

Growing Great Schools in New Jersey

“I don’t think that would work too well here; we’re pretty unique.”

Authorizers around the country have said this since the first authorizing shop opened in Minnesota in 1992. Sometimes, the concern is well-founded. Not every problem requires an identical solution.

But as the charter school sector expands and matures, the database of what’s needed and what works grows more robust. Certain patterns have emerged and NACSA is paying close attention to them.

This case study is one in a series that explores local progress on charter school authorizing in various corners of our country. We’ll dig into what was needed, how it happened, and why it matters to the ultimate quest we’re all on: creating and sustaining great public schools for all U.S. children.

The series continues on our nation’s East Coast, in New Jersey, a microcosm of all the promise and problems in our nation’s public school system. We pay attention to New Jersey—a state that has been chartering schools since 1997—for its dramatic efforts to improve authorizing practices during the last few years. They have stepped away from mere compliance into the light of performance, shaking up the status quo and deciding that “as good as” wasn’t good enough for their charter school sector.

The Goal: To transition New Jersey’s authorizing environment from compliance-driven to performance-centered, and provide the charter school sector with tools that help grow only quality schools.

The Result: The New Jersey Department of Education is using stronger and smarter tools to grow great charter schools and close poorly performing ones. Since 2011, the Department has opened 23 new charter schools, closed 10 low-performing schools, and placed 23 schools on probation. In 2013, 56 percent of New Jersey charter schools met state academic performance expectations, up from 43 percent in 2010. Existing schools have clearer expectations through transparent systems of accountability.



Essential Facts

- 
- 1 New Jersey's charter school sector**, working under a 1996 charter school law, suffered from neglect, falling behind on both quality practices and growth of the sector.
 - 2 In 2010, Chris Christie took office as governor.** The New Jersey Department of Education (NJDOE)—the state's sole charter school authorizer—needed critical resources, processes, and capacity for oversight. NACSA's evaluation of the Department's authorizing practices identified big gaps and detailed needed changes.
 - 3 Chris Cerf was appointed commissioner** of the Department in 2011, bringing new support for charter schools, with a priority on quality and accountability.
 - 4 Working with NACSA**, with funding from the Newark Charter School Fund, the Department's Office of Charter Schools started to overhaul its organization, staffing, and processes.
 - 5 Improvements were made** to the application review process. A new accountability system was designed, including Academic, Financial, and Organizational Performance Frameworks along with a new contract for charter schools that reflected these measures.
 - 6 The New Jersey Charter School Association** convened education leaders and facilitated school input as improvements to authorizing processes were crafted.
 - 7 The Department began working with schools** to transition to new contracts and released new charter school regulations that increased autonomy.
 - 8 NJDOE began to use** the Performance Frameworks to make renewal decisions. The Department focused on closing poorly performing schools and building the pipeline to open more high-performers.
 - 9 Since 2011, using their new rigorous accountability system**, the Department has placed 23 schools on probation, and closed 10 low-performing schools (representing more than 10 percent of all charters in the state; the schools were in the lowest 12 percent for performance in the state).
 - 10 Since 2011, using their improved practices and criteria**, the Department has reviewed 178 charter school applications and has opened 23 new charter schools. Currently, there are 87 charter schools in operation in New Jersey, with five approved for a fall 2014 opening.
 - 11 New Jersey charter school students** gained on average an additional two months of learning per year in reading and an additional three months of learning per year in math compared to their district school counterparts, according to CREDO¹.

¹ <http://credo.stanford.edu/pdfs/NewJerseyPressReleaseFINAL.pdf>

Welcome to New Jersey

New Jersey Charter School Sector Snapshot

1 AUTHORIZER

NJDOE IS ONE OF 20 STATE EDUCATION AGENCY AUTHORIZERS IN THE COUNTRY



87 CHARTER SCHOOLS
(3.4% OF STATE)

5 MORE SCHOOLS
APPROVED TO OPEN
FALL 2014

33,500 STUDENTS
(2.4% OF STATE)

20,000 STUDENTS
ON WAITING LISTS

2 SCHOOLS
CLOSED
IN 2011

3 SCHOOLS
CLOSED
IN 2012

5 SCHOOLS
CLOSED
IN 2013

New Jersey, the most densely populated of the 50 United States, has no locally produced network television news. Residents in northern New Jersey watch network news from New York City, while those in the southern part of the state get the Philadelphia broadcast. In the north, they tune into the Jets or the Giants on Sunday, while in the south, it's the Eagles.

Sandwiched between the huge metro regions of New York and Philadelphia, New Jerseyans describe a north/south divide in ways that go beyond mere TV viewing and sports teams. The state's four largest cities (Newark, Jersey City, Paterson, and Elizabeth) are all in the north, within the sprawling statistical area of New York City. The remainder of the state falls within Philadelphia's statistical area.

There are advantages and disadvantages to New Jersey's unique geography. "Our towns are more like neighborhoods of these big cities," describes Carlos Pérez, president and CEO of the New Jersey Charter Schools Association. "For some, this defines the state culture: do we associate with Philly or with New York? Or do we define ourselves in a different way?"

While the state may struggle to define itself in relation to its brawny neighbors, it is working toward a unifying definition of quality public education for New Jersey families—a challenge to craft in a state with vast income disparities. For the last few years, through an overhaul of their authorizing practices, the state has reorganized to better gauge the quality of existing charters, open more high performers, and ensure only those that succeed continue to serve students.

The state is moving from a charter school environment centered on compliance to one focused on excellence. As with all change processes, it's a work in progress, with every triumph or misstep garnering attention from other corners of the country.

One Authorizer; Growing Demand

First, the sector in a nutshell. New Jersey's charter schools are approved and guided by a single authorizer: the New Jersey Department of Education. One of 20 state education agency authorizers in the country, NJDOE has been authorizing charter schools since 1997.

