

# POLICY RECOMMENDATION: Closing Failing Schools

This policy recommendation is part of a larger policy agenda and multi-pronged campaign designed to provide one million more children the chance to attend a great school that will prepare them for success throughout their lives. By engaging authorizers and a broad nationwide coalition to close failing charter schools and open many more good ones, the *One Million Lives* campaign is working to get one million more children into 3,000 high-performing schools over the next five years. [www.qualitycharters.org/one-million-lives](http://www.qualitycharters.org/one-million-lives).



Despite strong practices by some charter school authorizers, in some states there may still be authorizers that are unwilling or unable to close failing schools. States require the capacity and authority to intervene in such circumstances to protect students from chronically low-performing schools. NACSA encourages states to establish in statute a process for automatic closure of underperforming charter schools.

## **NACSA Policy Recommendation: Default Closure**

NACSA recommends that the state identify a threshold of minimally-acceptable performance for charter schools. Schools performing below this threshold at the time of renewal, or that remain below this level for a fixed amount of time, face closure as the default—or expected—action. In some situations, the authorizer or state may decide to keep a school open based on special circumstances. Accountability mechanisms such as these should address issues of Alternative Education Campuses (AECs) and should include and emphasize student growth.

Clear default closure policies should include the following:

- How many years of poor performance will trigger closures;
- How badly a school must perform to face closure;
- What entity should use discretion to make exceptions and how to structure any waiver process; and
- If there is a waiver, what types of schools would be exempt from such provisions, or able to apply for waivers based on their unique mission, (this is intended to accommodate AECs but not schools where students are at risk solely because of poverty).

## **Current State Closure Laws**

Some states have statutory language regarding charter school closure. In Ohio, schools are closed automatically if they fall below certain standards that vary depending on what grades the school serves. In Florida, the authorizer shall terminate the charter if the school earns two consecutive grades of “F.” In Indiana, the state must revoke the charter if the school receives an “F” and is still at an “F” after three years.

Most states do not have closure language in statute. The states with closure mechanisms in place fall into one of three categories:

- Statutory automatic closure criteria requiring no action by the authorizer for closure to occur;
- Statutory closure criteria requiring action by the authorizer or state to close the school; and
- Nonspecific or ambiguous statutory closure language; and no statewide specific closure language.



States with Default Closure Provisions
Florida
Indiana
Mississippi
Nevada
Ohio
Texas
Washington

### Current Statutory Language

Below are examples of current legislative language. NACSA has model language available.

**Florida:** “4. The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” “ 2012 Fla. Sess. Law Serv. Ch. 2012-194, (H.B. 7127) (modifying § 1002.33 (9)(o))

**Washington:** “2) A charter contract may not be renewed if, at the time of the renewal application, the charter school’s performance falls in the bottom quartile of schools on the accountability index developed by the state board of education under RCW 28A.657.110, unless the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.” RCW 28A.710.200