Authorizing Virtual Charter Schools: Rules of the Road on the Digital Highway

About this Issue Brief

Do virtual charter schools warrant only tweaks to existing chartering regimes—or a wholesale reinvention of the authorizing function? That is the question facing a growing number of authorizers as they are confronted with approving, overseeing and evaluating Internet-based schools. This Issue Brief is the second of a two-part series on virtual charter schools and their authorizers. In the first installment, we mapped the electronic frontier of virtual charter schools—how they work, who they are for, what benefits they offer and challenges they face. With that understanding, we now move to the question of how authorizers should approach schools that swap brick and mortar for bits and bytes—and the lessons learned so far on this fast-changing frontier.

In a previous Issue Brief, we learned that a “virtual school” is an educational organization that offers K–12 courses through Internet-based methods, with time and/or distance separating the teacher and learner. Students enroll to earn credit towards grade-level advancement and/or graduation. A virtual charter school (which we equate here with an “online” charter school, a “cyber” charter school, and an “e-” charter school) is a virtual school that happens also to be a charter school, with its unique governance structure and contractual “horse trade” of freedom and flexibility for performance accountability.

Virtual charter schools are an important and fast-growing subset of the virtual school sector. According to the Center for Education Reform, in 2005-06 there were 147 virtual charter schools with 65,354 students in 18 states, up from 86 such schools with 31,000 students in 13 states in 2004-05. Not surprisingly, charter schools have been “early adopters” of virtual schooling.

The rise in the number of virtual charter schools has resulted in more and more authorizers being confronted with the possibility of taking their work to cyberspace. Across the country, these authorizers are grappling with the same question: how do you approve, evaluate and oversee virtual charter schools effectively?

How Accountability Works in a Virtual Environment

Before turning to the specifics of virtual charter authorizing, it is helpful first to think about the mechanics of general charter accountability and then see that in motion in a virtual environment. Virtual charter schools operate in the context of many layers of accountability. We should first think of who they are accountable to and what they are accountable for.

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Accountable to Whom? Like all charter schools, virtual charter schools are accountable to their authorizer, their staff (who choose to work there), their state education agency (and other
Accountable for What? Virtual charter schools, like their non-electronic counterparts, are accountable for student, financial and legal/contract performance. As such, virtual charter schools must meet a host of requirements, such as taking daily attendance, providing free and appropriate special education services, administering state standardized tests in a proctored setting, undergoing required financial audits and maintaining compliance with applicable local, state, and federal laws and regulations (including health, safety and civil rights codes) not waived by the state charter law or the school’s charter contract. Likewise, agents responsible for holding a virtual charter school accountable must collect and analyze a host of data about the school’s performance such as state standardized test results, attendance, graduation and drop-out data, financial audit findings and special education program reviews.
All of this can be said as well for “non-virtual” charter schools. The difference is that a virtual charter school has the added challenge of distance between key stakeholders (teachers and students, staff and governing board, etc.). The “distributed” nature of its school community can present challenges to its accountability agents, especially authorizers. For example, site visits (i.e., meetings with school staff, inspecting school records) or “spot checks” may not be quite as telling in the virtual environment, because the students and teachers are not in the same building at the same time. Still, such site visits are probably worth doing because they can provide insights into how well virtual charter schools are managed and the capabilities of the administrative and teaching team.

In the end, though, the preponderance of oversight for most charter public schools is handled “virtually” anyway—through electronic exchanges of information and records, by email, phone, fax, mail, conference calls and the like. Therefore, the “distributed” nature of virtual schools ought not inhibit the ability of authorizers to conduct effective oversight.

However, the unique circumstances in which virtual charter schools operate must be taken into consideration when developing and implementing systems and practices to oversee such schools in a quality way. But before examining the particulars of effective oversight of virtual charter schools, let’s first take a glimpse at several authorizers that have already taken the leap into cyberspace.

