recognized best practices in charter school authorizing as promulgated by the State Board.
- **Extend State Board of Education appellate authorizing jurisdiction to the entire state.** Provide all charter school applicants with the right to be authorized by the State Board upon appeal, regardless of their jurisdiction.
- **Require all authorizers to use performance contracts, performance frameworks, and policies that encourage the replication of high-quality charter schools.** These practices are currently being used by several authorizers in the state and should be codified as requirements for all authorizers. Tennessee is one of only six states that do not require a charter contract that is distinct from the charter application.
- **Create mechanisms for the oversight of authorizers, including authorizer evaluations.** Historically, the quality of Tennessee authorizers has been mixed. In the last two years, several initiatives have been passed to improve authorizer quality and enhance charter school accountability, but concerns about inconsistent authorizer quality

remain. Basic authorizer transparency mechanisms, such as disclosure of various charter school oversight expenses and allowing for as-needed evaluations of authorizers, would encourage quality authorizing and help foster public trust of the authorizing community. This would also help needed campaigns for authorizer operational funding, which the state currently lacks.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	2/6	LEAs, Achievement School District (ASD), a statewide recovery school district with limited jurisdiction that acts like an Independent Charter Board; SEA on appeal with limited jurisdiction. The State Board of Education (SBE) may authorize charter schools on appeal from school districts with one or more schools ranked in the bottom 5% of all schools in the state. Charter schools from other districts may still appeal to the SBE; if the SBE overturns the LEA's decision, the charter school is returned to the LEA for authorization. The ASD is limited to certain new school and conversion efforts in specific school catchment zones where existing schools demonstrate failing performance.
Authorizer Standards	3/3	State law requires the use of nationally recognized authorizer standards by the SBE and recommends their use by all authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	State statute requires each charter school to report its progress towards achieving the goals in its charter. The report template and related rules issued by the Department of Education result in a state policy that produces an annual consolidated report on the performance of schools in each authorizer's portfolio.
Performance Management and Replication	0/3	State law requires no charter contract, performance frameworks, or replication policy. In practice, several of the authorizers in the state use performance frameworks and have policies to encourage the replication of high-performing charter schools.
Renewal Standard	6/6	State law calls for the non-renewal of "priority schools" (the state's lowest-performing schools), and renewal decisions must be based on a charter school's annual progress report. The next priority list is expected to be released in 2017.
Default Closure	6/6	State law calls for the default closure of priority charter schools. Implementation had been delayed due to transitions in the state's accountability system. The next priority list is expected to be released in 2017.

**TOTAL POINTS: 20/33, RANK 14 (TIED WITH GA)**

# TEXAS

**RANK 7, SCORE 27/33**



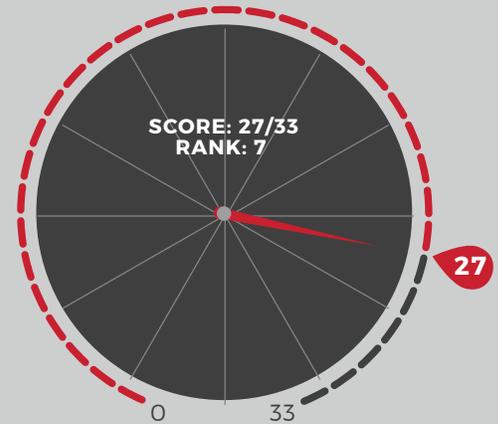
STATE WITH MANY CHARTERS (100+)  
**703** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



STATE WITH FEW AUTHORIZERS  
**17** AUTHORIZERS  
**90%** OF SCHOOLS AUTHORIZED BY  
 THE COMMISSIONER OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	0	0	3	3	6	6	<b>27/33</b>
2015	6	3	0	0	3	3	6	6	<b>27/33</b>

## REAPING BENEFITS FROM SMART REFORMS

Texas continues to strengthen its charter sector through the implementation of 2013 reform legislation. Efforts should continue to focus on refining the full range of growth and accountability policies.

## NACSA RECOMMENDS

- **Continue to implement authorizer quality and charter school accountability provisions.** As Texas continues to implement the significant reforms passed in 2013, the state may benefit from further refinement of policies concerning approval, renewal, replication, and closure proceedings as needed. NACSA also encourages the state to extend many of these policies to more broadly encompass LEA authorizers and their practices as reform continues.
- **Establish authorizer evaluations on an as-needed or self-evaluative basis.** Authorizer self-evaluations require an authorizer to reflect on its practices and outcomes and identify areas for improvement. This would identify any LEA authorizers in need of improvement and provide a mechanism for the State Commissioner of Education or the State Board of Education to proactively recommend the improvement of internal practices.
- **Consider authorizer sanctions** if additional school districts choose to authorize large portfolios of charter schools. This will create a mechanism to impose consequences, if necessary, if authorizers are not engaged in high-quality authorizing activity.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, SEA. Texas allows the State Commissioner of Education and LEAs to authorize charter schools. The State Board of Education is able to review charter school approvals. While most charter schools are authorized by the Commissioner, 16 LEAs also authorize charter schools. Some LEAs, such as Houston Independent School District, oversee large portfolios of charter school campuses.
Authorizer Standards	3/3	State law requires authorizers to adopt practices based on national quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires all authorizers to release an annual report for the schools they oversee comparing charter to district school performance.
Performance Management and Replication	3/3	State law requires a charter contract and performance frameworks. The law also allows multiple schools to be operated under one charter and eases replication for high-performing schools. Texas law creates a first-in-the-nation statutorily differentiated renewal structure for SEA-authorized schools.
Renewal Standard	6/6	By law, low-performing charter schools may not be renewed. Authorizers may non-renew charter schools that fail to meet their academic performance goals.
Default Closure	6/6	State law requires default closure for charter schools assigned the lowest performance rating on the state accountability system for three consecutive years.

