



**LOUISIANA CHARTER SCHOOL AUTHORIZER EXCELLENCE PROJECT**  
**OFFICE OF PARENTAL OPTIONS, LOUISIANA DEPARTMENT OF EDUCATION**  
**August 26-27, 2010**

**Summary of Discussions and Conclusions**

**Introduction**

In August 2010, the Office of Parental Options (OPO) at the Louisiana Department of Education (LDE) held a conference that gathered national experts and local leaders in charter authorizing and the charter school movement to consider ways to improve the state's laws and policies governing the charter authorizing process. The Louisiana Charter School Authorizer Excellence Project conference was held in New Orleans over two days.

Day one was dedicated to identifying the strengths, weaknesses, and problems with current policy and law, raising questions and concerns, and making suggestions and advancing solutions to these problems where possible. The large group was divided into four smaller groups, led by a group leader and a national expert, each of which tackled a particular area of policy and law – Applications, Oversight and Review, Contracts and Closures, and Extensions, Renewals, and Revocations. After meeting most of the day with their small groups, participants came together in the afternoon to present the themes and findings that emerged from the day's discussions.

During day one, after breaking into four small groups to discuss detailed issues related to authorizing, all participants reconvened to present their group's findings. Based on the discussions that occurred in the small groups, facilitator Rayne Martin identified six emerging themes. These were:

- Communication Issues
- Lack of Role Clarity
- Accountability versus Autonomy
- Authorizer Support versus Autonomy
- Issues Surrounding the Extension and Renewal Process
- Timelines

Each group's leaders then presented their major points of discussion as well as what they felt were the strengths and weaknesses in the policy and procedure in their areas. These presentations led to discussions and consensus on potential solutions among the entire group.

Both during the group presentations and once they were completed, participants began suggesting additional questions to be answered and what they saw as solutions to some of the problems and weaknesses identified by the larger group in a few key areas.

At the end of the first day, an informal vote was taken to identify the issues that participants felt were most important to address. Those issues considered the most pressing and significant by the majority of attendees were:

- Schools and authorizers having access to real time data
- Having a clear timeline for the entire chartering process from application through renewal

- Authorizers being clear about expectations, identifying problems early on, and tying correction of these problems to the charter contract
- Clarity on the roles of Board of Elementary and Secondary Education (BESE), the Recovery School District (RSD), and charter boards
- Establishing a clear protocol for school closures

The following day, the Executive Committee - comprised of group leaders, national experts, LDE staff and select others - came together to discuss in further detail what it had identified as some of the most important policy and law weaknesses discussed the day before. Again, the participants were divided, this time into three groups, which worked to answer very specific questions and to make recommendations for necessary policy and law changes.

What follows is an accounting of the topics discussed by participants over both days, including the strengths and weaknesses they identified, their recommendations for changes to policy or law, and the questions that still remain.

## **Charter School Application Process**

### *Overview*

While participants were content with the current application and what it required, they felt more feedback and a more robust interview process with applicants were needed as well as a stronger focus on scaling during the application process for current operators applying for additional charters. One of the other major issues raised grouping this area was the level of community input that should go into making the decision about what operator should be selected to run a school. Participants concluded that the authorizer should make the final decision with significant community input. Additionally, local school districts are 3 to 4 years behind BESE in their authorizing policies and processes, a statewide weakness that needs to be addressed.

### *Major Themes*

There was consensus that the requirements of the application as contained in BESE's current Request for Applications are fairly clear. However, some suggestions were made as to how the process could be improved.

- The importance of communication, feedback, and transparency to applicants was noted in terms of status of applications at various stages of the application process. Also noted was the need to inform applicants of the rubric being used for evaluation.
- Also discussed was the possibility of BESE making available supports, trainings, webinars, and pre-application meetings to assist potential applicants. Applicant outreach and communication was suggested and favored throughout the process.
- BESE might also establish an opportunity for applicants to respond to the critiques and evaluation of their applications. Applicants could be provided the opportunity to offer clarity but not rewrite the application in substantial ways.
- Additionally, it was suggested that applications could be publicly available online once it was submitted.

Participants also discussed issues related to Local Education Agencies (LEAs) as authorizers.