### Major Authorizers of Virtual Charter Schools

What is the current landscape of virtual charter school authorizing? While there are currently no systematic data on the number and types of virtual charter authorizers (and many such entities also oversee brick-and-mortar charter schools), we can point to several high-profile authorizers of different types, from state agencies and independent chartering boards to school districts with experience in approving, monitoring and evaluating virtual charter schools.

At the state level, the Arizona State Board for Charter Schools (ASBCS) oversees 7 virtual charter schools under the state’s TAPBI (technology-assisted project-based instruction) program. That’s 7 schools out of 328 charter holders statewide in 433 school sites. Those virtual charter schools enroll about 2,000 students.

The Pennsylvania Department of Education oversees 12 “cyber” charter schools with more than 13,000 students (out of 55,000 students in charter schools statewide)—nearly a quarter of all charter students. The Commonwealth’s cyber charters were originally authorized by local school districts but were later subsumed by the state education agency (SEA) under Act 88 of 2002. Essentially, state policymakers there (as in Idaho) reasoned that statewide schools should be overseen by state—not local—entities.

The Ohio Council of Community Schools, a non-profit chartering authority, has authorized 3 virtual charter schools (called “e-schools” in the Buckeye State) enrolling over 8,000 students, in addition to the 43 brick-and-mortar charter schools it oversees. [Note that Ohio has the most virtual charter schools of any state, with about a third of all virtual charters in the nation, though many of them are quite small.]

As far as district authorizers go, the Appleton Area School District in Wisconsin is one of the most prominent, with its sponsorship of two virtual charter schools. Other district virtual charter authorizers include the Northern Ozaukee School District in Wisconsin, Basehor-Linwood School District in Kansas, Minneapolis Public Schools in Minnesota, Delta/Greely School District in Alaska, Scio School District in Oregon, and Perris Union High School, Western Place Unified, and Kern County School Districts.
Districts (among many others) in California—to name only a few.

Generally, these authorizers approach virtual charter schools that they oversee in much the same manner that they approach “non-virtual” charters, though there are occasional differences (some internally driven, others imposed by statute). For example, Pennsylvania law requires that all cyber charter schools authorized before 2002 eventually undergo a transfer of authorizers from the local district to the Pennsylvania Department of Education (PDE). In response, PDE developed a specialized cyber charter school application and created the Pennsylvania System of Cyber Charter Review (PASCCR).

Arizona requires a five-year high-stakes review for its “TAPBI” (virtual) charters, whereas its “non-virtual” charters are up for renewal every fifteen years. Furthermore, the number of TAPBI schools is currently capped at 14—seven charter schools and seven district public schools—whereas there is no cap on “non-virtual” charter schools. ASBCS also asks additional questions of TAPBI applicants that are unique to virtual schooling such as how they anticipate using video as an instructional methodology, specific plans for handling on-going assessment, specific approaches for communicating student performance back to students and parents on an on-going basis, strategies for addressing different learning styles, availability of faculty members with relevant experience, and more. There are also restrictions on these programs. According to state statute, these virtual programs can only grow 100% per year, and 80% of their students must have been enrolled in a district public school in the prior year (leaving only 20% of slots for private and home school students). These restrictions are unique to the TAPBI program and don’t apply to conventional district or charter public schools.

Though there are some differences in authorizer treatment of virtual charters, they are generally not structural or profound. Most could be considered “tweaks” to the existing authorization protocols rather than radical reinventions. Whether that is optimal depends on many factors. In a previous Issue Brief, we outlined the many ways in which virtual charter schools closely resemble their non-digital cousins. Indeed, the way to think about a virtual charter school is simply to think of a “regular” charter school and remove the building: swap in a computer instead and the Internet connection becomes the “bus” transporting students to school. But there are some important differences, between virtual charter schools and their non-digital cousins and their significance for authorizers shows up in two overarching areas: 1) politics and policies, and 2) internal school operations.

