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CHARTER SCHOOL AUTHORIZERS

# VIEWPOINT

## Charter 2.0 — Charter Schools and Public Education in Colorado

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### ABOUT THE AUTHOR

Jim Griffin is the President of the Colorado League of Charter Schools, a non-profit, membership organization dedicated to supporting the 170 charter schools in the state. Jim has served in the capacity of League President since the organization's inception in 1994. Since then, the League has grown from a technical support/advocacy group to a comprehensive membership organization. Jim's time with the League has included significant efforts around state legislative policy, new school development, facilities financing, and legal advocacy for charter schools.

**Viewpoint is a series of articles written by leaders in charter school authorizing and the education reform movement. The series is meant to foster thoughtful discussion and idea exchange on current topics and emerging trends in the sector. The views, opinions, and recommendations expressed in these articles are those of the author and do not necessarily reflect the official policy or position of the National Association of Charter School Authorizers.**

### INTRODUCTION

As the founding executive director of the state's charter support organization, the Colorado League of Charter Schools (CLCS, or alternatively, the League), I have had the pleasure of working in the charter community in Colorado since early 1994. I have been involved in the development of most policy and practices common to Colorado's charter sector since then. For most of that time, our state's charter policy and practice has been a disjointed mix of directives based on presumptions built into the original charter law, some of which work well while others do not. Alongside the policy mix, we have experimented, with varying success, with a variety of services and supports to help the charter sector.

In recent years, however, I have sensed a growing consensus about the degree to which our sector is able to agree upon performance standards that can apply to charter schools across the country. That consensus is reflected among leaders within our Colorado charter community about how the charter landscape can and should look. For the past few years I've seen our role as bringing those standards and features together into a strategic and coordinated plan to strengthen Colorado's charter system. We are happy with the progress to date and the role that charters play in Colorado's public education system, but also believe our overall landscape needs some updating for the next generation of charters' efforts—thus the idea of Charter 2.0.

This paper examines the various policy and implementation levers available to inject affirmative solutions into the charter school landscape, along with some important guiding principles that serve as a backdrop to the development of policy and programs.

Charter 2.0 is a combination of public policy and private-sector support, all designed to incorporate into our system the various lessons learned during the past 17 years. The basic formula is as follows:

1. Ensure a pervasive background of nationally recognized industry standards applicable to charter schools and charter authorizers
2. Ensure the responsibility for implementation and enforcement of these standards is placed firmly in the hands of the party best suited for the role and
3. Ensure all the parties involved have the right support (information as well as technical assistance) for effective implementation of their role.

As a state charter school membership organization, created to serve the interests of charter schools and to advocate for the charter movement, we see

this work as solidly in the interest of Colorado’s charter schools and the state’s children. We are not doing this alone. Colorado’s Charter 2.0 approach involves a broad coalition of players, including some of the state’s larger authorizers, policymakers in the legislature and the state board of education, staff and leadership in the State Department of Education, and key membership organizations representing such groups as school boards. All of these groups understand that the state’s children will be best served if the charter school sector has strong schools, overseen by authorizers implementing best practices, with a support structure that helps all the actors succeed at their tasks.

Changes in policy and implementation are required in order to achieve these goals. A complementary set of changes in implementation will produce an infrastructure of public and private resources that support both schools and authorizers. For authorizers, this infrastructure includes resources and opportunities to network with peers, as well as a system to monitor authorizer practices. For schools, support must be designed specifically for those trying to open new schools. For existing schools, the system must enable effective performance management and help schools increase their capacity in the areas of leadership, governance, and staffing.

### THE POLICY ELEMENTS OF CHARTER 2.0

The development of sound policy for an effective charter sector requires the accurate identification of both the “what” and the “who” with regard to quality and accountability. A Charter 2.0 system will produce a charter school sector with successful schools and quality authorizers by:

- Developing and implementing a pervasive background of nationally recognized industry standards appropriate to key audiences in the charter sector, and
- Thoughtfully placing responsibility for implementation and enforcement of those standards in the right hands—along with the accountability measures to ensure standards are met.

To do this requires a system with high-quality data and standards for charter schools and their authorizers, as well as mechanisms to enforce standards.