**TOTAL POINTS: 27/33, RANK 7**

# UTAH

**RANK 37, SCORE 8/33**



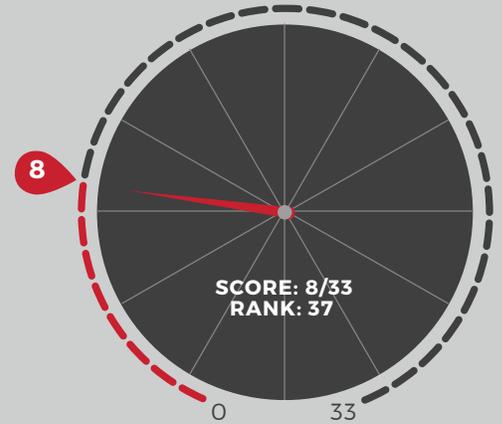
STATE WITH MANY CHARTERS (100+)  
119 CHARTER SCHOOLS  
ABOVE AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (10+%)



STATE WITH FEW AUTHORIZERS  
8 AUTHORIZERS  
91% OF SCHOOLS AUTHORIZED BY  
THE UTAH STATE CHARTER SCHOOL BOARD



YEAR LAW ESTABLISHED: 1998



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	0	0	0	0	2	0	0	8/33
2015	6	0	0	0	0	2	0	0	8/33

## TOP NEED: CHARTER TERM LENGTHS

Utah needs defined charter school term lengths to have meaningful accountability and ensure quality in its charter sector.

### NACSA RECOMMENDS

- **Establish a renewal statute with a strong renewal standard.** Utah is the only state in the country that still has “evergreen” charter contracts that do not expire unless they are revoked. This makes it very difficult to enforce accountability and close a charter school under almost any circumstance. A renewal statute with a strong renewal standard will give the State Charter School Board, and all other authorizers, the statutory authority to conduct regular high-stakes reviews and enforce charter school accountability. This is especially important given Utah’s history of low-performing charter schools. Term lengths have been considered and proposed intermittently over the years, most recently by the State Board of Education’s Advisory Committee Review Task Force in the December 2015 document Options for Charter School Statutory Changes.
- **Institute a default closure mechanism** to make closure the expected outcome for failing charter schools.
- **Endorse professional standards for charter school authorizing.** Authorizer standards provide clear guidance and support for current authorizers to implement strong practices, while encouraging consistent quality in the authorizing sector if additional Higher Education Institutions or LEA authorizers become active.
- **Establish authorizer evaluations** based on the performance of their portfolios of schools and their adherence to best practices in charter school authorizing. This is especially important given the large number of potential authorizers allowed by Utah statute. It will ensure consistent, high-quality authorizing if additional authorizers become active.
- **Codify the expectation that all authorizers will report annually on the academic performance of their schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Independent Charter Board (ICB), Higher Education Institutions (HEIs); SEA considers appeals. Utah allows LEAs, the State Charter School Board (an ICB), and HEIs to authorize charter schools. The State Board of Education (SBE) must also approve all schools authorized by HEIs and the ICB (dual approval). The SBE can hear an appeal of any application denied by the State Charter School Board and of a termination decision by any authorizer.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools. In practice, the State Charter School Board issues annual reports on the performance of its portfolio of charter schools.
Performance Management and Replication	2/3	State law requires the use of a charter contract but not performance frameworks. The SBE has established rules for charter school expansion and the opening of new "satellite schools" for existing charter schools.
Renewal Standard	0/6	State law does not provide a clear standard for charter renewal. Because Utah is the only state in the country with "evergreen" charter contracts, revocation or the voluntary surrender of a charter are currently the only mechanisms for closing a charter school in Utah.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 8/33, RANK 37**

# VIRGINIA

## RANK 42, SCORE 2/33



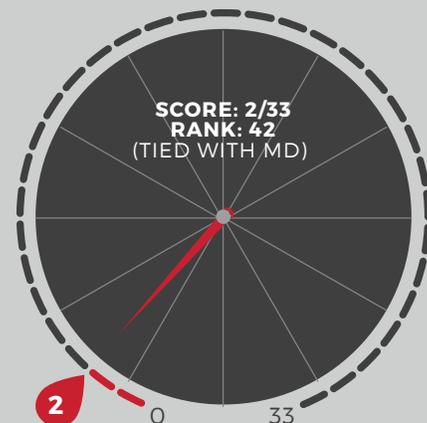
STATE WITH FEW CHARTERS (0-24)  
 9 CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



DISTRICT AUTHORIZING STATE  
 5 AUTHORIZERS  
 100% OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: 1998



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	0	0	0	0	0	2	0	0	2/33
2015	0	0	0	0	0	1	0	0	1/33

## TIME FOR BIG CHANGES IN CHARTER LAW

Virginia failed to get a constitutional amendment on the ballot to truly bring charter schools to the state but did secure the modernization of its charter contract and charter application law. Current policy essentially serves as a “shell law”—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

### Noteworthy in 2016

Score Increase: +1

- **Performance Management and Replication (+1: Performance Frameworks).** State law requires a charter school’s academic and operational performance goals to be based on performance frameworks.