**Issues Unique to Virtual Charter Schools**

**Politics and Policies.** Sometimes existing statutes, regulations, and policies are mindlessly or bluntly applied to virtual schools, often with disappointing results: think square pegs in round holes. For schools housed in buildings, an October “count day” may be reasonable, but what about schools where students dial in from their homes or elsewhere? Classroom teachers can easily take attendance, but virtual schools require different systems for that important function (which also drives funding). State charter laws that require charters to bill other districts when students “open enroll” into their school are manageable when this is infrequent, but virtual charter schools often make this much more common—adding layers of administrative, logistical, and political complexity. And how about “dual credit/enrollment” scenarios, with students taking courses from multiple schools—some virtual and some not? Finally, virtual charters are bound to create heightened tensions when local districts oversee statewide schools—due to the attendant competition for students and funding. For authorizers, the salient point is that the virtual schools they charter are likely to face unique political and policy challenges than can pull both the schools and the authorizers themselves into funding and regulatory squabbles—and can cause them to lose focus on the primary goal of student achievement.
School Operations. Many virtual charter schools tend to attract a different (and diverse) customer set than the typical district or charter public school—often students with unique educational and developmental needs. Without the limits of a traditional school building, classrooms, and daily schedule, there is also the potential for significant differences in student/teacher ratios and class sizes in virtual charters (often larger). Many virtual charter schools encounter higher student mobility and “churn” rates, while others struggle with logistics (for example, sending out and keeping track of computers used for instruction—generally they are school property and loaned out and must be reclaimed when a student transfers or graduates). Authorizers should anticipate these operational issues by flagging them during the application process and weaving them into their monitoring work, all the while looking for school teams that can effectively manage such contingencies.

One of the biggest problems currently confronting authorizers is a lack of a good working understanding of how virtual charter schools operate, which is not surprising because these schools are still relatively new and rare (though growing rapidly). Such uncertainty often leads to a tendency to over-regulate, with authorizers reverting to bureaucratic protocols, mandating extra reports and imposing non-essential requirements that distract the schools from educating students.

We have also seen the potential for conflicts of interest when authorizers are funded by the schools they charter, often a variable amount depending on student counts. These “oversight” or “administrative” fees are often determined by statute, and they tend to range from 0.5% to 5% of total school revenues. The problem is that this funding source (especially if it is the only funding source) can provide an incentive for authorizers to look the other way when virtual charter schools are struggling with their academic, financial, or operational performance. Of course, this problem of authorizer funding is not unique to virtual charter schools, but what’s notable here is the capacity of virtual schools to scale to thousands of students in ways that most brick-and-mortar schools cannot, thus raising the financial stakes for their authors.

What do these issues and differences tell us about how best to conduct virtual charter authorizing? Though we are only in the early stages of evaluating such practices, our initial observation is that good authorizing is good authorizing—whether virtual or not. Its basic outlines and structures shouldn’t change simply because of a high-tech delivery system or because the schools have no walls. Essentially, virtual authorizing should be modeled closely after effective charter authorizing unless there are compelling reasons to make changes. The “burden of proof” is on those considering changes. Furthermore, changes to those basic structures should only be made after careful consideration of the precedents they may set for future schools of various shapes, sizes, and flavors.

But that doesn’t mean that virtual authorizing is identical to its brick-and-mortar cousin. Indeed, there are several areas where new thinking and approaches are warranted. Authorizers will have to look at their own mission, priorities, organizational structure and political environment to navigate this new terrain. Adjustments are most likely to be needed in the following areas:

- **Educational Technology Expertise:** Fully evaluating a virtual charter school requires real expertise about educational technology. Authorizers can acquire this knowledge by tapping into academics and researchers as well as practitioners—either via staff, contractors or review committees with carefully chosen members. These experts can help in numerous ways, such as evaluating the school’s proposed instructional design or system architecture—or simply by asking the right questions and explaining technical jargon to the authorizer team in “lay” terms.