- State law or BESE policy could develop guidelines that encompass a common application format, process, timeline, rubric, and assessment for use by LEAs as well as an application compliance process. An LDE liaison could be used to inform and guide LEAs in the application process.
- There could be incentives for local school districts to charter schools and to act as quality authorizers.

### *Concrete Recommendations*

An issue of particular concern was the application process for existing operators who want to expand. BESE needs to define the application plan for expansion which should include what has to be demonstrated to

support a current operator's claim that it can grow to scale. One group presented a very complete policy solution :

- There should be a simple qualifying process to determine if an operator meets the criteria to be considered high performing. High performing operators can then elect to apply to the High-Performing Operator Pool which requires a deeper analysis of their performance and capacity to grow.
- Once an operator enters the High-Performing Pool there is a differentiated and streamlined process for approval of additional schools.

Participants also specifically discussed community engagement in the application selection process using a New Orleans case study. In that situation, pushback from some members of the community resulted in a charter school operator pulling out of a planned takeover of a traditional public school.

- There was a consensus on allowing for a system wherein final authority resides with the authorizer, permitting input from a multiplicity of voices and a process which is transparent and compassionate (both open and that considers divergent and competing values of various groups and stakeholders). The process should permit opportunities for information sharing and education (informing and educating the community), as well as sufficient time (2-4 months) for input.
- In making the decision, the authorizer should consider community vision and values; look to national best practices; and obtain feedback and evaluate the process.

#### *Questions for Further Discussion*

1. What should the fast-track or differentiated application process be for high performing operators looking to open new schools? How should high performing be defined? Should this process be available to out of state operators?
2. Who comprises the community to be considered when approving applications and turning over schools to new operators: parents, staff, stakeholders, business/industry, etc. What should the role of the community be in the decision-making process?
3. What should BESE's role be in encouraging authorizing by LEAs and ensuring that they operate as quality authorizers?

## **Contracts**

### *Overview*

Participants felt that confusion arises out of the fact that for many charter schools, BESE is the authorizer, the RSD has an oversight role, and LDE staff has an additional role, none of which are clearly articulated in the contract. Stakeholders would like to see clearer lines of authority and responsibility. They also felt that the LDE's Office of Parental Options should have a larger role in overseeing contract compliance, utilizing additional staff, and working more closely with charter management organizations to work toward shared goals of school success.

### *Major Themes*

One of the primary problems identified by participants was the lack of knowledge by schools and authorizers about what was in their contracts, what documents were important, as well as authorizers' understanding of how to use a contract to resolve problems.

- How do law and policy changes affect contracts? What is the difference between material and non-material changes? Should these changes be imposed immediately?
- While standardized contract language can allow for collective bargaining for change, it hampers uniqueness.
- Who is the contract actually between? If BESE and the RSD have joint responsibilities, what are they and how do they function?

### *Concrete Recommendations*

The contracts discussion ended with these recommendations:

- Define who the authorizer is in the contract, identify joint and separate responsibilities and a mechanism for dispute resolution.
- Define the oversight process, creating uniform language between policy and contract and crafting flexible language around escalation.
- Specify notice requirements for changes to contracts; non-material changes would require notice while material changes must be made only upon renewal or BESE mandate.
- Renewal contracts should reward successful schools with autonomy.
- Define the oversight entity for special education, be it a charter school person in the SPED office or a SPED person in the Office of Parental Options.
- Create a better contract negotiation process and better signing timelines.

### *Questions for Further Discussion*

1. How does the revision to School Performance Score standards impact standards enshrined in current contracts?
2. Would it be more fair, and successful, to have different academic performance standards for different types of schools? What about absolute performance standards vs. growth measures?
3. What should be done about the many tensions between charter contracts and state law/policy? Where contract and policy differ, which controls? What happens when a new law/policy is passed while a contract is operative?
4. How much of the entire agreement should be within the four corners of the contract vs. included by reference to other materials?