### NACSA RECOMMENDS

- **Create legally autonomous schools.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Create an alternative authorizer, such as the State Board of Education.** Virginia is one of only two states that allow only LEAs to authorize charter schools and has no appeals system. This severely limits the growth of quality charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard that directly links school academic performance to renewal.**
- **Require annual performance reports for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	0/6	LEA only.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
Performance Management and Replication	2/3	State law requires the use of a charter contract. The law does not explicitly encourage or address the replication of high-quality charter schools. <b>New in 2016:</b> The academic, operational, and fiscal performance expectations and measures set forth in the charter contract must be based on performance frameworks.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 2/33, RANK 42 (TIED WITH MD)**

# WASHINGTON

**RANK 1, SCORE 33/33**



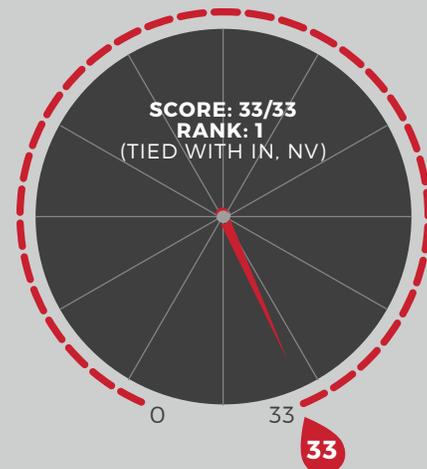
STATE WITH FEW CHARTERS (0-24)  
**8** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (0-4%)



STATE WITH FEW AUTHORIZERS  
**2** AUTHORIZERS<sup>1</sup>  
**75%** OF SCHOOLS AUTHORIZED BY THE  
 WASHINGTON STATE CHARTER SCHOOL COMMISSION



YEAR LAW ESTABLISHED: **2016**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	<b>6</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>6</b>	<b>33/33</b>
2015	- <sup>2</sup>	-	-	-	-	-	-	-	-

## VOICES RAISED RESTORE ONE OF THE STRONGEST LAWS IN NATION

A remarkable, parent-led, grassroots advocacy campaign restored Washington's charter school law. Unfortunately, charter school opponents recently filed a new lawsuit that once again threatens quality school options in the state.

## NACSA RECOMMENDS

- *Washington has all of NACSA's recommended policies in law.*

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
Who Authorizes	6/6	LEAs, Independent Charter Board (ICB). The Washington State Charter School Commission, an independent body within the Office of the Superintendent of Public Instruction, is the only statewide authorizer. School districts must apply to and receive approval from the State Board of Education to become authorizers and, if approved, are granted a six-year renewable authorizing contract.
Authorizer Standards	3/3	State law requires all authorizers to develop and follow chartering policies consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> in at least organizational capacity and infrastructure, soliciting and evaluating charter applications, performance contracting, ongoing charter school oversight and evaluation, and charter renewal decision making.
Authorizer Evaluations	3/3	By law, the Washington State Board of Education (SBE) oversees and evaluates LEA authorizers. Districts must be approved to authorize by the State Board before they begin any authorizing work.
Authorizer Sanctions	3/3	State law allows sanctions of LEA authorizers for failure to meet standards for quality authorizing, failure to comply with a charter contract, and failure to comply with an authorizing contract with the SBE. Sanctions can include revocation of authorizing power.
<b>SCHOOL ACCOUNTABILITY</b>		
Reports on Performance	3/3	By law, all authorizers must submit to the state an annual report on the performance of their charter school portfolio.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Multiple schools may be governed under one charter contract and a single not-for-profit charter board may hold multiple charters.
Renewal Standard	6/6	State law establishes a standard for renewal that a charter school must meet in the absence of extenuating circumstances.
Default Closure	6/6	By law, a charter contract may not be renewed if at the time of renewal the charter school's performance is in the bottom quartile on the state achievement index. The authorizer may justify keeping the school open under exceptional circumstances.

**TOTAL POINTS: 33/33, RANK 1 (TIED WITH IN, NV)**

<sup>1</sup> Data obtained from the Washington State Charter Schools Association. Updated December 6, 2016.

<sup>2</sup> In 2015, the Washington State Supreme Court held Washington's charter school statute unconstitutional under "common school" and other provisions of the state constitution, based primarily on how those provisions relate to public school funding and governance. The state's charter school law remained invalidated for that year and therefore did not receive a score in NACSA's 2015 State Policy Analysis report. Bipartisan legislation in 2016 reestablishing the state's charter school is scored here.