#### 1. Data Quality

Charter schools need to be at the forefront of demanding that states utilize a high-quality, reliable, and accessible system for reporting student performance data. While the system as a whole benefits from that type of data and accountability system, charters individually and as a group have more to gain and lose under a regime of poor data. Central to a quality data system is a reliable longitudinal growth component along with attendant features described in the Data Quality Campaign’s materials ([www.dataqualitycampaign.org](http://www.dataqualitycampaign.org)). A core element of Colorado’s efforts has been the Colorado Growth Model. This model incorporates student-level data into a sophisticated accountability structure that allows observers to track the value that each school adds to its students’ achievement. And in an example of the charter communities’ willingness to embrace accountability with sophisticated measures, the Colorado League of Charter Schools helped to develop the model and championed its incorporation into the state’s accountability structure.

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In addition, individual schools, including charters, must have timely access to their school's specific and student-specific performance data. Distribution of performance data cannot stop at the authorizer level (especially if it is a district authorizer), and guidelines need to be included in the state's system to ensure timely distribution.

## 2. Authorizer Standards

Standards applicable to authorizers need to be embedded into the state's charter system. As with so many things relating to charter schools, the role of the authorizer was not close to being understood even 15 years ago. Today, the National Association of Charter School Authorizers' (NACSA) *Standards & Principles for Quality Charter School Authorizing* serves as an invaluable guide for authorizers committed to ensuring quality charter schools.

Unfortunately, authorizer standards are not self-implementing. In Colorado, some authorizers are resistant and concerned about the idea of imposing authorizing standards beyond those voluntarily adopted; others remain indifferent about the effort, in large part because they see themselves as school districts, not authorizers.

We do not believe that is good enough, especially with a pool of many authorizers but very few who have shown interest in developing their capacity. The presence of source material is not enough to ensure implementation. One strategy under consideration in Colorado is co-authorization [see below], whereby a committed, high-quality authorizer would perform important authorizing functions under contract with local school districts that retain the legal authority to authorize the charter.

## 3. Authorizer Accountability

In a state with many authorizers, the quality of authorizing will vary inevitably. Some of that is a result of district size, predisposition to charters, and/or different district leadership. To achieve quality in authorizing, states need to oversee the activity and enforce authorizer accountability (as measured against applicable standards), complete with a regime of sanctions that can apply when standards are not met.

States need to ensure accountability through policy-based sanctions, though in Colorado we see the limits of the state's reach. To that end, we see the League as playing an important watchdog role to monitor authorizing practices. We have done some minimal authorizer evaluation to date, and as official authorizer standards gain currency in Colorado we will expand the assessment and dissemination of relevant information. NACSA has implemented a series of evaluations of authorizers in the state, which have been used primarily to inform self-improvement efforts by authorizers.

The state's system of appeals and the concept of districts enjoying exclusive chartering authority also bring mechanisms for incentivizing best practices in authorizing. Authorizers that can demonstrate that their practices comply with national standards are likely to enjoy two advantages. First, in the event an authorizer's decision is appealed to the state board, that district may enjoy a greater degree of deference from the state board than an authorizer that does not meet such standards. Second, if questions arise about the district's right to maintain or regain exclusive chartering authority (our state board may revoke that privilege for cause), the district could strengthen its case by providing evidence demonstrating that it implements best practices that comply with these standards.

### Co-Authorization

A challenge we face in Colorado is our long tradition of “local control” and specific constitutional directives establishing the authority of local school boards. Thus far, our state has been delicate (through an appeals process) in supporting meritorious charter schools over intransigent local boards; eliminating local boards entirely from the charter equation is politically challenging. Colorado has some very small districts serving as authorizers of charter schools, (15 with fewer than 3,000 total students). These districts may have one or two charter schools in their portfolios. It is difficult to imagine each of those authorizers developing and maintaining the capacity of a “quality authorizer,” although any state policy regarding quality authorizing that disregards these small authorizers misses a significant part of the charter community in our state.

To address this challenge, we have been considering something of a hybrid—one where local authorizers maintain statutory authorizing power but are expected to meet authorizer standards, either on their own or by contracting out key authorizer functions to a third party. These functions include things such as reviewing applicants using procedures that comply with nationally recognized standards for authorizing. Afterwards, the district would act as the legal authorizer, deferring to the professional judgment of their co-authorizer that administers application and performance-oversight functions. We see our statewide authorizer as an option, or perhaps some regional or specialized parties could take on this role, such as boards of Cooperative Educational Services, which already serve multiple districts in various contexts where local capacity is limited.

