

# AUTHORIZER ACCOUNTABILITY: MODEL LANGUAGE

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## PROFESSIONAL STANDARDS FOR QUALITY CHARTER SCHOOL AUTHORIZING

MODEL LANGUAGE FROM NACSA	MODEL LANGUAGE FROM NATIONAL ALLIANCE <sup>1</sup>	STATE EXAMPLE <sup>2</sup>
<i>Each authorizer within the state shall follow high standards for quality authorizing.</i>	<p><i>All authorizers shall be required to develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility including: organizational capacity and infrastructure; soliciting and evaluating charter applications; performance contracting; ongoing charter public school oversight and evaluation; and charter renewal decision-making.</i></p> <p><i>Authorizers shall carry out all their duties under this Act in a manner consistent with such nationally recognized principles and standards and with the spirit and intent of this Act. Evidence of material or persistent failure to do so shall constitute grounds for losing charter authorizing powers.</i></p>	<p><b>Illinois</b></p> <p><i>The Commission and all local school boards that have a charter school operating are required to develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility.</i></p> <p>105 ILCS 5/27A-7.10</p>

<sup>1</sup> All model language adapted from: Ziebarth, T., Bierlein, L., & O'Neill, P. (2016). A Model Law for Supporting the Growth of High-Quality Charter Schools (Publication). Retrieved <https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

<sup>2</sup> Examples are for informational purposes only and do not represent an endorsement by NACSA of that state's law, authorizing structure, system, or results.

## STATE ENTITY THAT CAN EVALUATE AUTHORIZERS ON THEIR PRACTICES

MODEL LANGUAGE FROM NACSA	MODEL LANGUAGE FROM NATIONAL ALLIANCE <sup>3</sup>	STATE EXAMPLE <sup>4</sup>
<b>POWER TO EVALUATE AUTHORIZER PERFORMANCE</b>		
<p>Authorizers shall be held accountable by the [State Education Department/State Charter Review Board/ State Legislature] for the overall academic performance of their schools and for effectively carrying out their responsibilities throughout the life cycle of charter school authorizing, including reviewing applications, contracting with schools, oversight and monitoring, and renewal, revocation, and closure when necessary. They are subject to review and evaluation by the [State Education Department/State Charter Review Board/ State Legislature] which shall assess their performance with respect to the [the state's standards for authorizing/ NACSA's Principles &amp; Standards for Quality Charter School Authorizing] and on the basis of the academic outcomes of the charter schools they oversee.</p>	<p>The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall be responsible for overseeing the performance and effectiveness of all authorizers established under this Act.</p> <p>....Persistently unsatisfactory performance of an authorizer's portfolio of charter public schools, a pattern of well-founded complaints about the authorizer or its charter public schools, or other objective circumstances may trigger a special review by the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY].</p> <p>In reviewing or evaluating the performance of authorizers, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall apply nationally recognized principles and standards for quality charter authorizing.</p>	<p><b>Minnesota</b></p> <p>The commissioner shall review an authorizer's performance every five years in a manner and form determined by the commissioner and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school operator, charter school board member, or other interested party.</p> <p>MN Stat § 124D.10(3)(i)</p>

<sup>3</sup> All model language adapted from: Ziebarth, T., Bierlein, L., & O'Neill, P. (2016). A Model Law for Supporting the Growth of High-Quality Charter Schools (Publication). Retrieved <https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

<sup>4</sup> Examples are for informational purposes only and do not represent an endorsement by NACSA of that state's law, authorizing structure, system, or results.