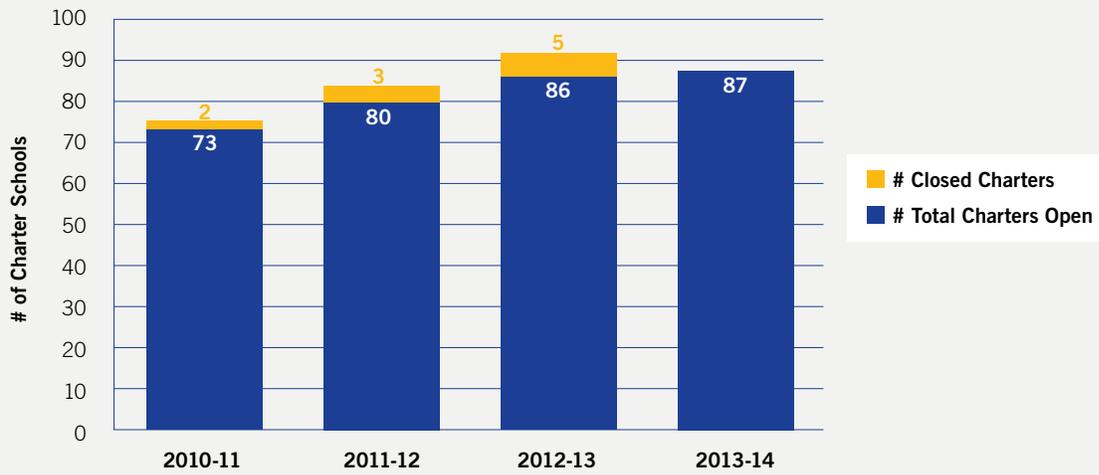
Currently, 87 charter schools are in operation (3.4 percent of state public schools) with an additional five schools approved to open in fall 2014. The single biggest concentration, 21 schools, is in Newark (the state's largest city), where approximately one of every four students is enrolled in a charter. In the last three years, 10 charter schools statewide have been closed for poor performance.

With 33,500 students enrolled (2.4 percent of state public school students) and 20,000 more on waiting lists, charter schools are a significant and growing sector. State leaders are determined to make that growth equate to great public education options for New Jersey students.