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### 4. School Standards

A key component of Colorado’s Charter 2.0 system is to identify and endorse nationally recognized standards that can govern the state’s charter sector. A variety of source documents address academics as well as operations/finance/governance, including Consensus Frameworks, produced under the Building Charter School Quality (BCSQ) initiative ([www.BCSQ.org](http://www.BCSQ.org)). Standards for charter schools require several pieces, including academic standards, operational standards, and accountability mechanisms, to enforce school performance in these areas.

#### *Academic standards:*

As noted previously, we hold that academic standards for growth and performance should be applied across all of a state’s public schools. That is the reality in Colorado, where school performance is measured using a formula that largely follows BCSQ recommendations—beginning with a strong accountability system to measure, report, and track student performance.

In advocating for and helping to develop operational standards, we have to be careful to walk a fine line between rigorous operational standards and the flexibility and autonomy that are central to the charter concept.

As part of our Charter 2.0 vision, Colorado's system will continue to feature a number of important components.

- **Prominent focus on growth:** Growth measures (as opposed to status measures) need to anchor the assessment of a school's performance.
- **Consistent application of standards:** These should apply to charters and non-charters alike.
- **Clear consequences:** These will deter underperformance.
- **Enhanced opportunities:** These will allow the strongest performers to grow and replicate.

*Operational standards:*

Perhaps the greater challenge involves identifying and implementing standards that by their very nature are unique to charter schools (e.g., self-governing public schools). While some "standards" applicable to school district operations can carry over to the charter sector, many others cannot.

For the past 18 months the League has promoted legislation and accompanying rulemaking that directs the State Board of Education to promulgate standards that will apply to the charter sector (via our state's accreditation system). The standards will come from recommendations made by a task force of charter leaders as well as authorizers.

In advocating for and helping to develop operational standards, we have to be careful to walk a fine line between rigorous operational standards and the flexibility and autonomy that are central to the charter concept. Generally speaking, the charter community has been very supportive, even demanding, of the need for standards.

*School accountability:*

As with authorizer standards, any regime of school standards needs accompanying enforcement and accountability. Colorado's accreditation system provides a practical vehicle for enforcing school standards. Whereas accreditation contracts with the state (which all authorizers/districts must have in place) involve academic performance measures, in the charter context, the contract also would include standards unique to charters (e.g., operations). Of course, this requires the state to play a role upstream of authorizers to ensure that they are holding charters to the appropriate standards.

## **AN INFRASTRUCTURE OF SUPPORT FOR CHARTER 2.0**

Turning these policies into practice is challenging. Both schools and authorizers should not have to figure out how to do this work on their own; and there is no need to have all 170 schools and 49 authorizers recreate their own version of each necessary tool or procedure. A central aspect of Charter 2.0 is a complementary infrastructure of support for both authorizers and schools. For authorizers, it includes networking opportunities, resources, and an accountability system. For schools, the infrastructure includes a performance management system, as well as support for new schools in all areas of charter development, and help for existing schools with leadership, governance, and staffing.

We work in partnership with our state department of education to build and promote a professional community of authorizers to share best practices and elevate the craft of quality authorizing among all interested parties. Working with our partners, we have created model resources for authorizers in our state, including a common charter application and complimentary rubric, as well as a model charter contract. We are in the process of developing a “Common Renewal” document and process that will incorporate applicable standards into the process for charter renewal.

The League also provides extensive performance-management support that begins with support at the new school stage, though it is available to older schools as well. This includes ensuring that schools have the right combination of 1) data and information systems, 2) the implementation of policies and procedures, and 3) training to build capacity in key areas. We also provide leadership and governance training, including “Performance Management for Boards,” to provide charter boards with the tools needed to meet their responsibility for charter school. Our work begins with ensuring that schools have the right tools, systems, and trainings in place to manage their student performance information. We offer subsidies for the acquisition of Student Information Systems, diagnostic/assessment tools, as well as extensive trainings in the use of those systems (50-plus trainings this school year).

## SIX GUIDING PRINCIPLES

To foster the Charter 2.0 environment, we have followed these guiding principles.

### 1. Charters Are a Long-term and Fundamental Part of the State’s K–12 System

From the beginning, we have positioned charter schools as a long-term alternative to the district-managed system that Colorado has had since statehood. If education leaders and policymakers view charter schools as a short-term “pilot” or simply as a bridge to another system (e.g., as a laboratory for districts to learn about promising school models for their absorption and implementation, or perhaps private school choice), getting them to focus on building the infrastructure needed for a quality charter system is difficult.