- **Attendance and Data Management Systems:** Through smart uses of technology, virtual schools can make strides in the effective use of formative and evaluative assessments and educational data. Ideally, there will be a data bridge between the virtual charter school and its authorizer, so that the latter has access at the click of a button to important information about academics, operations, and finances. Thus, authorizers should pay special attention to the school’s use of such systems to track basic accountability elements and to provide teachers, administrators, and (ideally) parents and students with instant access to critical information about student learning.
Distributed Logistics: Though their lessons may be found in cyberspace, many virtual schools still rely on operational expertise and logistical competence to move people and things from one place to another (e.g., shipping computers to students, setting up temporary official testing sites statewide so families can access them conveniently, training teachers at regional venues). These tactical skills must not be overlooked by authorizers, which may be surprised at how oddly “unvirtual” many of the elements of virtual schooling can be. It’s too easy for authorizers to get caught up in the sexy technological aspects of these innovative programs, perhaps ignoring the important “blocking and tackling” work that goes on behind the scenes to arrange for special education services or state testing or to send instructional materials and computer hardware to students, track them, reclaim them, and otherwise keep the program running smoothly.

Distributed Organization: Virtual schools, too, are dependent on quality people to provide a quality education, and they present the unique challenge of building coherence and a sense of school community when people are not always—and in some cases rarely—face to face. School staff must make adjustments to make this work, and authorizers should watch closely, beginning with the application process and looking for specificity of plans in these critical areas, demonstrating that the founding group is focused on how to make this a school and not just a disparate group of individuals engaged in solo educational endeavors.

Special Education Services. Providing quality services amidst complicated regulatory and funding constraints and alongside often challenging disabilities can be vexing for any school—no less so for virtual ones. With no physical building where all students can convene for services, authorizers should look closely at the school staff’s expertise and abilities to forge workable contractual relationships with qualified providers.

Larger Scale: Given their flexibility with time and space, many virtual charters are able to “scale up” to the size of universities, serving several thousand students instead of several hundred. There’s no doubt that technology helps to facilitate such scale and reach, but authorizers should look for evidence that schools and providers can manage growth adequately without sacrificing program quality.

VIRTUAL CHARTER SCHOOLS AND SPECIAL EDUCATION

According to a June 2004 report from the National Association of State Directors of Special Education, “There are no federal education laws specifically addressing special education in virtual schools. According to a 2003 letter from OSEP [Office of Special Education Programs], however, the Individuals with Disabilities Education Act (IDEA) and its corresponding regulations ‘do not make any exceptions to [the requirements of IDEA] or allow States to waive or relax these requirements for virtual schools.’ The degree of responsibility for special education held by virtual charters depends on their “LEA status”—whether they are considered their own local education agency or fall under the LEA status of their host district. “Most virtual charter schools... function as independent LEAs and are therefore responsible for testing and special education services,” including student identification and evaluation, Individual Education Program (IEP) meetings, individualized support, curricular modifications and adaptations (as necessary), and provision of related services (such as occupational, physical, and/or speech and language therapy).
Rules of the Road on the Digital Highway

Based on the experiences of authorizers that have already trekked into the virtual frontier, here we present recommended practices, aligned with NACSA’s Principles and Standards for Quality Charter School Authorizing, for quality authorizing of virtual charter schools. These “rules of the road on the digital highway” focus on areas that are of particular importance for authorizers when approving, overseeing and evaluating virtual charter schools.

Recommendations for Navigating the Digital Highway

- Make a clear determination of whether virtual charter schools are allowed under state statutes and regulations. In some states, they are expressly allowed or forbidden with clear statutory language. In others, it is not clear one way or another and may hinge on legal precedent or jurisprudence—and sometimes founding groups push forward with an application to test that, putting authorizers on the spot. Authorizers would thus be wise not to be caught flat-footed.

