



## ENSURING TRANSPARENCY & ACCOUNTABILITY IN THE CHARTER SCHOOL RENEWAL PROCESS

June 2010

### Introduction

Part of ensuring the quality of charter schools lies in the authorizing process, an important part of which are the decisions about the renewal or non-renewal of charter schools currently in operation. While Louisiana's Board of Elementary and Secondary Education (BESE), one of the state's charter school authorizers, has gone through the process of evaluating and renewing charter school contracts before, this year is the first in which the board will consider the renewal of Type 5 charter schools (the low-performing schools taken over by the Recovery School District and chartered by BESE).<sup>1</sup> It also marks the beginning of a number of upcoming years in which many Type 5 charter schools will come up for renewal. With these critical decisions approaching, it is important to review Louisiana law, as well as BESE and Louisiana Department of Education Charter School Office policies on the charter renewal process and their implementation thus far, and to consider them in relation to nationally-recognized laws and best practices.

In this brief, the Scott S. Cowen Institute for Public Education Initiatives at Tulane University reviews national best practices and compares Louisiana's laws and policies to what well-respected national organizations recommend. We also describe the current year's renewal policies and offer observations about how BESE's policies have or have not been implemented, as best we can determine from public documentation. Lastly, we make recommendations for how the process can be improved for schools that will be applying for charter renewals in the coming years.

### National Best Practices

According to the National Association of Charter School Authorizers (NACSA), a quality authorizer follows certain standards when making decisions about charter renewals.<sup>1</sup> These include:

- granting renewals only to schools that achieve the goals and standards that are outlined in their contracts and that are viable, organizationally and fiscally;
- analyzing and weighing multiple sources and types of data, including student academic growth, financial and operational data, and qualitative reviews; and
- using a transparent and clearly communicated process for making decisions.

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<sup>1</sup> Louisiana has five types of charter schools which vary depending on their authorizer and other characteristics. BESE authorizes Types 2, 4, and 5 charter schools. Other schools are authorized by local school boards. The Orleans Parish School Board currently authorizes twelve charter schools. Their processes for evaluation and renewal may differ from that of BESE.





The National Alliance for Public Charter Schools (NAPCS) has also outlined a model charter school law, which establishes more specific standards for the charter renewal decision process.<sup>ii</sup> These additional standards include:

- issuing performance reports to schools that are approaching the renewal process;
- creating clear criteria for renewal or non-renewal;
- varying the length of renewals based on school performance;
- providing timely notification of revocation or non-renewal and due process for these decisions; and
- ensuring protocols for dealing with school closures that notify parents in a timely manner and ensure that there is orderly transition for students.

While some charter schools in Louisiana have already gone through the initial renewal process, this year represents the first time that a Type 5 charter school, under the auspices of the RSD, will be going through this process. Therefore it is important to examine the official policies governing charter school renewal, how these policies stand up to national best practices and recommendations, and how closely the established policies and procedures are being followed by charter schools and authorizing agencies.

## **The Initial Charter Renewal Process as Outlined by the Board of Elementary and Secondary Education (BESE)**

BESE Bulletin 126 (last updated in March 2010) describes the charter renewal process for all BESE-authorized charter schools (Types 2, 4, and 5).<sup>iii</sup> According to Section 1501 of Bulletin 126, a charter school must actively apply for its initial renewal before the end of its fifth year of operation. These applications are due in October of the school's fifth year of operation. The Louisiana Department of Education's Charter Schools Office (CSO) will then make a recommendation to BESE by January of the following year as to whether or not a school's charter should be renewed. However, while the Bulletin explicitly establishes this timeline, it also requires charter schools to apply for renewal based on the "process and timelines established" by the CSO and approved by BESE. It is unclear whether or not the CSO process and timeline must adhere to the dates that are specified in the Bulletin or whether or not the CSO process and timeline only apply to subsequent renewals.