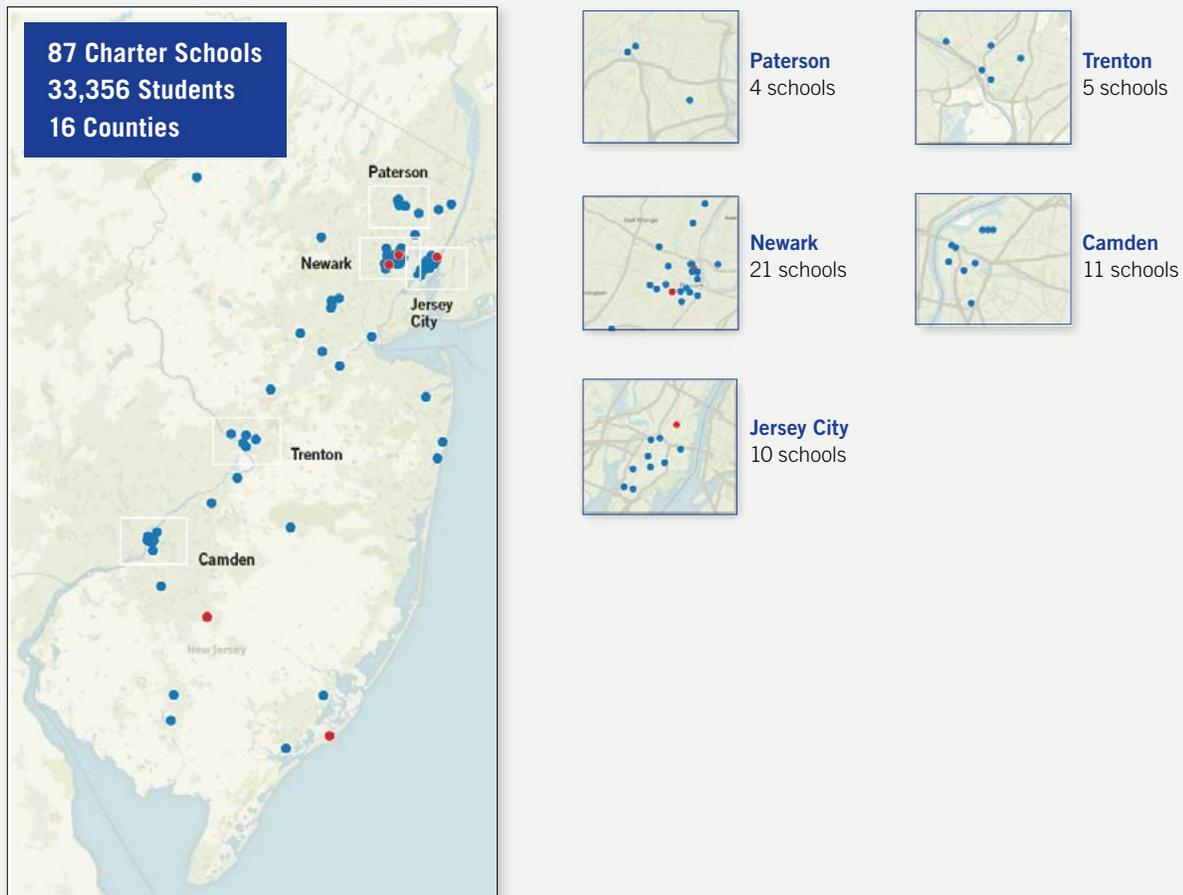
Who's Who in New Jersey

Who They Are	What They Do
<p>New Jersey Department of Education (NJDOE) http://www.state.nj.us/education</p>	<p>The NJDOE is a state education agency and sole charter school authorizer in New Jersey, responsible for setting the standards for and holding current and future public charter schools accountable for providing New Jersey students with a high-quality public education. The commissioner of education is the chief executive school officer and is appointed by the governor. The commissioner makes final decisions on all authorizing matters.</p>
<p>Office of Charter Schools of the New Jersey Department of Education (OCS of NJDOE) Amy Ruck, Director http://www.state.nj.us/education/chartsch</p>	<p>The Office is responsible for developing policy and implementing the Department's oversight of charter schools statewide. The Office is also responsible for developing and implementing policies to review, revoke, surrender, renew, and develop applications and approval processes and procedures for all charter schools.</p>
<p>New Jersey Charter Schools Association (NJCSA) Carlos Lejnieks, Board President Carlos Pérez, President and CEO http://njcharters.org</p>	<p>Formed in 1999, the NJCSA is a membership association that represents the state's charter school community, and, by extension, charter school students and their parents. They are committed to advancing quality public education for New Jersey's children through quality public charter schools.</p>
<p>Newark Charter School Fund (NCSF) Mashea Ashton, CEO http://ncsfund.org</p>	<p>The mission of NCSF is to create, expand, and support high-quality public school options for all children in Newark. To ensure students graduate ready for college, NCSF strives to increase the number of seats in high-quality public charter schools, hold Newark charters to the highest standards of accountability and transparency, and focus on collaboration with Newark Public Schools to benefit all of Newark's students.</p>
<p>National Association of Charter School Authorizers (NACSA) Greg Richmond, President and CEO http://www.qualitycharters.org/authorizer-development/what-we-do</p>	<p>NACSA provides training, consulting, and policy guidance to authorizing offices and other entities focused on quality authorizing of charter schools. It also advocates for laws and policies that raise the bar for excellence among authorizers and the schools they charter. NACSA, with support from the NCSF and the PMRC grant, funded by the U.S. Department of Education, worked with NJDOE to improve their tools and processes.</p>

New Jersey Charter Schools Over the Years*



New Jersey Charter Schools Open in 2013-14*



Source: October 15, 2013 CS Enrollment Count

* Source: New Jersey Department of Education

Changes Needed

Charter school sector leaders describe New Jersey as both highly politicized and highly regulated, with a charter law that has not changed since it was passed in 1996, plus hundreds of pages of state regulations.

“New Jersey was suffering from neglect at the state level,” describes Greg Richmond, NACSA president and CEO. “The prior administration was responsible for administering the law, but not supportive of charter schools, which led to a situation where no one was happy. Charter school proponents thought quality was too low; charter critics thought it was a free for all.”

A consensus among leaders at that time was emerging. Mashea Ashton, CEO of the Newark Charter School Fund since 2009, describes the trajectory. “When New Jersey first passed the law 18 years ago, it felt as though the state was leading the way. By the time the Fund launched in 2008, New Jersey had fallen behind on both quality practices and growth of the sector. It was time to focus on the role charters could play in increasing the number of high-performing seats around the state.”

Governor Chris Christie took office in 2010 and named Chris Cerf the new commissioner of education in 2011 to manage the Department, a large bureaucracy with more than 900 employees and home to the Office of Charter Schools.



“When New Jersey first passed the law 18 years ago, it felt as though the state was leading the way. By the time the Fund launched in 2008, New Jersey had fallen behind on both quality practices and growth of the sector. It was time to focus on the role charters could play in increasing the number of high-performing seats around the state.”

Mashea Ashton, CEO, Newark Charter School Fund

More Bandwidth Needed

One of the problems facing the Department was a lack of adequate staffing. “We had 80-some schools and a staff of only four full-time employees working on charters,” describes Andy Smarick, deputy commissioner of the Department during 2010-2012, who worked with Carly Bolger, hired to run the Department’s Office of Charter Schools, on early improvements. “We simply didn’t have the bandwidth to do what was needed.” He adds that the staff running the office had entered the Department with little to no charter experience and had a mindset of compliance and monitoring—not a mindset of growing the number of high-quality schools.

“We were getting so many applications and had so few staff,” Smarick recalls, “that I witnessed what I considered to be unfortunate work-minimization strategies. An application with great promise might be rejected for a small process foul. I was worried about false positives and false negatives—I couldn’t be sure that all low-quality proposals were being rejected or that all great proposals were being approved. It was a structural problem, and it had to be addressed.”

Leaders say the Department was too focused on things that didn’t matter and needed reorientation. “I asked NACSA to send us various authorizing office staffing-to-school ratios so we could understand what a well-staffed, a mid-staffed, and a lightly-staffed office looked like,” Smarick describes. “When I got those organizational charts back, it was immediately clear that we needed to reorganize the charter school office.”

Amy Ruck, who had grown up in New Jersey, returned to the state in 2011 after a number of years in New York working for a charter school support organization. The Department initially hired her to coordinate special projects in the Office of Charter Schools. Within a few months, when Bolger moved to Chicago, Ruck was asked to lead the office.

She remembers the concerns leaders shared at the time. “New Jersey was the fourth largest authorizer in the country, with a large portfolio that did not equate to high quality, and with no criteria as to who was coming into the state as school operators. We needed stronger application criteria, and we needed to gather concrete data to truly understand school performance. The question was, as we thought about improvements, how bold could we be within the existing law?”

Challenges From Inside and Outside

“Coming from the world of charter school support, I knew that a good relationship with your authorizer is essential, and, just as important, that an authorizer understands the charter bargain: the balance between autonomy and accountability,” Ruck emphasizes. “So I tackled the work to be done from that perspective.”