TRANSPARENCY VIA PERFORMANCE REPORTS		
<p><i>Each authorizer shall annually publish a report (“Annual Authorizer Performance Report”) providing the following information:</i></p> <ul style="list-style-type: none"> <li>i. <i>Data on the academic performance of the portfolio of schools for which it has oversight responsibility. It shall include data from state accountability systems on each school’s academic performance and shall indicate how well each school performed against the goals set forth in its performance framework and charter agreement.</i></li> <li>ii. <i>The record of compliance with objective, defined financial and operational requirements for each such school.</i></li> <li>iii. <i>Key student data for each such school, including student enrollment, attrition and expulsion rates generally and enrollment and retention rates for students with disabilities, students eligible for Free and Reduced Price Lunch, and English Learners.</i></li> </ul>	<p><i>Every authorizer shall be required to submit to the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] and the general assembly an annual report. The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall, by [INSERT DATE] of each year, communicate to every authorizer the requirements for the format, content, and submission of the annual report.</i></p>	<p><b>Hawaii</b></p> <p><i>Every authorizer shall be required to submit to the board and the legislature an annual report summarizing: [...] (2) The academic performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this chapter, including a comparison of the performance of public charter school students with public school students statewide; (3) The financial performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this chapter; [...]</i></p> <p><i>HI Rev Stat § 302D-7</i></p>

## NEW AUTHORIZERS SHOULD APPLY, OR AT LEAST REGISTER, IN ORDER TO AUTHORIZE

MODEL LANGUAGE FROM NACSA	MODEL LANGUAGE FROM NATIONAL ALLIANCE <sup>5</sup>	STATE EXAMPLE <sup>6</sup>
<b>POWER TO EVALUATE AUTHORIZER PERFORMANCE</b>		
See Model Language from National Alliance.	<p><b>Registration</b></p> <p>The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall publicize to all school boards the opportunity to register with the state for chartering authority within the school districts they oversee. By [INSERT DATE] of each year, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall provide information about the opportunity, including a registration deadline, to all school boards.</p> <p>To register as a charter authorizer in its school district, each interested school board shall submit the following information in a format to be established by the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY]:</p> <ul style="list-style-type: none"> <li>i. Written notification of intent to serve as a charter authorizer in accordance with this Act;</li> <li>ii. An explanation of the school board's strategic vision for chartering;</li> <li>iii. An explanation of the school board's budget and personnel capacity and commitment to execute the duties of quality charter authorizing, in accordance with this Act;</li> </ul>	<p><b>Missouri</b></p> <p>The application process for sponsorship shall require each interested eligible sponsor, except for the Missouri Charter Public School Commission, to submit an application by February 1st that includes the following:</p> <ul style="list-style-type: none"> <li>i. Written notification of intent to serve as a charter school sponsor in accordance with sections 160.400 to 160.425 and section 167.349;</li> <li>ii. Evidence of the applicant sponsor's budget and personnel capacity;</li> <li>iii. An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425 and section 167.349;</li> <li>iv. The performance contract that the applicant sponsor would, if approved as a charter sponsor, use to evaluate the charter schools it sponsors; and</li> </ul>

<sup>5</sup> All model language adapted from: Ziebarth, T., Bierlein, L., & O'Neill, P. (2016). A Model Law for Supporting the Growth of High-Quality Charter Schools (Publication). Retrieved <https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

<sup>6</sup> Examples are for informational purposes only and do not represent an endorsement by NACSA of that state's law, authorizing structure, system, or results.

	<ul style="list-style-type: none"> <li>iv. An explanation of how the school board will solicit charter public school applicants, in accordance with this Act;</li> <li>v. A description or outline of the performance framework the school board will use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter public schools, consistent with the requirements of this Act;</li> <li>vi. A draft of the school board's renewal, revocation, and nonrenewal processes; and</li> <li>vii. A statement of assurance that the school board commits to serving as a charter authorizer in fulfillment of the expectations, spirit, and intent of this Act and will fully participate in any authorizer training provided or required by the state.</li> </ul> <p><b>Registration</b></p> <p><i>Within [INSERT NUMBER OF DAYS] of receipt of a school board's duly submitted registration materials, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall register the school board as a charter authorizer within the school board's school district and shall provide the school board a letter confirming its registration as a charter authorizer. No school board shall engage in any charter-authorizing functions without current registration as a charter authorizer with the state.</i></p>	<ul style="list-style-type: none"> <li>v. The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.</li> <li>vi. By April 1st of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant sponsor's compliance with sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department.</li> <li>vii. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be six years and renewable.</li> </ul>
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	<p><b>Duration</b></p> <p><i>Once registered, the school board's registration as a charter authorizer shall continue from year to year, provided that the school board fulfills all charter-authorizing duties and expectations set forth in this Act and remains an authorizer in good standing with the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY].</i></p>	
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## Other Considerations