Once renewal applications are submitted to the CSO, they are reviewed and recommendations are made to BESE. Law requires that the CSO must notify a charter operator if non-renewal will be recommended so that the operator can provide input and have a hearing "consistent with due process protections."<sup>iv</sup> The process that BESE then uses to make its decision "shall be the same as for initial charter approval, with a thorough review by BESE of the charter school's operations, student academic performance, and compliance with charter requirements."<sup>v</sup>

While BESE has discretion in granting charter renewals, there are some established performance minimums that must be met.<sup>vi</sup> The first measurement of performance is student achievement and is based on performance through the fourth year of a school's operation. No charter will be renewed



unless it demonstrates some academic improvement at a minimum, using standardized test scores. The length of a charter's renewal is determined by the extent of a school's improvement in this area, based on their School Performance Score<sup>2</sup>, with a minimum renewal term of three years, and a maximum of ten years. Schools are only allowed two three-year renewals and no charter contracts will be renewed for schools that receive the state's performance label of Academically Unacceptable<sup>3</sup> based on year four test data unless they meet one of the following qualifications:

- The school serves a unique population and an alternative evaluation tool has been established;
- The school is in its initial term and has met its growth target at the end of year four or which has a Growth Performance Score of 60 or higher<sup>4</sup>;
- The school is in its initial term but less than 30 percent of its enrolled grades are testable under the state accountability system; or
- If the superintendent judges that the non-renewal of a charter school in its initial term would require that many of its former students be forced to attend lower performing schools. However, if this option is used, the superintendent must prove that there were efforts to identify another high-quality operator for the school.

BESE also evaluates charter schools based on their financial performance using the following measures:

- Both prior and current year budgets must be balanced and based on reasonable assumptions;
- Schools must file annual financial reports in a timely and efficient manner;
- There should be no "major" findings in the student count or financial audits; and
- All financial obligations should be in good standing.

Additionally, schools must comply with statutes and regulations governing special education and English Language Learners programs, enrollment, discipline, health and safety, governance and facilities to have their charters renewed. Once a charter school goes through its initial renewal, it is subject to subsequent renewals at the end of each contract term. Throughout the renewal term it is subject to performance evaluations, site visits, and contract reviews. If during a long-term renewal period (five or more years) student academic performance declines for three years in a row, the school must undergo a formal evaluation and may have its charter revoked or be placed under a Memorandum of Understanding that outlines recommendations for improvement.<sup>vii</sup>

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<sup>2</sup> School Performance Scores (SPS) are calculated by the state and based on student test performance, attendance, and drop-out rates.

<sup>3</sup> A school is considered Academically Unacceptable if it receives a School Performance Score below 60.

<sup>4</sup> While BESE plans to continue to raise the threshold SPS to consider a school Academically Unacceptable in coming years, it is unclear whether or not the requirements for charter renewal will adjust accordingly.



## The Initial Charter Renewal Process as Implemented for 2010

Though applications for charter schools currently in their fifth year of operation in the 2009-2010 school year were due for renewal in October 2009, the guidelines and reporting requirements for the renewal application were not released until April 22, 2010. On this date, the Louisiana Charter Schools Office released a memo to charter school board presidents and all BESE-authorized charter schools (including Types 2, 4, and 5) that outlined the timeline and process for charter renewal.<sup>viii</sup> According to the memo, charter schools were required to submit their application for renewal no later than 3:00 p.m. on May 7, 2010, giving schools less than three weeks to submit their applications. This application needed to include, among other things, a narrative with “affirmative evidence supporting renewal” in the areas of academic programs, organizational viability, and faithfulness to the terms of the charter. The school also needed to include information on modifications to the original charter application and measurable goals and objectives for its renewal term.<sup>ix</sup>

Schools in Orleans Parish that would normally have faced the renewal process in 2010 would have included seven Type 5 charters (S.J. Green Learning Academy, Martin Behrman Elementary, William J. Fischer Elementary, KIPP Believe College Prep, Medard Nelson Elementary, O. Perry Walker High, and Sophie B. Wright) and two Type 4 charters (Alice Harte Elementary and Edna Karr high). P. A. Capdau Elementary, in its sixth year of operation, would have normally applied for renewal last year.