# WISCONSIN

**RANK 24, SCORE 15/33**



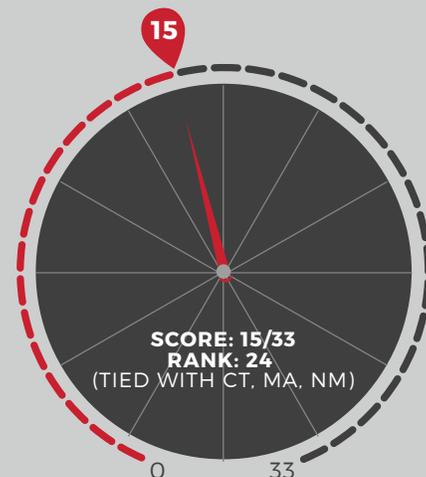
STATE WITH MANY CHARTERS (100+)  
**244** CHARTER SCHOOLS  
 AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (5-9%)



**DISTRICT AUTHORIZING STATE**  
**105** AUTHORIZERS  
**90%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	6	3	0	0	3	3	0	0	15/33
2015	6	3	0	0	3	3	0	0	15/33

## BUILD ON 2015 IMPROVEMENTS TO LOCK IN QUALITY

Wisconsin’s charter law permits a variety of school types and, beginning in 2015, a large number of statewide authorizers. Given this potentially large number of authorizers, the state should strengthen its law with key authorizer quality and school accountability policies to ensure consistency and quality across the sector.

## NACSA RECOMMENDS

- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals in their charter contract.
- **Require regular authorizer evaluations.** Requiring authorizers to adhere to NACSA’s *Principles & Standards for Quality Charter School Authorizing*, as state law does, is an important step to help ensure authorizing quality. These standards should be reinforced through authorizer evaluations and authorizer sanctions. This is important in a state such as Wisconsin, which has, to date, created a patchwork system of authorizers, each with their own variable jurisdiction. Regular evaluations can identify any deficiencies before they create problems.
- **Ensure that new charter school governing board autonomies, particularly for district-authorized “instrumentality schools,” are implemented to maximize charter school flexibility.** If these are not implemented as such, the state should revisit the status of these schools and explore changing them to some status other than “charter schools.” This would more accurately reflect their relationships to their local school district and their relative lack of autonomy.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	6/6	LEAs, Non-Educational Government (NEGs) entities, statewide and limited-jurisdiction Higher Education Institutions (HEIs). Wisconsin's charter school law distinguishes three types of brick-and-mortar charter schools based on their type of authorizer. <sup>1</sup> While LEAs authorize a vast majority of Wisconsin's charter schools, schools authorized by LEAs have historically lacked significant autonomy. <sup>2</sup> Schools authorized by non-LEAs have had higher autonomy more consistent with the autonomy expected in the charter school sector. Legislation passed in 2015 creates new governance board duties and powers that should increase autonomies for all charter school types. Six entities in Wisconsin are empowered to authorize statewide: The City of Milwaukee, Milwaukee Area Technical College, University of Wisconsin-Milwaukee, University of Wisconsin-Parkside, and the College of Menominee National and Lac Courte Oreilles Ojibwa Community College (which may authorize up to six charter schools between them). Three entities may authorize in limited jurisdictions: the University of Wisconsin System Board of Regents may authorize charter schools in Madison and Milwaukee school districts; Gateway Technical College may authorize in the Gateway Technical College District; and the County Executive of Waukesha County may authorize in Waukesha County only.
Authorizer Standards	3/3	State law requires authorizers to adhere to the <i>Principles &amp; Standards for Quality Charter School Authorizing</i> established by NACSA.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	3/3	State law requires authorizers to produce an annual public report on the academic and financial performance of their portfolio of schools.
Performance Management and Replication	3/3	State law requires the use of a charter contract and performance frameworks. Charter contracts must include a provision that allows the governing boards of top-rated charter schools to open additional campuses, thereby encouraging replication of high-quality charter schools.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 24 (TIED WITH CT, MA, NM)**

<sup>1</sup> "2r" charter schools are authorized by NEGs or HEIs and do have significant autonomy. "Non-instrumentality" charter schools are authorized by school districts and may have significant autonomy. "Instrumentality" charter schools are authorized by school districts and historically lack most traditional charter school autonomies.

<sup>2</sup> That is because most of the district-authorized charter schools are instrumentality charter schools.

# WYOMING

**RANK 39, SCORE 5/33**



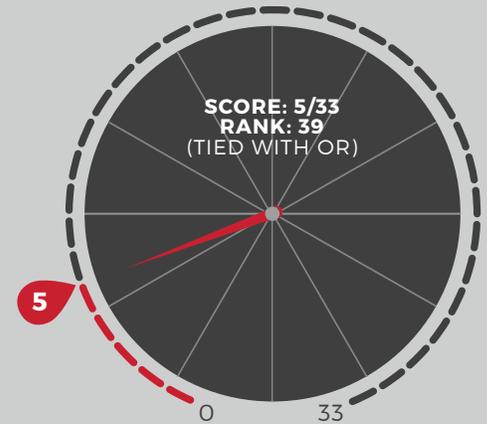
STATE WITH FEW CHARTERS (**0-24**)  
**4** CHARTER SCHOOLS  
 BELOW AVERAGE % OF PUBLIC SCHOOL ENROLLMENT (**0-4%**)



**DISTRICT AUTHORIZING STATE**  
**2** AUTHORIZERS  
**100%** OF SCHOOLS AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2016	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5/33</b>
2015	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3/33</b>

## WIDE ROOM FOR LEGISLATIVE BOOST TO STATIC SECTOR

Wyoming has established a charter school sector despite a particularly weak law. Current policy essentially serves as a “shell” law—a placeholder, ready for additions and improvements to ensure stable, quality, and legally autonomous schools as well as a viable alternative authorizer.