She describes a set of internal challenges. There was the need to create a common agenda and commitment among staff, many of them inherited from the previous administration. There was the need to construct missing tools and processes, such as performance frameworks, contracts, and a renewal process. There was the need to adequately prepare leadership for difficult closure decisions.

Then there were challenges more to do with external relationships. One immediate need was to improve the Department’s relationship with the schools themselves. The limited autonomy provided under New Jersey law, combined with some historical distrust, made for strained working relationships. “The Department was viewed as nonresponsive and not doing enough—too much about compliance and not enough about school success,” Ruck relates.

Changes Made

Carlos Lejnieks, volunteer board president of the state charter association, remembers the education reform voices emerging at that time. “The group was uniquely collaborative, and funders confirmed this. We had different perspectives, but we created a space for a middle ground in terms of education.”

The Association, with a new strategic plan and a new leader—Carlos Pérez, hired in 2010—was positioned to be a credible convener. “When Governor Christie reached out to us,” Lejnieks recalls, “we could bring other leaders to the table, not just the typical charter leaders.” This is a theme repeated in New Jersey: charters are one part of a multi-faceted conversation about doing right by children in public schools. “We don’t pretend charters are the silver bullet,” Lejnieks emphasizes. “Association members—70 percent of the state’s charter schools—are interested in the larger theme of school reform.”

Small and Symbolic Moves

According to NACSA’s Richmond, the new administration wanted to do right by children in public schools by focusing on the right things. They supported charter schools, but understood that meant supporting *quality* and *accountability*. “This is an important realization, one sometimes missing in other states where it’s more about quantity. New Jersey, in contrast, made it a priority to focus on quality from the beginning, welcoming in NACSA, and hiring quality people to get to work.”

Some of the shift began with small moves—changes that any school operator will tell you can make a big difference in the school/authorizer relationship. Phone calls returned. Open, supportive posture. Staff with a sympathetic ear. Tough, but not reflexively antagonistic. Smarick describes other positives. “Everyone knew that as a general rule we were charter-friendly, that Commissioner Cerf had served on a charter board, that I had helped start a school. That meant a sea change in how people saw the Department. The number of applications spiked; it felt like a new day.”

Ruck’s proposal to the commissioner—which became the foundation of the Office of Charter School’s Strategic Plan—built on these improvements, and reflected the Department’s priority on high-need neighborhoods. The proposal focused on 1) defining quality; 2) building a pipeline of quality schools; 3) becoming a nationally recognized authorizer of excellence; and 4) turning the focus from compliance to accountability. “This meant changing attitudes as well,” she accentuates, “from a goal of ‘on par’ to a goal of ‘better than’ for our schools. We didn’t think it was acceptable to just be good enough; we wanted our charters to offer better options to our families.”



“We don’t pretend charters are the silver bullet. Association members—70 percent of the state’s charter schools—are interested in the larger theme of school reform.”

Carlos Lejniaks, Board President, New Jersey Charter Schools Association

First Steps: The Application Process

With support from the Newark Charter School Fund, the Department contracted with NACSA for guidance and expertise on authorizing improvements, starting with a thorough evaluation of their practices, and laying out a plan to improve. The Fund’s Mashea Ashton says NACSA was instrumental in helping the Department decide what to do first. “This strategic planning set the state on a solid course.”

Some of the first changes made were to the application review process. Ruck details improvements, including internal and external reviewers; a reviewer selection process that meets national standards; improved reviewer training and collaboration; a database for public input; formalizing the “applicant capacity” interview; updated application-evaluation rubric; and reviewer consistency from initial submission to final decision. All these improvements helped ensure that New Jersey approved only high-quality applications aligned with the Department’s focus on high-need neighborhoods.

New Performance Frameworks

Delving into accountability was the logical next step. Leaders wanted to shift away from mere compliance to get at two other aspects of accountability: academic and financial outcomes. With additional resources from the PMRC² project, NACSA provided performance framework templates and the connection and consultation with those who were part of developing them, in order to find the best fit.

² PMRC is a project funded through a National Activities Grant from the federal Charter Schools Program to address the urgent need to develop and launch new policies and strategies that will improve educational opportunities for children nationwide. As part of the grant, NACSA developed a set of model resources for authorizing to be piloted at demonstration sites, one of which is the New Jersey Department of Education.

Once the state adopted the Performance Frameworks in 2012, NACSA helped the Department consider how to introduce them, with opportunity for input from schools. Pérez sees the Frameworks as one of the significant improvements in the way authorizing is done. “They’re not just about checking boxes so you can stay open, but about evaluating what schools are actually doing. Before, the state treated all charters the same way. Now they evaluate what’s happening at the school level: student outcomes (growth and absolute), finances, and operations.”

New Jersey is an example of the ripple effect performance frameworks can have on a charter school community. Both schools and authorizer now have reliable access to objective, measurable criteria. This enables stakeholders to plan for needed improvements and avoid surprises. “We felt that one of the best tools we could give schools was a common framework to help us together see problems and give schools a chance to make changes,” said Ruck. “This is what autonomy looks like.”

New Jersey’s Charter School Performance Frameworks*

In 2012, the Office of Charter Schools released the [Performance Frameworks](#), which outline clear academic, organizational, and fiscal standards used to evaluate New Jersey public charter schools. The Performance Frameworks focus on outcome measures that align with the Department’s goal of providing a high-quality education for all New Jersey students, regardless of zip code. Within the Performance Frameworks, the academic section carries the most weight in all high-stakes decision making, including replication, expansion, renewal, and revocation. The Frameworks evaluate increased student achievement for all subgroups of students by evaluating a school’s median Student Growth Percentile in all relevant subgroups and through the number of state performance targets met.