It appears, however, that the Louisiana Department of Education and/or BESE has made the decision to not count the school year immediately after Hurricane Katrina, 2005-2006, toward the number of years a charter school is in operation. This is possibly due to these schools’ exemption from the state’s accountability system for that year. With the exception of Capdau, the schools listed above went through their three-year review process last year, indicating that this decision was made prior to that time. There was not, however, any public statement or acknowledgement of the decision to exclude the 2005-2006 school year by BESE or the LA Department of Education.

Because of the loss of the first post-Katrina year, Capdau Elementary – the first Type 5 charter school in Louisiana, which opened in the Fall of 2004 – will be the only school up for consideration for a five-year renewal at this month’s BESE meeting. The other schools, which began operating in the 2005-2006 school year (either in August before the storm or mid-school year), will be up for renewal next year. Schools that started operations in the 2006-2007 school year should also apply for renewal in that year, as they will not have been exempt from the accountability system in their first year as the other schools were. (A full list of schools that will be up for renewal in 2011 is included as an appendix to this paper.)

While BESE must consider operational and financial performance, as well as legal compliance, a large part of the renewal decision will be based on academic performance and growth. The table below depicts Capdau School’s Baseline School Performance Score (SPS) for its fourth year of operation (2007-2008), the goal SPS for its fifth year of operation, and the growth that it made in its fifth year (2008-2009). This is the performance data most likely to be used to determine if a charter will be renewed or not. While Capdau did not meet its growth target, its performance showed growth and remained above failing, making it a likely candidate for renewal.



School	2007-08 Baseline SPS	Goal SPS	2008-09 Growth SPS	Achieved Growth Target
P. A. Capdau School	62.8	71.9	69.8	No

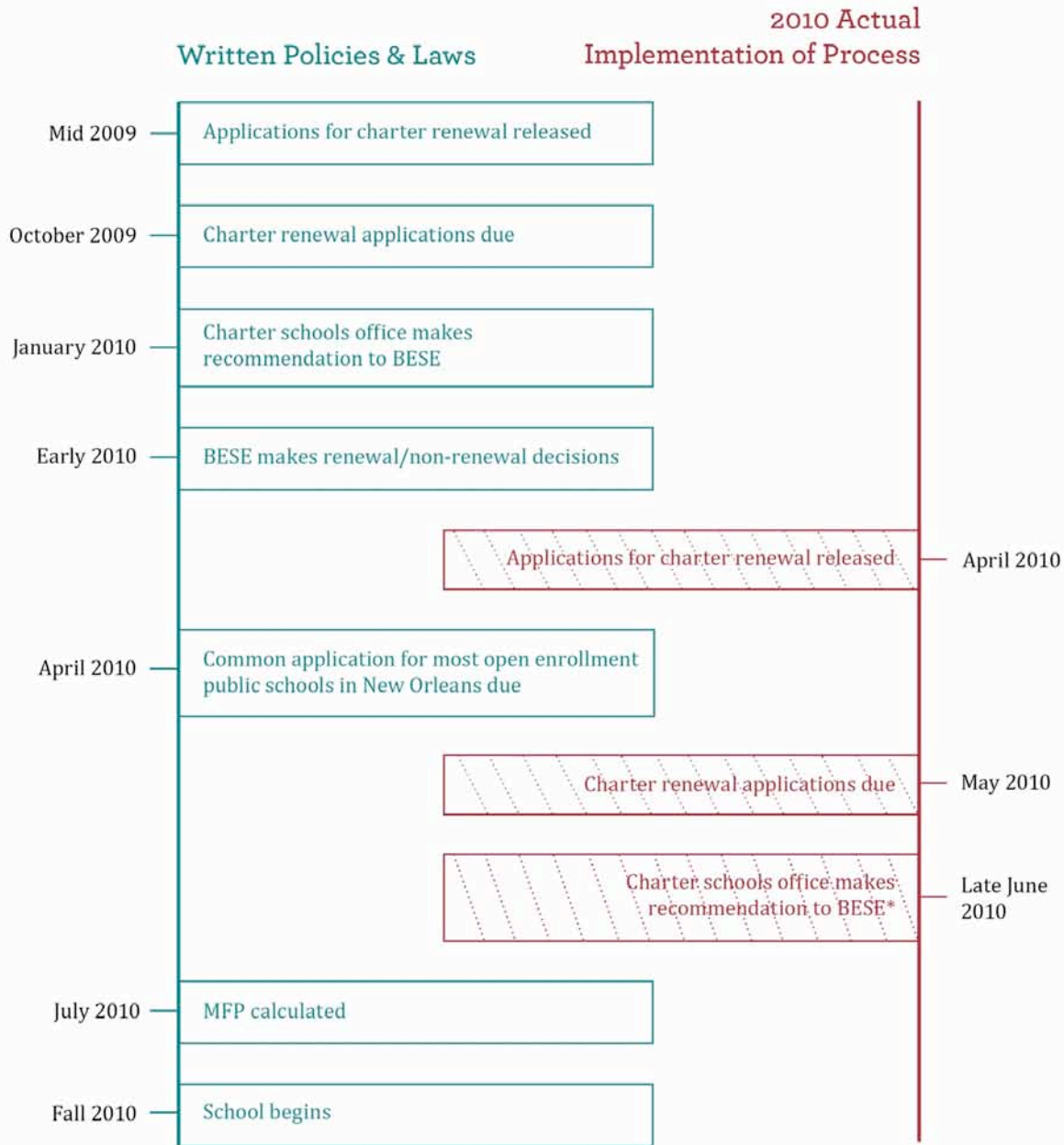
Source: Louisiana Department of Education