### Noteworthy in 2016

Score Increase: +2

- **Who Authorizes (+2).** Wyoming was incorrectly scored in 2015. The state allows LEA decisions to be appealed to the State Board of Education, but the LEA remains the authorizer. As such, it should have received a score of 2 in 2015.

## NACSA RECOMMENDS

- **Create legally autonomous schools.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.<sup>1</sup>
- **Empower school districts and a statewide alternative authorizer to directly approve charter schools.** If an alternative authorizer is not viable, the state should, at a minimum, empower the State Board of Education to serve as an authorizer on appeal.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require performance frameworks for all charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
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### AUTHORIZER QUALITY

Who Authorizes	2/6	LEAs; SEA considers appeals. State law allows the State Board of Education to hear appeals, but the original LEA serves as the authorizer if its decision is reversed on appeal.
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Authorizer Sanctions	0/3	State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

### SCHOOL ACCOUNTABILITY

Reports on Performance	2/3	By law, each school district must report annually to the State Board of Education on its charter school's program and performance, but districts are not required to provide a comprehensive report on their portfolios. <sup>2</sup>
Performance Management and Replication	1/3	State law requires a charter contract but not performance frameworks. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 5/33, RANK 39 (TIED WITH OR)**

<sup>1</sup> Wyoming law is silent on the legal autonomy of charter school governing boards. State rules operate under the assumption that charter schools have a separate not-for-profit governing board, but the law does not specify that the school must have one. This lack of clarity on proper governing structure impedes quality charter growth in Wyoming.

<sup>2</sup> In practice, because portfolios are so small, a report on a single school can effectively constitute a report on the authorizer's portfolio. However, there is nothing in statute that would require the authorizer to report on its schools collectively.

# APPENDIX A: METHODOLOGY

## Policy 1: Who Authorizes MAXIMUM SCORE 6/6

RUBRIC	SCORE
State law permits more than one authorizer that a school can directly apply to without appeals or other limitations across the state, such as an ICB, SEA, HEI, or NFP. This means there is more than one authorizing option in the state.	6/6
State law permits an alternative authorizer only upon appeal, or there is only a single statewide authorizer.	4/6
State law permits an alternative authorizer with limited jurisdiction, or an LEA decision can be appealed, but the LEA remains the authorizer upon approval.	2/6
State law allows only LEA authorizing.	0/6

## Policy 2: Authorizer Standards MAXIMUM SCORE 3/3

RUBRIC	SCORE
State law incorporates national professional standards of quality authorizing or provides comprehensive standards for authorizing work that meet or exceed NACSA's <a href="#"><i>Principles &amp; Standards for Quality Charter School Authorizing</i></a> .	3/3
State law requires comprehensive standards for authorizing work but does not provide any content, or the content is not consistent with NACSA's <i>Principles &amp; Standards</i> or is not high quality.	1/3
State law fails to require authorizer standards.	0/3

## Policy 3: Authorizer Evaluations MAXIMUM SCORE 3/3

RUBRIC	SCORE
State law requires or allows a state entity charged specifically with evaluating authorizers to assess authorizers' compliance with applicable standards of quality authorizing and, optimally, to also assess portfolio performance.	3/3
State law requires authorizers to self-report on their compliance with state-mandated standards of quality authorizing.	1/3
State law fails to require authorizer evaluations.	0/3

## Policy 4: Authorizer Sanctions

MAXIMUM SCORE 3/3

RUBRIC	SCORE
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions explicitly include removing authorizing authority.	3/3
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions include removing schools from an authorizer's portfolio.	2/3
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions restrict the granting of new charters by the authorizer but may allow authorizers to remain open and continue overseeing existing schools.	1/3
State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.	0/3

## Policy 5: Reports on Performance

MAXIMUM SCORE 3/3

RUBRIC	SCORE
State law requires authorizers to issue a public annual consolidated report on the performance of schools in their portfolio.	3/3
State law requires some but not all authorizers to issue a public annual consolidated report on the performance of schools in their portfolio, or state law requires public performance reports on each individual school but not a consolidated report of the authorizer's entire portfolio.	2/3
State law requires a public annual report, including information on school performance, but requires something less than a comprehensive report on all schools in the authorizer's portfolio.	1/3
State law does not require public reports on school performance.	0/3