Category	Description
Academic Performance Framework	<p>The Academic Framework carries the most weight in all charter decisions and allows stakeholders to focus their attention on student achievement and outcomes above all other considerations. The NJDOE created a robust system that considers multiple data points in evaluating a school’s academic performance. Reports include information on the following indicators:</p> <ul style="list-style-type: none"> » Student achievement » Student growth » Comparative performance » Graduation rate
Financial Performance Framework	<p>The Financial Performance Framework was designed to assess the financial health and viability of charter schools in New Jersey. The Framework, containing both near-term and sustainability indicators, is a monitoring tool that provides the NJDOE with key data that summarizes a charter school’s current financial health while taking into account the school’s financial trends over a period of three years. The NJDOE does not use the Financial Framework to analyze a school’s spending decisions, but instead focuses on assessing each charter school’s financial position. Near-term indicators provide an understanding of a school’s financial picture in the upcoming school year, while sustainability indicators depict a school’s financial health over time. In total, the eight different measures provide a snapshot of a school’s near-term financial health, historic trends, and future viability; they allow the DOE to proactively address areas of concern.</p>
Organizational Performance Framework	<p>The Organizational Performance Framework evaluates whether schools are in compliance with existing laws, rules, and regulations. It also assesses whether the school has equitable admissions and enrollment practices to serve all students, and whether the school offers a safe and structured learning environment.</p>

* Source: New Jersey Department of Education



“ We felt that one of the best tools we could give schools was a common framework to help us together see problems and give schools a chance to make changes. This is what autonomy looks like.”

Amy Ruck, Director, Office of Charter Schools, New Jersey Department of Education

Aligned Charter Contract

Once the Performance Frameworks were up and running, it was time to execute contracts with each school. Here Department leaders say they may have rushed the process. “As of today, 70 percent of schools have a signed contract. Some resistance is simply human nature; schools were used to the way things were before contracts,” Ruck relates. “But in our desire to put missing tools into place, we didn’t think enough about stakeholder buy-in. We learned from that experience.”

That experience led to changes. Ruck details their work to create better dialog with schools, including speaking at quarterly association meetings. While the Association’s Pérez expresses concern that the new contracts may not adequately address unique circumstances of some schools, he agrees that increased communication is helping. “We talk to schools and then work with DOE staff to develop an agenda. The schools have found it tremendously valuable, and they appreciate the candor from the charter office,” Pérez says.

Renewal Process Aligned With Performance Frameworks

The Department then worked with NACSA to craft an improved renewal process guided by performance framework data, with a focus on academic outcomes, site visits protocols, and tiers of warning/probation/expansion. The renewal application itself went from a 100-page narrative to 20 outcome-focused, data-driven pages.

Armed with reliable information, the Department says site visits became more productive. “This past year, before going into renewal site visits, we knew certain schools were on the hot seat,” says Ruck. “But the tenor of the visit was different: objective, outcome-focused, solution-oriented.”

Finer differences can now be noted and action plans made. “Some schools are good enough to renew, but don’t have the capacity yet to expand,” she explains. “A couple of schools had data pointing to closure, but instead they were renewed with probation, since we understood their scores better. This is the kind of discretion an authorizer needs to have, backed up by a strong system.”

Commitment to Smart Closure When Needed

In the last three years, the Department closed 10 schools. “Facing these decisions is an authorizer’s biggest challenge: each school is so different and there’s no way to take the human story out of it,” Ruck emphasizes. “But we wanted to make decisions based on results, not relationships.”

The Department looks at school performance from various angles: 1) comparative to peer group (ranking); 2) growth measures (student); and 3) absolute performance measures. Ashton recognizes the shift. “They used to close schools solely for fiscal mismanagement, but now the message is clear: schools will also be closed if they are poor quality. The Commissioner and staff deserve credit for their courage.”

The Association also supported those decisions, says Pérez. “For years, those schools were in the lowest 10 percent of all schools. They needed to be closed. However, all the clear closure decisions have been made,” he asserts. “Going forward, the decisions will be much more difficult to make and deserve to be made thoughtfully.”

Ruck underscores the message. “We have closed schools that outperform their district peers, because outperforming a failing school doesn’t mean your school is succeeding. We told schools plainly: you have to teach kids and be successful; it’s not an option to fail,” she says.

“What we didn’t do well enough,” Ruck continues, “was to explain decisions in a way that schools could prepare for changes.” Both Department and other leaders say the process has improved each year. At first, NACSA funded a closure manager, and, based on that experience, best practices were created. Today, the Department staffs this work directly; a closure system is part of the regulations. “We follow protocol on site visits, when we look at data, how we report to the commissioner, and how we implement the closure to ensure transition for the students,” Ruck emphasizes.



“ We have closed schools that outperform their district peers, because outperforming a failing school doesn’t mean your school is succeeding. We told schools plainly: you have to teach kids and be successful; it’s not an option to fail.”

Amy Ruck, Director, Office of Charter Schools, New Jersey Department of Education

Growing More Great Schools

But this is both science and art, and the perfect formula doesn’t exist. Leaders know they face grave questions: What does a school closure mean for families? Where do you send displaced kids? How do you manage the transition? Do you have a pipeline of great schools ready?

Former NJDOE Deputy Commissioner Andy Smarick recalls a metaphor used by Commissioner Cerf: air traffic controllers at Chicago’s O’Hare Airport ensuring that planes land and take off in a well-choreographed manner. “If we are going to close schools, we have to think about who is circling the airport—who is ready to open or expand,” says Smarick.

Ruck agrees. “I feel good about the decisions we have made, but we have left families with challenging choices,” she bemoans. She and Smarick relate the experience of closing two persistently low-performing schools in rapid succession in Trenton, which displaced 1,000 children and caused an extremely difficult situation for the district. Ruck says the Department has a designated staff person to help families with transitions and coordinate re-registration events, but there’s always more that could be done with more resources.