- Think through possible modifications of your authorization program for virtual charters before proceeding, including precedents that may be set. Would you set up a different authorizing system for a Montessori or Expeditionary Learning/Outward Bound school? How will you manage the complexity of different authorizing systems and rules?

- Consider whether you will serve as an information clearinghouse for virtual charter schools in your area, given the many myths and misconceptions accompanying these newfangled schools. With the decibel level of debates in some places, honest brokers are needed.

Recommendations for Approving Virtual Charter Schools

- Insist on seeing a demonstration of the online lessons. Seeing is believing. Without a demo, it’s often difficult to “get” these programs. Understand clearly how the program works before making any decisions.

- Ensure that there are people with relevant technology experience on the review and oversight teams. (For example, ASBCS incorporates an existing virtual school practitioner, a district technology expert, and a business representative—ideally from a technology-oriented company—into its application review team.)

- Probe for awareness among the applicants of online learning resources available in the marketplace and rationale for choosing the ones they did—especially given that the landscape changes frequently. Authorizers should be confident that applicants have a solid handle on what is offered in the marketplace (or how home-grown programs can fill existing niches or gaps in the marketplace).

- Allow for programmatic flexibility. Don’t dictate program details (e.g., whether delivery should be synchronous or asynchronous) through the application or otherwise. In the spirit of good chartering, leave it open for programs to answer how they will handle key requirements and bear in mind that the technology underlying such programs is likely to change rapidly, making such flexibility essential.

- Pay close attention to the leadership of the school: will it be led by an administrator with lots of experience running traditional schools or a technology guru? How did the applicants make that critical decision?

- Pay special attention to applicants’ plans for student-level data management and accountability systems to ensure adequate processes for collecting critical performance information.

- Pay special attention to special education programs, staffing, and systems and ensure that applicants understand their obligations under IDEA and related laws.

- Scrutinize the school’s proposed or actual relationship with education service providers (if applicable).

- Pay special attention to policies and procedures for enrollment, attendance, withdrawal and mid-year transfers, given that these are common sources of hiccups in virtual charters.

- Evaluate schools’ capacity to scale when considering enrollment targets or caps (if applicable).

- Scrutinize the school’s plan for ensuring students are properly supervised by a parent or responsible adult.

- In cases where the school is proposing to replicate an existing program, investigate the effectiveness of that model in other schools. Probe to see whether the model has proven to be successful in increasing student achievement and maintaining a viable organization.
**TABLE 1: KEY QUESTIONS FOR VIRTUAL CHARTER AUTHORIZERS, BY FUNCTIONAL AREA**

**Governance**
- How did the founding group come together to form the school? Is the group a "genuine" board capable of governing the school?
- Can board meetings be conducted “virtually” (e.g., conference call, videoconference or Web conference) under state law? How will public access be meaningfully provided?

**Curriculum**
- Does the program offer adequate depth and breadth, with a solid research base behind it, and is it aligned to state standards and tests?

**Instructional Model**
- Does the program offer a variety of approaches to address unique student needs or learning styles?
- Is there adequate flexibility in the online learning program to allow for adjustments in the length and delivery of lessons?

**Assessment**
- What is the quality and frequency of assessment, and is there an immediacy of feedback loops?
- How are assessment results used (by teachers) and communicated (to students and families)?
- Is a variety of assessment techniques used (e.g., beyond multiple choice and “true/false”)?
- What is the school’s plan for state testing, including logistics of testing facilities, and is it likely to meet state testing participating thresholds?

**Technology**
- Is the program easy to use, secure, and private?
- Does the program have “platform independence,” in which it can work on multiple computer operating systems (such as Windows and Macintosh)?
- Does the school have a solid plan for technical support and troubleshooting (not only for students but also for teachers and administrators)?
- Does the school have solid systems for tracking attendance, student academic progress and state reporting via an integrated student information system (SIS)?
- Does the program have an “early warning system” to alert teachers and administrators about potential problems with individual students and their academic progress (or lack thereof)?