## Policy 6: Performance Management and Replication

MAXIMUM SCORE 3/3

RUBRIC	SCORE
State law requires all authorizers to use three essential performance management tools for all charter schools: (1) a charter contract that is separate and distinct from the charter application, (2) performance frameworks, and (3) policy that encourages and promotes thoughtful replication of high-quality schools. For example, replication policies may include requiring a differentiated (and rigorous) application process specifically designed for high-performing schools seeking to replicate or allowing successful charter operators to run multiple campuses under one charter.	3/3
State law requires the use of two of three tools.	2/3
State law requires the use of one of three tools.	1/3
State law does not require the use of any of these tools.	0/3

## Policy 7: Renewal Standard

MAXIMUM SCORE 6/6

RUBRIC	SCORE
State law allows authorizers the option to refuse to renew low-performing schools based solely on past academic performance and does not allow “reasonable progress” or a similarly vague performance standard to be sufficient for charter renewal.	6/6
State law allows “reasonable progress” or a similarly vague performance standard to be sufficient for charter renewal.	0/6

## Policy 8: Default Closure

MAXIMUM SCORE 6/6

RUBRIC	SCORE
The default consequence under state law provides that charter schools that fail to meet state-defined and enforceable performance standards for a defined period, or at the time of renewal with a term of fewer than 10 years, will lose their charters unless there are extenuating circumstances.	6/6
The default consequence under state law provides that charter schools that fail to meet unspecified state-defined standards for a defined period, or at the time of renewal with a term of fewer than 10 years, will lose their charters unless there are extenuating circumstances.	4/6
The default consequence under state law provides that charter schools that fail to meet state-defined and enforceable performance standards at the time of renewal, with a renewal term of 10 or more years, will be closed at the time of renewal.	2/6
The default consequence under state law is that schools will retain their charters despite failing to meet minimum academic standards.	0/6

# APPENDIX B: WHICH POLICIES, WHICH STATES?

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## POLICY 1: WHO AUTHORIZES

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### **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 applicants can apply directly to only one authorizer, such as a local school district, there should be at least one additional 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, thus 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.

### **Rubric:**

- 6/6:** State law permits more than one authorizer that a school can directly apply to without appeals or other limitations across the state, such as an ICB, SEA, HEI, or NFP. This means there is more than one authorizing option in the state.
- 4/6:** State law permits an alternative authorizer only upon appeal, or there is only a single statewide authorizer.
- 2/6:** State law permits an alternative authorizer with limited jurisdiction, or an LEA decision can be appealed, but the LEA remains the authorizer upon approval.
- 0/6:** State law allows only LEA authorizing.

## POLICY 1: WHO AUTHORIZES

State	Who Authorizes Score	State	Who Authorizes Score	State	Who Authorizes Score
Arizona	6	Alabama*	4	Alaska	2
Delaware	6	Arkansas	4	Colorado	2
Georgia	6	California*	4	Florida	2
Hawaii	6	Connecticut	4	Maryland	2
Idaho	6	District of Columbia	4	Tennessee	2
Indiana	6	Illinois*	4	Wyoming	2
Maine	6	Iowa*	4	<b>LIMITED JURISDICTION ALTERNATIVE AUTHORIZER OR APPEAL HEARING ONLY</b>	<b>6 STATES</b>
Michigan	6	Louisiana*	4		
Minnesota	6	Massachusetts	4		
Missouri	6	Mississippi	4		
Nevada	6	New Jersey	4		
New Hampshire	6	North Carolina	4		
New Mexico	6	Oklahoma*	4	<b>State</b>	<b>Who Authorizes Score</b>
New York	6	Oregon*	4	Kansas	0
Ohio	6	Pennsylvania*	4	Virginia	0
South Carolina	6	Rhode Island	4	<b>DISTRICT ONLY, NO APPEAL</b>	<b>2 STATES</b>
Texas	6	<b>SINGLE STATEWIDE AUTHORIZER OR *ALTERNATIVE AUTHORIZER ON APPEAL ONLY</b>	<b>16 STATES</b>		
Utah	6				
Washington	6				
Wisconsin	6				
<b>2 OR MORE AUTHORIZERS</b>	<b>20 STATES</b>				

## POLICY 2: AUTHORIZER STANDARDS

State	Authorizer Standards Score
Alabama	3
Colorado	3
Delaware	3
District of Columbia	1
Hawaii	3
Illinois	3
Indiana	3
Louisiana	3
Maine	3
Michigan	1
Minnesota	3
Mississippi	3
Missouri	1
Nevada	3
New Mexico	3
Ohio	3
Oklahoma	1
South Carolina	3
Tennessee	3
Texas	3
Washington	3
Wisconsin	3
<b>FULL CREDIT:</b>	<b>18 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>4 STATES</b>
<b>TOTAL:</b>	<b>22 STATES</b>

### 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, states will adopt NACSA's *Principles & Standards*, which were created by independent experts and represent more than 16 years of continuous development in the changing charter school landscape. Professional standards are a step beyond a mere list of an authorizer's legal responsibilities. 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.

### Rubric:

**3/3:** State law incorporates national professional standards of quality authorizing or provides comprehensive standards for authorizing work that meet or exceed NACSA's [\*Principles & Standards for Quality Charter School Authorizing\*](#).