Just as the responsibilities of an authorizer should be clearly outlined in statute, the duties of the authorizer oversight entity should be clear as well. The following model language is suggested by the National Alliance.

### Duties

*The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall establish the annual application and approval process, including cycles and deadlines during the fiscal year, for all entities eligible to apply for chartering authority. By [INSERT DATE] of each year, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall make available information and guidelines for all eligible entities concerning the opportunity to apply for chartering authority under this Act. This information and these guidelines shall provide for a clear and transparent process so that all applications are submitted within a predictable and publicly known timeframe. The application process shall require each interested eligible entity to submit an application that clearly explains or presents the following elements: (i) Written notification of intent to serve as a charter authorizer in accordance with this Act; (ii) The applicant entity's strategic vision for chartering; (iii) A plan to support the vision presented, including explanation and evidence of the applicant entity's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing, in accordance with this Act; (iv) A draft or preliminary outline of the application that the applicant entity would, if approved as a charter authorizer, issue to solicit charter public school applicants; (v) A draft of the performance framework that the applicant entity would, if approved as a charter authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter public schools; (vi) A draft of the applicant entity's renewal, revocation, and nonrenewal processes; (vii) A statement of assurance that the applicant entity seeks to serve as a charter authorizer in fulfillment of the expectations, spirit, and intent of this Act, and that if approved as a charter authorizer, the entity will fully participate in the state's authorizer accountability system and any authorizer training provided or required by the state; and (viii) A statement of assurance that the applicant will ensure public accountability and transparency in all matters concerning their charter-authorizing practices, decisions, and expenditures.*

(b) By [INSERT DATE] of each year, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall decide whether to grant or deny chartering authority to each applicant. The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall make its decisions on the merits of each applicant's proposal and plans and ground its decisions in nationally recognized principles and standards for quality charter authorizing. The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] will provide each applicant with a letter granting or denying the applicant's request and explaining the reasons for the decision. (c) Within [INSERT NUMBER OF DAYS] of the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY]'s decision, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall execute a renewable authorizing contract with each entity it has approved for chartering authority. The initial term of each authorizing contract shall be six years. The authorizing contract shall specify each approved entity's agreement to serve as a charter authorizer in accordance with the expectations of this Act and shall specify additional performance terms based on the applicant's proposal and plan for chartering. No approved entity shall commence charter authorizing without an authorizing contract in effect.

## AUTHORIZERS FACE CONSEQUENCES IF THEY HAVE BAD PRACTICES OR A HIGH PROPORTION OF PERSISTENTLY FAILING SCHOOLS

MODEL LANGUAGE FROM NACSA	MODEL LANGUAGE FROM NATIONAL ALLIANCE <sup>7</sup>	STATE EXAMPLE <sup>8</sup>
<b>POWER TO SANCTION</b>		
<p><i>Authorizers that consistently fail to meet state authorizing standards or have a portfolio of consistently failing schools may be subject to sanctions by the [State Education Department/State Charter Review Board/ State Legislature]. Sanctions may range from a formal reprimand to the revocation of the right to serve as an authorizer, subject to a hearing on the matter.</i></p>	<p><i>If at any time the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] finds that an authorizer is not in compliance with an existing charter contract, its authorizing contract with the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY], or the requirements of all authorizers under this Act, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall notify the authorizer in writing of the identified problems, and the authorizer shall have reasonable opportunity to respond and remedy the problems.</i></p> <p><i>If an authorizer's portfolio of schools fails to meet the state's minimum standard of performance of [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY], the ability of the authorizer to authorize new charter public schools shall be immediately suspended by the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] until it approves the authorizer to authorize new charter public schools, unless the authorizer demonstrates exceptional circumstances</i></p>	<p><b>Nevada</b></p> <p><i>Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.</i></p> <p>NV Rev Stat § 386.515</p>