**Teaching**
- Does the school have a thoughtful plan for recruiting and hiring quality teachers and meeting highly qualified teacher requirements under NCLB and, if applicable, relevant state certification requirements under the charter law?
- What does the school look for in teacher candidates (e.g., subject-matter knowledge, technological proficiency, communication skills, etc.)? Are those desired characteristics clear and compelling?
- Is the school clear on teachers’ varied roles in virtual schooling, potentially including instructing, coaching, consulting, modeling, advising, motivating, researching, and/or course development and design?
- What is the plan for training and professional development, for frequency of teacher interactions with students (and office hours), and for teacher support and evaluation?
- Is there a required turnaround time for grading papers, returning calls, etc.?

**Staffing**
- Is there a solid plan for organizational design, with manageable roles, clear vision of staff positions and job duties, etc.?
- Is there a plan for navigating political landmines? Who will be the school’s “ambassador” to the public, given that many virtual charter schools experience additional scrutiny?
Recommendations for Overseeing and Evaluating Virtual Charter Schools

- Require that approved virtual charter schools provide full disclosure in advance to interested families regarding the terms and requirements of the program and the instructional materials provided (as in Pennsylvania, where the cyber school statute spells out in great detail what information must be provided to families by the schools) while ensuring that their enrollment practices do not discriminate against particular populations/students.

- Consider online record-keeping through automated systems to reduce paperwork burdens. Indeed, part of the promise of virtual schooling is not only in the delivery of engaging instructional programs but also in data management generally—the delivery of data on multiple aspects of the program to various constituencies with rightful access to such information. Virtual schooling is an opportunity for education professionals, including authorizers, to address this often elusive piece of the educational technology puzzle.

- Monitor special education programs to ensure compliance with IDEA and related laws and regulations.

- Monitor internal controls to ensure assets of the school are properly safeguarded, particularly given the “distributed” nature of many assets.

- Ensure the timely and accurate reporting of student data (i.e. enrollment and attendance).
Conclusion

The bottom line is that the elements of good authorizing remain consistent whether in a virtual environment or a little red schoolhouse. Just as the “laws” of quality education still hold in virtual schooling, so do the laws of quality authorizing. The use of Internet technologies and digital delivery mechanisms does not warrant a wholesale reinvention of the authorizing function. However, it is likely to present unique issues and challenges in key areas: oversight expertise, attendance and data management systems, distributed logistics and organization, special education and scale. Today, authorizers have a unique opportunity to ensure quality while also fostering innovation in this new and exciting branch of the charter sector.

VIRTUAL CHARTER SCHOOLS AND ACCREDITATION

Several accreditation agencies work with virtual schools. For example, the Commission on International and Trans-Regional Accreditation (CITA), which has a specialized “distance education” practice including tailored standards for such schools, has accredited 48 distance education programs nationwide, several of which are virtual charter schools. These may be helpful resources to authorizers as they seek to judge program quality.

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SOURCES:


- Pennsylvania Department of Education web site, www.pde.state.pa.us.


ENDNOTES

1 Act 88 in Pennsylvania requires cyber charter schools to provide a computer/monitor/keyboard/printer, Internet connection, online/text curriculum, shipping/receiving of all materials to the student’s home, special education-related services, statewide testing centers for the state tests, and appropriate staffing. Most states do not prescribe what materials are to be provided.

2 In Pennsylvania, 3 of the 12 cyber charter schools contract with EMOs to manage their schools.

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Site Highlights:

Online Library of Charter School Authorizer Resources – Browse this easily searchable resource offering an online compendium of authorizer-developed policies, protocols and tools for all areas and phases of chartering practice.

Issue Briefs – Click through the current edition and archival stacks of our informative newsletter. Each brief is a short paper designed to provide coverage of an issue with importance to charter school authorizers. These are must-reads for education leaders.

Publications Library – Learn about charter school issues through a number of charter school related research publications from NACSA. View online versions or order multiple copies through our online store.

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