An important application of this principle involves integrating charter schools carefully into the state’s public-school accountability system, where rigorous academic performance standards apply to charter and district-run schools alike. It is important to maintain basic consistency across charters and non-charters, not just for the sake of simple consistency, but also to serve as a resounding statement that charters are a fundamental part of the state’s K–12 system.

Of course, there is some built-in contradiction to that statement (discussed below), and we are the first to note that some common consequences for underperforming public schools may not logistically or realistically apply to charters—though we believe a nimble system can manage those distinctions. For example, when charter schools perform poorly enough that the accountability system identifies them as falling into some sort of “turnaround” category, we may feel that closing the school may be a more logical intervention. For a traditional school with similar performance problems, the other intervention options, such as having the district replace the school leader or staff, make more sense. This is because the traditional system operates on the assumption that specific public schools will continue to operate indefinitely in their current locations and that districts control many aspects in the

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school, such as its staff. In the charter sector, districts do not control such elements, and it is a key assumption that if the school fails it should be closed.

At a minimum, schools facing serious consequences for underperformance need to know the rules of the game and what is expected of them before those consequences come into play. Ideally, the schools would understand both the performance standards to be applied and the potential consequences for failure, which are generally the same in each strand of the K–12 landscape.

## 2. State Accountability Systems Need Flexibility in Certain Areas

While charters must be integrated into the state accountability system, some charter schools have characteristics that make the blanket application of the system unreasonable. Some elements of the accountability system do not work because of specific attributes of a school, and exceptions to the accountability system are needed to accommodate these attributes. Such exceptions should be available to charters and district schools of similar age, size, or mission. Our experience in Colorado, however, suggests that these exceptions apply more frequently to charters, so perhaps the implications may be more significant to charters. A nimble, smart accountability system will take into account the following (please note again that in each of the examples mentioned, the “exceptions” would apply to charters and non-charters alike):

- a. School age: Performance measures in a school’s first few years might evolve as the school matures,
- b. School size: Smaller schools make for smaller sample sizes and less statistically reliable performance measures, and
- c. School scope: If the school’s mission and population are unique (as is the case with a school focusing exclusively on highly at-risk youth) it is more likely that alternative performance measures should factor into decisions about the school’s performance record.

## 3. Recognize the Limits of Statutory Changes

Since 1994, the Colorado League of Charter Schools has been at the forefront of policy changes that impact charter schools. Since then, our work has covered the waterfront, ranging from facilities support to fiscal equity to authorizer business; with that experience, however, comes a realization that the law of diminishing returns applies to policymaking by state statute. In other words, the best way to impact policy is not always to change statute.

Quality policy requires good content and careful implementation—making the “what,” as well as the “how” and “who,” right. Practically speaking, that means placing the various directives and incentives involved in policymaking in their proper places. Sometimes the content is best suited for statute, but at what level? Most of us would agree that certain civil-rights content is appropriate for federal law, but there are limits to its broader application. At the same time, there are limits to where state statute can have the greatest impact.

Specifically, much of what needs regulation, codification, and monitoring within our sector involves nuance and variation in implementation. None of the 170

charter schools and 178 districts in Colorado are the same, and statutory directives that make sense for 165 of those schools can be devastating for the remainder, thus the limits of all-encompassing legislation.

Take, for example, a topic widely agreed to be critical to a charter school's success: board composition and member qualifications. Across our industry there is little disagreement about the importance of board members and their need to be suitable to serve on a school's governing board. This includes avoiding conflicts of interest and nepotism among school employees and governing board members. We all agree that it is helpful if board members have financial expertise, legal background, and teaching experience, for example. These skills make for stronger boards, yet in a state such as ours, where the charter law has not included provisions regarding board composition, dictating that composition in statute has a considerable downside. Take, for example, a hypothetical requirement that reads as follows:

“Every charter school governing board must include a person with certified financial skills (CPA or comparable), legal training (attorney), and at least five years of K–12 classroom experience.”

However desirable it might be to have each board reflect that ideal composition, it is simply not feasible to mandate this composition across the breadth of our public education system. In fact, for charter schools to serve as a system replacement tool, the charter model has to work across America's varied demographics and communities. A national effort involving the Colorado League of Charter Schools, NACSA, and other partners created a consensus document that outlined best practices in charter school governance and other operational elements. As described in the document *Building Charter School Quality Consensus*, a charter school's governance structure should be “commensurate with the mission and ambitiousness of the school.” Thus, a rural or other community where board members with legal and financial expertise may be scarce could still produce a governance structure appropriate for their local charter school.