<sup>7</sup> All model language adapted from: Ziebarth, T., Bierlein, L., & O'Neill, P. (2016). A Model Law for Supporting the Growth of High-Quality Charter Schools (Publication). Retrieved <https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

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	<p><i>that the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] finds justifiable. A determination under this paragraph to suspend the ability of an authorizer to authorize new charter public schools shall identify the deficiencies that, if corrected, will result in the approval of the authorizer to authorize new charter public schools.</i></p> <p><i>If a school board registered as an authorizer persists in violating a material provision of a charter contract or fails to remedy other authorizing problems after due notice from the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY], the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall notify the school board, within a reasonable amount of time under the circumstances, that it intends to terminate the school board's chartering authority unless the school board demonstrates a timely and satisfactory remedy for the violation or deficiencies.</i></p> <p><i>If an authorizer granted chartering authority persists, after due notice from the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY], in violating a material provision of a charter contract or its authorizing contract with the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY], or fails to remedy other identified authorizing problems, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.</i></p>	
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## TRANSFERRING THE PORTFOLIO OF AN AUTHORIZER THAT HAS LOST THE ABILITY TO AUTHORIZE

<p>Once an authorizer has been decommissioned, the [State Education Department/State Charter Review Board] will promptly commence a review of the portfolio of charter schools overseen by the authorizer.</p> <ul style="list-style-type: none"> <li>i. The [State Education Department/State Charter Review Board] shall determine which, if any, of the schools overseen by the authorizer are chronically low performing and may designate any such schools as ineligible for transfer to another authorizer. Such schools shall be subject to closure, which shall occur at the end of the current school year, unless a threat to the health, safety, or education of students or staff justifies earlier closure. For any interim period between the decommissioning of the authorizer and the closure of the school, the [State Education Department/State Charter Review Board] shall serve as acting authorizer.</li> <li>ii. Schools not found to be chronically low performing shall be eligible to transfer to another authorizer. Such schools shall have [Unit of Time] to apply to and be approved by an alternative authorizer. Schools that are unable to secure approval by an existing authorizer shall close.</li> </ul>	<p>In the event of revocation of any authorizer's chartering authority, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state that is in good standing and has the capacity to assume oversight of additional charter contracts, with the mutual agreement of each affected charter public school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term. In the event that no authorizer is willing to assume the charter contract of a given charter public school, then the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] may make the Commission<sup>9</sup> the authorizer of the school for a period of no more than two years, during which the school is required to find a permanent authorizer, which may include the Commission, or face closure. The [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] or the Commission may move to immediately close down any of these schools if they are not meeting the minimum academic and financial standards.</p> <p>In the development and implementation of the state's authorizer accountability system, the [INSERT NAME OF AUTHORIZER OVERSIGHT ENTITY] shall seek input from current and eligible authorizers, charter public schools, and other stakeholders.</p>	<p><b>Indiana</b></p> <p>Charter schools authorized by an authorizer that has been decommissioned under subsection (a) must apply to be approved by another authorizer within one hundred fifty (150) days after the date the state board revokes the authorizer's authority to function as an authorizer, regardless of whether the state board has begun the process of winding up authorization activities of the authorizer. A charter school that is not approved under this subsection must close at the end of the charter school's current school year containing the date in which the charter school's application under this subsection is disapproved. A charter school that is closed by the state board under section 3 of this chapter may not be approved by another authorizer under this subsection.</p> <p>IC 20-24-2.2-6</p>
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<sup>9</sup> Ideally, every state would have a state charter school commission tasked with statewide chartering authority. In the absence of a commission, another authorizer with statewide authority should be designated.