One place existing resources are being brought to bear: supporting the development of new schools. Whether a new high-quality “Mom and Pop” start-up, the replication of an existing stellar school, or attracting experienced operators from elsewhere, New Jersey is determined to offer high-quality options to both new charter school students and those affected by closures.

Office Set Up For Success

Increased ability to support schools—during every phase, from opening to closing—comes from increased staffing. NACSA provided short-term capacity to the reorganized charter office, which helped address workloads on application review, management, oversight, renewal, and closure. But in order to ensure long-term success, personnel capacity became a priority, and Ruck worked to build her team of 10 staff people. “My attitude is, if we see gaps, let’s fill them. NACSA helped me develop professional development offerings for the team, ranging from basic chartering to oversight to interview techniques to applicant support.”

She also took advantage of NACSA’s programs to identify and develop talent in the charter sector. Ruck became a member of the first cohort of NACSA’s *Leaders Program*, designed to provide deep support to leaders of authorizer offices, with intensive in-person sessions and one-on-one mentoring from coaches. Later, the Department served as a host authorizer for a year-long placement³ of a NACSA-trained, high-potential young professional. Wendy Nelson’s work via NACSA’s Fellows Program was significant, and included helping to implement renewal protocols consistent with the new Performance Frameworks.

According to Ashton, strong staff efforts on strategic planning, managing up, and succession planning increase the staying power of the reforms. She also credits NACSA’s support on internal communications, through a contract with Larson Communications, as pivotal to increasing support for charter schools within the Department. “Some NJDOE staff believed some of the myths about charter schools. Making sure staff knew they were public, open to everyone, and don’t have admissions requirements was key.”



“They’re not just about checking boxes so you can stay open, but about evaluating what schools are actually doing. Before, the state treated all charters the same way. Now they evaluate what’s happening at the school level: student outcomes (growth and absolute), finances, and operations.”

Carlos Pérez, President and CEO, New Jersey Charter Schools Association

Efforts To Improve New Jersey Law

Authorizer improvements in New Jersey have been made despite a law in dire need of a revamp. The Department has also been keen on improving the myriad regulations, to boost this shift from compliance to performance, and build in additional autonomy for charter schools.

The Association urges continued vigilance on the balance between autonomy and accountability. “The DOE has done some phenomenally positive things for charters in the last few years, using their rulemaking authority to protect autonomy,” asserts Pérez. “We want to support quality; we support a high bar. But schools need the freedom to make decisions as to how to meet it. When you have more accountability than autonomy, you are setting up schools for failure.”

Amy Ruck points to three recent victories as evidence of their commitment to securing autonomy for the state’s charters. “First, charters don’t have to use the same teacher evaluation process as the rest of the state. Second, a new alternate-route teacher certification program for charters now allows schools to bring on the best people. Finally, teacher tenure has been streamlined; we were able to provide charters with a huge amount of flexibility they didn’t have before. Now, tenure is based on language and protections in individual charter bylaws as opposed to dictated by the state.”

These new freedoms provoke mixed reactions, according to Ruck. “Even though we operate in a fairly regulated state, some schools don’t know what to do with this additional flexibility. So we try to be very clear about the balance we seek to ensure great charter schools: we will define as many areas of flexibility as possible, and then here are the areas with defined metrics and how we’ll evaluate them.”

³ While Ruck invited her to stay on, Nelson accepted an authorizing position with the Colorado Charter Schools Institute.

Lessons Learned

Outside Resources Matter: Authorizers who want to improve must make changes while the swift and unceasing current of decision making continues. “People underestimate the relentlessness of the work,” states Andy Smarick. “Authorizers have formal calendar cycles—approval decisions, monitoring visits, renewal decisions—and the work simply has to be done on schedule. So having NACSA support—having a skilled organization working alongside while you are still meeting deadlines—was absolutely indispensable. Without it, I don’t know how an understaffed authorizer does it! Without additional capacity, how do you build new performance frameworks?”

Committed Leadership: Grants from the Newark Charter School Fund and PMRC were certainly a boon, giving the Department resources to work with NACSA on a full-scale revamp. But leaders emphasize other key puzzle pieces: the right people, the right time, and the willingness to change. Leaders from government, nonprofit, school, and funding sectors came to the table and agreed that New Jersey could do better. “If the leadership isn’t right, the money doesn’t matter,” emphasizes Mashea Ashton. “NACSA provides tools, policies, and crucial connections, but it’s the local people that ultimately make the difference.” Carlos Lejnieks adds, “Funders saw the energy emerging in New Jersey. Build a credible institution; get the right leaders on the bus. Then you’ll attract investment.”

Starting Fresh: Some authorizers have success tweaking existing systems. New Jersey took a more radical approach and started fresh, which some claim is essential. “New starts are important to schools and to authorizers as well,” Smarick believes. “Old habits, old ways of thinking can become ingrained, despite the best intentions. I’m convinced that if we hadn’t done a total rebuild of the charter schools office, the turnaround would never have happened. It was important even in terms of optics; the charter office’s new team and their new location in the building gave people a sense that the work and the results would be different, too.”



“ Authorizers have formal calendar cycles—approval decisions, monitoring visits, renewal decisions—and the work simply has to be done on schedule. So having NACSA support—having a skilled organization working alongside while you are still meeting deadlines—was absolutely indispensable. Without it, I don’t know how an understaffed authorizer does it!”

Andy Smarick, Deputy Commissioner of the Department during 2010-2012

Company in the Change Process: Once there was leadership to make change happen and willingness to change, being able to consult with others who had done this before helped New Jersey leaders realize how to get the work done. Ashton asserts, “As we build the maturing authorizing profession, this is an area I see as undervalued: NACSA’s ability to connect authorizers implementing improvements with others around the country who have already done just that, and bringing best practices to life through conversations with real people. You have the policies, you have the practices, but then what?”