## **Closures**

### *Overview*

On closures, participants focused on how messy they can be, and on best practices to mitigate problems and ensure smooth, successful closures and transitions of schools and students to new organizations. There are currently no guidelines on enrollment, transfer of management, and communication to parents, teachers, students, and the community. A key element is that detailed closure plans should be in the contract from the beginning. It is crucial that closure plans are considered and clearly articulated from the beginning to help prevent problems down the line. Regarding the process of closure, participants emphasized the need for copious communication and engagement by all parties. Parents must be informed, the authorizer must actively manage the process, and the outgoing board/CMO must be held accountable for each of their responsibilities in dissolution.

### *Major Themes*

There should be timely decisions on closures, a problem which should have been solved by the new law which requires authorizers to notify schools that they will be closed no later than January 31<sup>st</sup> of their last operating year.

Communication about the closure or transfer process is important with both schools and families.

- It should begin before the final decision is made, possibly at the third year extension point.
- There should be milestones set and timely decisions made as related to any type of school closure or management transfer.
- Some authorizers have a series of steps or options before closure is inevitable including having schools sign an MOU agreeing to certain changes and improvement.

BESE must create opportunities for people to take over failing charters by incubating operators and investing in capacity and leadership and charter school takeover teams.

- The state should possibly incentivize and invest in these CMOs and operators.
- There should be a pipeline of backup charter school operators to take over failing schools.

Once the decision to transfer management is made, the question arises about the nature and extent of community and parental involvement in the selection of the new operator.

- Should there be a competitive bidding process or should the authorizer be allowed to choose the operator?
- There are also operational and financial issues to consider during a transfer, like the debt a former operator may have.

#### *Concrete Recommendations*

There should be a clear closure protocol established in BESE policy or OPO administrative procedure.

- There should be a point person at the LDE that can hold charter board members accountable and make sure that they follow the dissolution plan.
- The closure procedure might also require appointing a trustee and creating a school closure fund.

#### *Questions for Further Discussion*

1. Could a competitive process involving BESE be stymied by politics?
2. What should the nature and extent of parental or community involvement in choosing a new operator be?

## **Oversight and Review**

### *Overview*

Participants concentrated on how oversight should work in theory and about the strengths and weaknesses of the current system. The national expert in the group, Paul Hill, identified two questions to help frame the discussion: From a school's point of view, what characterizes helpful authorizing and what characterizes intrusive authorizing? From an authorizer's point of view, what activities or situations might raise a "red flag" about a school?

Problems identified in the oversight and review process were the narrow focus on performance and too much time spent on compliance issues. The authorizer's only recourse was revocation and the process lacked intermediate steps to address schools with deficiencies. Participants' primary focus was on what they termed "Simplicity and Predictability," which resulted in a detailed list of the areas that lacked clarity and the tools needed to rectify that problem.

### *Major Themes*

Schools can benefit from authorizers pushing them to be better.

The roles and responsibilities of the RSD and BESE are sometimes unclear and confusing.

- It would be useful to have a clear, understandable outline of what is expected from the school and from the authorizer.

The compliance model of authorizing does not allow for involvement in schools; revocation and non-renewal are often the only tools available to authorizers.

- Authorizers should intervene in response to complaints using a variety of tools, including encouraging the person complaining to work through the "chain of command" where appropriate, reaching out to the school

to learn more about the situation, and tracking complaints so that patterns can be detected that warrant investigation and possible intervention.

There can be significant tension between oversight and support.

- Some participants felt that support from an authorizer had the potential to compromise the oversight functions of the authorizer; others felt that it is possible to balance these two roles successfully.

### *Concrete Recommendations*

The contract should be modified to more clearly articulate the roles and responsibilities of all parties and to emphasize BESE's ultimate oversight authority as the authorizer.

Schools should be evaluated over the term of their charters.

- The way to measure financial and legal indicators is to collect data over time to inform how standards are measured. This should not be a snapshot.
- Authorizers should figure out what people need to do in their contracts, track it, and respond to it via notices of concern. Tracking these notices should result in consequences.

The authorizer should develop the following support items for schools:

- An annotated accountability calendar with details about required submissions to the state – what they are and when they are due.
- A data dashboard that shows timely information about compliance matters, academic performance, and fiscal performance.
- A flow chart that lists the roles and responsibilities of RSD and BESE/LDE personnel.
- A clear list of the standards for evaluation and renewal.