**1/3:** State law requires comprehensive standards for authorizing work but does not provide any content, or the content is not consistent with NACSA's *Principles & Standards* or is not high quality.

**0/3:** State law fails to require authorizer standards.

## POLICY 3: AUTHORIZER EVALUATIONS

State	Authorizer Evaluations Score
Alabama	3
Arizona	3
District of Columbia	3
Georgia	3
Hawaii	3
Indiana	3
Maine	3
Minnesota	3
Mississippi	1
Missouri	3
Nevada	3
Ohio	3
Washington	3
<b>FULL CREDIT:</b>	<b>12 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>1 STATES</b>
<b>TOTAL:</b>	<b>13 STATES</b>

### What:

NACSA supports policy requiring a state entity to regularly evaluate authorizers on adherence to authorizer standards. The most comprehensive state policies require evaluation of the performance of the charter schools authorizers oversee, as well. An authorizer evaluation is not just a collection of school performance data, but an accounting of the authorizer's performance across multiple measures. 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.

### Rubric:

**3/3:** State law requires or allows a state entity charged specifically with evaluating authorizers to assess authorizers' compliance with applicable standards of quality authorizing and, optimally, to also assess portfolio performance.

**1/3:** State law requires authorizers to self-report on their compliance with state-mandated standards of quality authorizing.

**0/3:** State law fails to require authorizer evaluations.

## POLICY 4: AUTHORIZER SANCTIONS

State	Authorizer Sanctions Score
Alabama	3
Arizona	3
Hawaii	3
Illinois	3
Indiana	3
Maine	1
Michigan	1
Minnesota	3
Missouri	3
Nevada	3
Ohio	3
Oklahoma	2
Washington	3
<b>FULL CREDIT:</b>	<b>10 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>3 STATES</b>
<b>TOTAL:</b>	<b>13 STATES</b>

### 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. 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 their 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.

### Rubric:

- 3/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions explicitly include removing authorizing authority.
- 2/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions include removing schools from an authorizer's portfolio.
- 1/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions restrict the granting of new charters by the authorizer but may allow authorizers to remain open and continue overseeing existing schools.
- 0/3:** State law does not provide for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

## POLICY 5: REPORTS ON PERFORMANCE

State	Reports on Performance Score
Alabama	3
Arizona	3
California	2
Colorado	3
Connecticut	2
Delaware	3
District of Columbia	3
Florida	2
Georgia	3
Hawaii	3
Idaho	2
Illinois	3
Indiana	3
Iowa	3
Maine	3
Massachusetts	2
Minnesota	3
Mississippi	3
Missouri	3
Nevada	3
New Mexico	3
New York	2
North Carolina	3
Ohio	3
Oklahoma	2
Rhode Island	2
South Carolina	3
Tennessee	3
Texas	3
Washington	3
Wisconsin	3
Wyoming	2
<b>FULL CREDIT:</b>	<b>23 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>9 STATES</b>
<b>TOTAL:</b>	<b>32 STATES</b>

### 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 school performance frameworks 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.

### Rubric:

- 3/3:** State law requires authorizers to issue a public annual consolidated report on the performance of schools in their portfolio.
- 2/3:** State law requires some but not all authorizers to issue a public annual consolidated report on the performance of schools in their portfolio, or state law requires public performance reports on each individual school but not a consolidated report of the authorizer's entire portfolio.
- 1/3:** State law requires a public annual report, including information on school performance, but requires something less than a comprehensive report on all schools in the authorizer's portfolio.
- 0/3:** State law does not require public reports on school performance.

## POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

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### **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 performance frameworks 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.

### **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.

### **Rubric:**

**3/3:** State law requires all authorizers to use three essential performance management tools for all charter schools: (1) a charter contract that is separate and distinct from the charter application, (2) performance frameworks, and (3) policy that encourages and promotes thoughtful replication of high-quality schools. For example, replication policies may include requiring a differentiated (and rigorous) application process specifically designed for high-performing schools seeking to replicate or allowing successful charter operators to run multiple campuses under one charter.

**2/3:** State law requires the use of two of three tools.

**1/3:** State law requires the use of one of three tools.

**0/3:** State law does not require the use of any of these tools.

## POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

State	Contracts Score	Performance Frameworks Score	Replication Score
Alabama*	1	1	1
Alaska	1	0	0
Arizona*	1	1	1
Arkansas	1	0	1
California	0	0	1
Colorado	1	0	1
Connecticut*	1	1	1
Delaware*	1	1	1
District of Columbia	1	0	1
Florida	1	0	1
Georgia	1	0	1
Hawaii*	1	1	1
Idaho*	1	1	1
Illinois	1	0	0
Indiana*	1	1	1
Iowa	0	0	0
Kansas	0	0	0
Louisiana*	1	1	1
Maine*	1	1	1
Maryland	0	0	0
Massachusetts*	1	1	1