Thoughtful Accountability: Department leaders describe the challenges faced in developing an accountability system for charter schools in the context of a Department also revamping its accountability system for district schools. “In the charter office, we wanted to measure different things,” recounts Smarick. “We wanted to have the right to close low performers. But if you are a part of a state office with a portfolio of charters and non-charters, you have to be very thoughtful about building your accountability system,” he urges. “Will it be a unitary system—one that applies to all schools—or will it apply to charter schools differently?”

Engaging Schools, Again and Again: Making change that impacts day-to-day school operations is complicated. Pushback from schools may be their resistance to something unproven, or it may be in the interest of self-preservation from schools founded on the concept of greater autonomy. But the charter promise couples this concept with accountability that is often being developed in real time. “You’re building the plane while you’re flying it. Choreographing these improvements with NACSA, state leaders, the Commissioner, the schools—it’s a lot of actors and moving parts, and never enough staff,” says Smarick. New Jersey leaders agree that there is room to improve communication. “There has been good cooperation between the Department and the schools,” Carlos Pérez describes. “Now we are looking for more collaboration.” Conversations have started about a new online data system that the Department is developing, and Pérez says this is positive.

Strategy, the Guiding Light: Policy and practice improvements are necessary tactics that must be tied to a broader strategy. “What are you trying to accomplish? Do you want growth or new schools in a specific geography? How much growth is too much, or too fast? How do you time necessary closures with growth?” Smarick says these are questions that must be answered sooner than later. “It’s not enough to say you are pro-charter; what is your position on suburban charters, high-need areas, rural regions, Mom and Pop operators, charter management organizations, etc.?”

Communication Long Before Closure: With their shift to real accountability, New Jersey now has the data to make a clear case for closures. But having the data is just the beginning, says Amy Ruck. “We have learned our biggest lessons in HOW to close a school: communication has to be a central part of the process. Sending a letter is NOT the way to handle it. Even when a school’s performance shows they aren’t serving students, most school leaders are there day in and day out with their heart and soul, and that must be recognized. That’s what’s so key about the Performance Frameworks,” she reiterates. “We can see trends early on and then use that as a basis for conversations with schools long before the renewal or closure decisions are made.”

A Pipeline of Good Schools: Making the tough decisions to close poorly performing schools raises a series of complicated next steps. The most important of these is having other quality school options for families. Ruck confirms, “We are making the right decisions on closures, but we simply need to have more new good schools in the pipeline, more good seats for students.” For New Jersey and authorizers nationwide alike, this usually means—in addition to opening new single schools—working to both replicate good single schools as well as draw in new high-quality experienced operators.

Doing Right Brings Criticism: New Jersey is an example of how difficult and painful it is to close schools. It is also an example of people doing the right thing despite how hard it is, asserts Greg Richmond. “The commissioner was willing to take criticism and he got it from all sides: criticism for not approving enough schools, for approving any schools at all, for closures. Some school systems stop when someone says something negative. But you cannot stop in the charter space,” he maintains. “You have to build quality systems and then implement them even when it makes people unhappy. If you’re not getting criticized from the left and the right, you’re probably not doing something right.”

Looking Ahead

Resources to Grow

The Department, in response to parent demands for more charters, is working to build a pipeline of schools, encouraging high-performers to replicate as well as attracting new school operators.

Here, geographical divides are evident again. Amy Ruck mentions the resources focused on Newark, the fourth poorest U.S. city with more than 250,000 residents in 2008. “The Zuckerberg money⁴ came in, and, suddenly, everyone wanted in. Charters will soon be at 40 percent of the market share there, and there’s lots of energy to grow more schools,” she describes. “But you cross South Orange Avenue from Newark into surrounding towns, and education needs there are just as great. But we can’t yet build the pipeline there, with either established or new operators.”

The state also wants to attract excellent teachers to cities without a natural talent pool nearby. “We need to draw teachers to such places as Atlantic City,” Ruck points out. “But that’s not as easy as attracting them to Camden from Philadelphia or to Newark from New York.”



“Authorizing is still a human decision. The charter model was in part a break away from bureaucracies defining what’s happening to kids—to return to humans making decisions. So, you need good tools, but you also need face time to be a quality authorizer.”

Carlos Pérez, President and CEO, New Jersey Charter Schools Association

Making Growth Easier

A charter bill overhaul will help make growth easier. The law is so old that, according to Andy Smarick, it doesn’t even contemplate such things as virtual and blended schools.

“We’ve been in conversations for years about how to improve the law,” says the Fund’s Mashea Ashton. “Of course, when you open a bill, everything’s on the table. But we’ve learned a lot about quality schools and accountability to guide us.” A few priority changes mentioned by Ashton: a second authorizer, facilities funding, access to underutilized district buildings, and stronger accountability provisions.

Beyond the law, leaders think the charter school sector should play a role in the larger education reform landscape. “We must have a voice on teacher quality and the Common Core. If not, things will simply be handed to us,” warns Ashton.

Priorities for a Maturing Charter Sector

Ashton and the Fund see certain priorities for New Jersey as the movement grows and matures. “We need a universal enrollment system which reflects our commitment to serve all students,” she begins. “We need data transparency and consistency between charters and traditional schools, which could help eliminate the ‘us v. them’ talk. And we must be committed to quality, which includes closing low-performing schools when necessary.”

4 Mark Zuckerberg, founder and CEO of Facebook, gave \$100 million in matching funds in 2010 to Newark public education over five years.

The Association is aligned with this push for quality. “We believe in the charter school model, designed so kids can succeed, a way to empower educators to make great decisions,” says Carlos Lejnieks. “But we don’t defend the word ‘charter’—we defend the word ‘quality.’ That’s what matters to us. Of course, we will do all we can to support schools to succeed. But we can’t defend poorly performing schools and defend students at the same time.”