The review and renewal process should be ongoing. Authorizer staff should develop policy about “triggers” that warrant further investigation of a school in between the times when schools are being evaluated for extension or renewal.

- The policy should outline what the response to certain triggers would be and which triggers would warrant a “deep dive” at a school site.
- There should be corrective action plans between extension and renewal and a series of formal and informal, announced and unannounced site visits. Corrective action plans should require deliverables on a certain timetable with consequences if those deliverables are not given.
- Oversight would be improved if the authorizer had field liaisons to work with portfolios of schools. This would allow each school to have a single point of contact with the authorizer. It would also allow for regular visits to schools.

There should be real time reports or a dashboard for use throughout the school year so that schools and the authorizer are clear on where they stand.

- This data can also be used to produce an annual report or draft reports mid-year for schools' use. It would create a “record of performance.”
- This can begin with data already being collected – driven by the departments within the LDE and not with a new process for data collection. The data exists; it just needs to be compiled and disseminated in a new way.
- There should be qualitative decision making for financial and operational performance, based on this continual performance. Decision making should not be just compliance driven, but should consider data collected over time.

### *Questions for Further Discussion*

1. What should be the role of BESE/LDE, RSD, the charter board?
2. What should trigger a site visit to a school by someone from the OPO?

3. What should be included in a charter school calendar?
4. What actions/penalties should be possible in between extension and renewal years?

## **Extension, Renewal, and Revocation**

### *Overview*

In advance of the meeting, group leaders identified three problems or weaknesses that spanned across the policy for the extension, renewal, and revocation processes they hoped to address.

Much of Louisiana's policy is reactive and not proactive—the timelines do not allow for early detection and correction of deficiencies. There are very few provisions in the law or BESE policy that address the necessary procedures for school closures. It is unclear how the Office of Parental Choice determines whether or not a school is legally or financially compliant and what information is used in the recommendation decision process.

### *Major Themes*

There is a lack of clarity in a number of areas related to the processes of extension, renewal, and revocation.

- There needs to be big picture guidelines on what is important to evaluation as well as transparency and a clear line of authority.
- There should be a better system of real time reporting on performance and compliance data. Financial and operational standards need definition and there should be tracking over time with a qualitative review of all data.
- There should be policy with clarity in the following areas: finance and governance (for example, what happens to debts and the 501c3's that operate schools), "people issues" like enrollment of students in other schools, and the transfer of management to another operator.
- Additionally, there should be role clarity and coordination of LDE departments when it comes to compiling data received from charter schools. Schools should know who is in charge of collecting and disseminating what data.

Participants suggested streamlining the Third Year Extension process and returning to the intent of the law, which was to use the third year extension process as a "check up" on schools, not an early renewal decision.

- This would be a good time to sit down with operators and identify problem areas, set potential milestones, and identify accountability actions if they do not meet those milestones. Breach of contract can be used as a lever to require compliance.
- There should be continual reporting throughout the first three years and whenever a decision was made regarding an extension, it should occur in January of the school year, not June as the policy now allows.
- The third year Comprehensive Report is redundant and perfunctory. Schools and the authorizer should know where they stand except for a few borderline cases. It is unclear what the components of the report are or should be.

### *Concrete Recommendations*

BESE should get back to the intent of the law regarding three year extensions, improving the policy and using it as a mechanism to identify deficiencies at schools.

- This can involve rethinking the components of the three year comprehensive report, making the process different for different charter types, and making hard and fast decisions in January to prevent late closures of schools in June.

Participants suggested that there be no change to BESE policy on charter renewal for the next two years despite the change in the School Performance Score Academically Unacceptable School bar, as it already has safe harbor provisions built in for Type 5 charter schools.

- Participants proposed that the following procedure for “automatic renewals” be adopted by the Office of Parental Options for this upcoming renewal cycle. After this cycle, any problems could be identified and corrected and the modified procedure can be presented to BESE as suggested policy.
- School Performance Score (SPS) of less than 60 – no automatic renewal possible. The Office of Parental Options (OPO) will recommend that a school go before BESE for a decision on renewal to be made.
- SPS greater than 60 – the school must meet certain growth or absolute performance targets based on its SPS and have no major audit findings, financial issues or complaints to be recommended for automatic renewal.
- Despite meeting the above criteria, automatic renewal for schools is not necessarily automatic. There can be triggers in other areas that necessitate going before BESE for a decision. The OPO has discretion as to which schools it recommends for automatic renewal.