State	Contracts Score	Performance Frameworks Score	Replication Score
Michigan	1	0	1
Minnesota	1	0	1
Mississippi*	1	1	1
Missouri*	1	1	1
Nevada*	1	1	1
New Hampshire	0	0	0
New Jersey*	1	1	1
New Mexico*	1	1	1
New York	1	0	1
North Carolina	1	0	1
Ohio	1	1	0
Oklahoma*	1	1	1
Oregon	1	0	0
Pennsylvania	1	0	0
Rhode Island	1	0	0
South Carolina	1	0	0
Tennessee	0	0	0
Texas*	1	1	1
Utah	1	0	1
Virginia	1	1	0
Washington*	1	1	1
Wisconsin*	1	1	1
Wyoming	1	0	0
<b>TOTALS:</b>	<b>38 STATES</b>	<b>21 STATES</b>	<b>30 STATES</b>

**\*STATES WITH ALL PMR: 19 STATES**

## POLICY 7: RENEWAL STANDARD

State	Renewal Standard Score
Alabama	6
Arkansas	6
California	6
Connecticut	6
Delaware	6
District of Columbia	6
Florida	6
Georgia	6
Idaho	6
Indiana	6
Louisiana	6
Massachusetts	6
Minnesota	6
Mississippi	6
Missouri	6
Nevada	6
New Hampshire	6
New Jersey	6
New York	6
Ohio	6
Oklahoma	6
Pennsylvania	6
Rhode Island	6
South Carolina	6
Tennessee	6
Texas	6
Washington	6
<b>FULL CREDIT:</b>	<b>27 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>0 STATES</b>
<b>TOTAL:</b>	<b>27 STATES</b>

### *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 than this revocation standard.

### *Why:*

A 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” or a similarly vague performance standard has led some courts and appellate bodies to keep demonstrably failing schools open. This has happened when schools 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 lack 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.

### *Rubric:*

**6/6:** State law allows authorizers the option to refuse to renew low-performing schools based solely on past academic performance and does not allow “reasonable progress” or a similarly vague performance standard to be sufficient for charter renewal.

**0/6:** State law allows “reasonable progress” or a similarly vague performance standard to be sufficient for charter renewal.

## POLICY 8: DEFAULT CLOSURE

State	Default Closure Score
Alabama	6
Florida	6
Indiana	6
Michigan	6
Mississippi	6
Missouri	4
Nevada	6
Ohio	6
Oklahoma	6
South Carolina	6
Tennessee	6
Texas	6
Washington	6
<b>FULL CREDIT:</b>	<b>12 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>1 STATES</b>
<b>TOTAL:</b>	<b>13 STATES</b>

### **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). 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 not only be accepted but 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.

### **Rubric:**

**6/6:** The default consequence under state law provides that charter schools that fail to meet state-defined and enforceable performance standards for a defined period, or at the time of renewal with a term of fewer than 10 years, will lose their charters unless there are extenuating circumstances.

**4/6:** The default consequence under state law provides that charter schools that fail to meet unspecified state-defined standards for a defined period, or at the time of renewal with a term of fewer than 10 years, will lose their charters unless there are extenuating circumstances.

**2/6:** The default consequence under state law provides that charter schools that fail to meet state-defined and enforceable performance standards at the time of renewal, with a renewal term of 10 or more years, will be closed at the time of renewal.

**0/6:** The default consequence under state law is that schools will retain their charters despite failing to meet minimum academic standards.

# ENDNOTES

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- <sup>1</sup> Nationally, 43 states plus the District of Columbia have state charter school laws. For ease of communication, this report will refer to all 44 jurisdictions as states. This analysis covers state policies that set expectations and requirements of both charter school authorizers and the schools they oversee. It is not an analysis of local or individual authorizers' policies or practices. This report uses the term "state policy" broadly to include state statutes, rules, and regulations. The term also includes case law—or law as established through individual court decisions.
- <sup>2</sup> Many authorizers operate to provide functions in addition to authorizing. When an entity that existed prior to serving as an authorizer has its authority to serve as an authorizer terminated, the entity itself will not close. Instead, the authorizing office within that entity will cease to operate.
- <sup>3</sup> For more information on policies that encourage the replication of high-performing charter schools, please see [Replicating Quality](#), a joint report by NACSA and the Charter School Growth Fund.
- <sup>4</sup> An Alternative Education Campus (AEC) is a school specifically designed and created to serve a population at risk of failing in traditional public schools or a population of students that has particular needs that require extensive supports. AECs include schools for over-aged and under-credited youth who are extremely unlikely to graduate or schools for students who have already dropped out of school, as well as schools for pregnant and parenting teens. In some states, what it takes for a school to be treated as an AEC is defined in state law. In too many cases, the definition and treatment of AECs are not clearly articulated. In these states, many schools that serve low-income children claim they are an AEC and deserve to be released from accountability expectations for student performance. NACSA's [recommendations](#) regarding the specialized treatment of AECs are reserved for schools that are defined in state law or otherwise designed from the beginning as alternative settings for particular groups of students. The flexibility afforded to AECs should not be built into charter oversight and accountability systems for any school serving low-income children.
- <sup>5</sup> Data in the state profiles comes from NACSA's currently unpublished [State of Charter Authorizing 2016](#), the National Alliance for Public Charter Schools' Data Dashboard, state laws, and at times, regulations in each of the 44 states. Data on the number of authorizers and charter schools reflects the 2015-16 academic year, while data on the number of students reflects the 2014-15 academic year.