As stated in BESE Bulletin 126, the Charter Schools Office will use this information to make a recommendation of renewal or non-renewal to BESE. According to the April 2010 memo from the Charter Schools Office, these recommendations will be given at the next board meetings, scheduled for June 29 – July 1. This means that the application and recommendation dates in the memo are months later than what is required by the Bulletin. **It is also unclear when BESE will make its final determination. Even if BESE takes action at the June 29 – July 1 meetings, it will be acting less than two months before schools are scheduled to open for the 2010-2011 year.** This is also only days before the state begins to calculate the Minimum Foundation Program funds, a combination of state and local funds that are provided for each student, that each school will receive. Neither the Louisiana Department of Education, BESE, nor the CSO has articulated a written plan for what would occur if Capdau School’s charter was not renewed, including how it would be closed or how students who are enrolled at the school for the 2010-2011 school year would be accommodated.

The timeline on the following page depicts the written policies and laws governing the renewal process, as well as how the process was implemented for 2010.



### 2010 Charter School Renewal Timeline: Written Policies & Laws vs. Actual Implementation



\*It is unclear when BESE will make their renewal/non-renewal decisions though it must occur before schools are scheduled to open in August.



## An Assessment of the 2010 Charter Renewal Process and Recommendations for the Future

According to the best practices and model laws promoted by NACSA and NAPCS, the quality of Louisiana’s law and policies governing charter school renewals is mixed. The state received eight out of the possible 12 points, and two of four possible stars, from NAPCS in the category of “Clear Processes for Renewal, Non-renewal, and Revocation Decisions.”<sup>x</sup> Louisiana received points for requiring schools to apply for renewal, having clear criteria for renewal or non-renewal, making decisions based on evidence of a school’s performance, and varying the length of renewals based on performance. The state’s law and policies fell short by, among other things, not issuing performance renewal reports to schools up for renewal the following year, not issuing guidance for the renewal application that would provide schools the chance to discuss their improvements, and not having established school closure protocols.

Despite the praise it received from these national organizations for some of the state’s charter school renewal policies and processes, as we outlined above **BESE and the Louisiana Charter Schools Office (CSO) failed to implement their written policies for the initial renewals for Type 5 charters for 2010.** Most importantly, schools were not provided the renewal application and timeline in a timely manner, which pushed back the entire decision-making timeline. BESE’s decision on renewal or non-renewal can come no earlier than two months before the start of the school year.