#### *Questions for Further Discussion*

1. Given the increase in the Academically Unacceptable School (AUS) bar, in what timeframe should increases school performance (academic) standards be phased in?
2. Should there be different academic performance bars for different types of charters, start ups versus conversions, or years in existence?

### **Conclusion**

The discussions held over the two day Louisiana Charter School Authorizer Excellence Project meeting identified areas of weakness in the law and policy governing charter school authorizing, and also provided some suggestions for improvement. The Office of Parental Options received these suggestions and committed to work toward rectifying the most pressing issues through administrative procedural changes and policy recommendations to BESE, especially regarding the upcoming 2010-2011 renewal process. Additionally, the Executive Committee agreed that the meeting had been fruitful and that the group should reconvene annually or semi-annually.

## Appendix List of Participants

<b>Name</b>	<b>Organization</b>
Kathy Campbell	Associated Professional Educators of Louisiana
Hank Shepard	Advance Baton Rouge Charter Schools
Mary Ann Duncan	Arkansas Department of Education
Ken Campbell	Black Alliance for Educational Options
Jennifer Roberts	Baptist Community Ministries
Gwen Hamilton	Baton Rouge Area Chamber
Stephen Osborn	Capital One UNO Charter Network
Andre Perry	Capital One-UNO Charter Network
James Huger	Choice Foundation
Loretta Blankenstein	Concordia Parish Schools
Felicia Brown	Cowen Institute
John Haffner	Cowen Institute
Laura Mogg	Cowen Institute
Nash Molpus	Cowen Institute
Tara O'Neill	Cowen Institute
Grisela Jackson	Crocker Arts & Technology School
Corie Williams	D'Arbonne Woods Charter School
Rose Peterson	Eastbank Collaborative of Charter Schools
Leslie Jacobs	EducateNow!
Marcia Arceneaux	Educational Support Services, Inc.
Joe D'Amico	D'Amico and Associates
Kathryn Mullen Upton	Director of Sponsorship/Thomas B. Fordham Foundation
Paul Hill	Director of the Center on Reinventing Public Education, University of Washington
Parker Baxter	Director of Accountability in the Office of School Reform and Innovation/Denver Public Schools
Neerav Kingsland	Chief Strategy Officer/ New Schools for New Orleans
Renita Thukral	Policy Director/ LA Charter Schools Association
Mickey Landry	Head of School/Lafayette Academy Charter School
Lee Reid	Adams and Reese
Kelly McClure	KIPP New Orleans
Rhonda Aluise	KIPP New Orleans
Folwell Dunbar	Louisiana Department of Education
Richard Roberts	Louisiana Department of Education
Raphael Gang	Louisiana Department of Education
Joan Hunt	Louisiana Department of Education
Erin Bendily	Louisiana Department of Education

Chris Meyer	Louisiana Department of Education
Rayne Martin	Louisiana Department of Education
Gard Wayt	Linwood Public Charter???
Andrea Martin	Louisiana Association of Principals
Andrea Chen	Louisiana Association of Public Charter Schools
Donald Songy	Louisiana Association of School Superintendents
Caroline Shirley	Louisiana Public Charter Schools Association
Kate Meeley	Louisiana Resource Center for Educators
Kathy Riedlinger	Lusher Charter School
Douglas Thaman	National Association of Charter School Authorizers
William Haft	National Association of Charter School Authorizers
Matt Cawood	National Heritage Academies
Adrian Mendez	New Schools for New Orleans
Kevin Gutterrez	Recovery School District
Margaret Lang	Recovery School District
Colleen Mackay	ReNew Schools
Brittany Baize	Success Preparatory Academy
Michael Tipton	Teach for America
O. Cleveland Hill	The MAX Charter School
Roslyn Smith	Treme Charter School Association
Paul O'Neill	Tugboat Education Services
Brian Beabout	University of New Orleans