The Association agrees an alternative authorizer is needed. “By definition, the job of a state department of education is to oversee districts, not schools,” says Carlos Pérez, “so we think it makes sense to have more than one authorizer.” He flags another concern. “There’s a one-to-one correlation between who’s in the governor’s office and the quality of authorizing. We have strong support from Governor Christie, but schools being approved right now will not be renewed for four more years; in other words, the next administration will renew these schools.” He poses, “How can we have an authorizing process that can stand the political pressures of who’s in the front office?”

Authorizing: Still a Human Decision

Regardless of politics, authorizing is a heavy workload, and leaders agree more resources are crucial. “I think the Department has the tools and good folks on board,” asserts Pérez. “But they need more people power to use the tools thoughtfully. Authorizing is still a human decision. The charter model was in part a break away from *bureaucracies* defining what’s happening to kids—to return to *humans* making decisions. So you need good tools, but you also need face time to be a quality authorizer.”

For now, the state strategy is one of charter schools that respond to demonstrated need, not charter schools that provide choice in higher-performing districts, Ruck explains. The Department—while clear about all the work ahead—is proud of the decisions they’ve made in the districts that do have charter schools. “Results are coming in,” Ruck shares enthusiastically. “We’ve done due diligence, and we can show success in Year One and Two of new starts, which national research⁵ says are schools more likely to continue to do well. We’ve also inherited some schools that we’ll have to make some really tough decisions about,” Ruck continues.

That’s the central challenge ahead for New Jersey, which reflects the heart of NACSA’s *One Million Lives* campaign: the necessity to close some schools coupled with the necessity to create new great schools. And it’s the essence of this New Jersey case study: the ability of strong leaders to take action to provide children with better schools. “We’re doing it in New Jersey,” says Ruck, “and it’s possible in other states around our country. In fact, it’s what leaders do.”

5 *Charter School Growth and Replication* report by Stanford University’s Center for Research on Education Outcomes (CREDO), January 2013: <http://credo.stanford.edu/research-reports.html>

New Jersey Timeline and NACSA Deliverables



1996

- Charter School Program Act of 1995 is signed into law.

1997

- New Jersey Department of Education (NJDOE) is established as authorizer. First charter schools are launched.

2010

- Chris Christie takes office as governor.
- NACSA work with Department's Office of Charter Schools (OCS), funded in part by the Newark Charter School Fund, begins with an authorizer evaluation.

2011

- Chris Cerf is appointed commissioner of Department of Education.
- **2011-2012** The OCS, with support from NACSA, crafts a strategic plan to improve.
- **2011-2012** Application Process Support: NACSA provides evaluators and support in 2011; recommends team leads in 2012.
- **2011, 2012, 2013** NACSA provides targeted training on staff orientation, application evaluation, applicant interviews, and financial due diligence on replication requests.

2012

- NJDOE is selected as a PMRC Demonstration Site.
- **2012-2013** Revised Charter Application and Criteria: NACSA develops experienced operator application and evaluation criteria, and improved new operator application.
- **2012-2013** Renewal Application and Process: NACSA provides feedback on 2012 renewal application; revisited in 2013 to better align with Frameworks.
- NACSA works with OCS to create and introduce Academic Performance Framework, Financial Performance Framework, and Organizational Performance Framework.
- **Closure Support:** NACSA provides onsite closure manager; staffed internally in 2013.
- **OCS Director (Amy Ruck) participates in NACSA's Leaders Program.**
- **2012-2013** NACSA leads the development of a new contract and helps OCS introduce it.
- **2012-2013** Communications Planning: Larson Communications provides targeted, event-based communications support, messaging, and communications plan.
- **2012-2013** NACSA Fellow (Wendy Nelson) is hired for a one-year assignment in OCS.
- **2012-ongoing** Monitoring Policies and Protocols: Monitoring and framework implementation work supported by NACSA Fellow; in discussion regarding future fiscal monitoring support. Development and release of OCS annual report.

2013

2014

Resources/Links

New Jersey Department of Education Office of Charter Schools:

<http://www.state.nj.us/education/chartsch>

New Jersey Charter School Performance Framework:

<http://www.state.nj.us/education/chartsch/accountability/framework.htm>

New Jersey Charter Schools Association:

<http://njcharters.org>

Newark Charter School Fund:

<http://ncsfund.org>

Related resources on NACSA's Knowledge Core:

Core Performance Framework and Guidance

<http://nacsamycrowdwisdom.com/diweb/catalog/item/id/126547/q/c=82&t=2221>

Core Resource Charter School Application

<http://nacsamycrowdwisdom.com/diweb/catalog/item/id/77027/q/c=82&t=2221>

Core Charter School Renewal Application and Guidance

<http://nacsamycrowdwisdom.com/diweb/catalog/item/id/139196/q/c=82&t=2221>

Core Charter School Contract

<http://nacsamycrowdwisdom.com/diweb/catalog/item/id/105582/q/c=82&t=2221>

Core Closure Protocol and Guidance

<http://nacsamycrowdwisdom.com/diweb/catalog/item/id/110486/q/c=82>

Contributors



Mashea Ashton
CEO, Newark Charter School Fund



Carlos Lejnieks
Board President, New Jersey
Charter Schools Association



Carlos Pérez
President and CEO, New Jersey
Charter Schools Association



Amy Ruck
Director, Office of Charter
Schools, New Jersey Department
of Education



Andy Smarick
Deputy Commissioner of the
Department during 2010-2012

NACSA develops quality authorizing environments that lead to a greater number of quality charter schools. Learn more about NACSA at www.qualitycharters.org.

National Association of Charter School Authorizers, 2014

This work is licensed under the Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 Unported License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0>.

This case study was published in March 2014.