Years ago the reality of this became clear to me while I was reviewing board policies with a small charter school in rural Colorado (where the charter school is the only public school in a large area) and asked the administrative team about a policy dealing with nepotism. The administrators chuckled a bit as they reminded me that in their small community everyone is related to someone else involved with the school. Thus, a nepotism policy that might work well for the vast majority of Colorado charter schools would in their case directly compromise their ability to hire the best available staff or attract the best and most qualified board members.

#### **4. The Charter Experience Should Serve as a Learning Tool for Policymakers**

Policymakers should pay close attention to the charter experience as a window into alternative ways of organizing and operating public schools. Where possible, the experiences should lead to structural changes that cross-apply to the broader public education system. For example, after understanding the strengths of self-governance, our legislature passed the Innovation Schools Act in 2008, allowing mainstream district schools to become charter-like schools of innovation.

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Notably, this is not the same as saying charters should be expected to disseminate their own best practices; we need to focus on who should be listening rather than talking. Critics of charter schools sometimes charge that charters have failed as laboratories of innovation because they are not helping traditional schools identify and implement unique practices. The principle of charter schools serving as learning tools for policymakers is based on a different opportunity—or lesson—and the party charged with learning is also different. Charters do not effectively serve as a learning laboratory for the rest of the system (e.g., district-run schools or school systems). I find the typical criticism—about charters' failure to promote innovation—to be misplaced when directed towards schools themselves. Asking an individual charter school to highlight its success and disseminate what it has learned is not in the mission of most schools. And since most successful charter schools rightly focus their work on achieving their mission, the most successful schools leave little time to spend fixing the rest of our schools and systems. Nor are charters the most appropriate entities to facilitate that hoped-for information exchange. Other institutions are generally better situated than charter schools to share best practices. These include membership organizations of the various professionals in the education sector, as well as organizations that are dedicated to the creation and dissemination of knowledge, such as higher education institutions and other nonprofit and philanthropic entities.

#### **5. Authorizing Should Be a Choice**

Quality authorization is critical and begins with an understanding—embedded in policy and practice—that authorizing carries with it substantial responsibility and should be an affirmative choice. This means that all authorizers, whether they are a district or any other entity, should affirm that they choose to serve as an authorizer. It should not be an assumed task or a new responsibility forced upon any entity that does not want to serve as an authorizer. This also means that if a local district is not willing to serve in this role, another alternative must be available to charter applicants or schools that operate in that jurisdiction. Yet too often state policy considers local school districts to be automatically capable of authorizing charters simply by virtue of their existence. Practically speaking, it is a moot point in many places unless alternatives to local authorizing exist. Denver Public Schools illustrates the advantages and strengths of an authorizer that embraces its responsibilities proactively.

To provide all applicants and schools with quality authorizing, state laws must provide for non-district authorizing options throughout a state's public education system. This could be a single statewide authorizer or a variety of more localized alternatives. Either way, their presence would immediately signify that the local school district is not indispensable and that the concept of authorizer accountability is realistic. It may be too extreme to contend that there needs to be competition among authorizers, but we suggest that some level of competition and/or threat is part of a healthy authorizing landscape.

## 6. Consequences, Including Closure, Must Be Part of the Charter School Reality

This is a key component whose details can be lost in practice. As this is not an article on closure, I will be brief and make a few important points. First, as should be the case with non-charter public schools, closure has to be on the table in the charter context, and should not anticipate acts of heroism by authorizers to make it happen. Our vision for Charter 2.0 certainly anticipates cleaner, clearer steps leading to school closure (embedded in state and local policy), but also speaks to what I believe is a real challenge for what might be called “authorizing 2.0.” Specifically, understanding when and how authorizers should use consequences short of closure to achieve an intended result is crucial. I believe this is a big part of the ongoing development of the role of the authorizer, and we intend to incorporate promising practices into Colorado’s system.

### CONCLUSION

The charter experience will fail to meet its full potential if we’re not thoughtful about capturing lessons learned and translating them into useable policy and practice. While this is primarily a story of Colorado’s experience, our state’s lessons carry relevance to the rest of the nation – if for no other reason than the level of comprehensive introspection we’ve gone through in shaping our second-generation landscape. We are excited about the challenges and opportunities involved in shaping that second generation of chartering across our state and look forward to a stronger future for public education in our state.

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