This late decision leaves students, parents, and school employees in limbo, unsure of where they will attend school or whether or not they will be employed. It also strains other schools forced to accommodate the students of a non-renewed charter school at the last minute. And, as the National Alliance of Public Charter Schools notes, there is no policy for the transition of student records or the disposition of property and assets of a closed school, should BESE decide to close Capdau.

Louisiana has been praised for its clear renewal and non-renewal criteria and evidence-based decision making. However, while some of the state’s laws and policies follow the principles and standards set forth by two well-respected national organizations that promote quality-authorizing practices, there are areas for significant improvement. Vastly more important, however, is the way in which the high-quality established policies are (or in the case of this year, were not) implemented and enforced.

It is troubling that the timeline established in the BESE Bulletin seems to have been ignored, creating a process that may result in hurried, and therefore lower-quality, decisions about the renewal of charters. It is imperative that in future years the process for renewal begin in a more timely manner and that BESE and the CSO work together to establish procedures for dealing with schools whose charters are not renewed.



## Recommendations

The process of establishing additional policies and revising problematic ones should begin immediately. Many Type 5 charter schools that were opened in New Orleans after Hurricane Katrina are entering their fifth full year of operation this fall, which also means that they will be applying for renewal this fall. The following steps need to be followed by BESE and the Louisiana Charter Schools Office to ensure that the process for the upcoming year is timely, transparent, and reflects the key principles of quality charter school authorizing:

- The procedures that will guide the application process for these schools must be in place well in advance of the required October due date for the applications, which is currently only four months away. **The Charter School Office should immediately begin working to create this application and should release it no later than the beginning of August 2010, in order to give schools a minimum of two months to complete the application.**
- The CSO must be prepared, with sufficient staff and resources, to quickly but thoroughly assess the applications and other data and evidence required to make a quality recommendation to BESE. **These recommendations should be made by January 2011.**
- BESE must be prepared to quickly make final decisions about the renewals or non-renewals of charters. **These decisions should be made by March of 2011, prior to the April 2011 deadline for parents in New Orleans to apply to schools via the Common Application process.** Schools that will be closing due to non-renewed charter contracts cannot be allowed to accept and enroll students for the following year.
- Finally, BESE and the CSO must work together to create a process for the closure of schools, the notification of parents, the handling of student records and the disposition of school property and assets. **These procedures should also be in place prior to the March 2011 decision on renewals and non-renewals of charters.**

A recommended timeline for the 2011 charter renewal process can be found below. Failing to make these critical changes now could lead to poor decisions regarding evaluation of charter operators, resulting in the closure of high-performing or consistently improving schools and the continued operation of schools that are failing students.



### Proposed 2011 Charter Renewal Timeline

Immediate	CSO creates charter renewal application & begins building capacity to adequately assess the applications and make quality recommendations
No later than August 2010	CSO should release charter renewal application
October 2010	Charter renewal applications should be due
No later than January 2011	CSO should make its recommendations to BESE
No later than March 2011	BESE should make its final decisions on renewal or non-renewal and a policy should be in place by this time to deal with closing schools
April 2011	Common application due
July 2011	MFP calculated
August 2011	School begins



**Appendix:**  
***Charter Schools in New Orleans that are Up for Renewal in 2011***

<b><i>School Name</i></b>	<b><i>Organization Name</i></b>
<b><i>Type Four Charters</i></b>	
Alice Harte Elementary	Orleans Parish School Board
Edna Karr High	Orleans Parish School Board
<b><i>Type Five Charters</i></b>	
Behrman Elementary	Algiers Charter Schools Association
Eisenhower Elementary	Algiers Charter Schools Association
Fischer Elementary	Algiers Charter Schools Association
Green Charter Elementary	FirstLine Schools
KIPP Believe/Phillips	KIPP New Orleans
KIPP – McDonogh 15	KIPP New Orleans
Lafayette Academy	Choice Foundation
Dr. Martin Luther King Jr. Science and Technology	Friends of King
McDonogh 32 Elementary	Algiers Charter Schools Association
McDonogh 28 City Park Academy	N. O. Charter School Foundation
Medard Nelson Charter School	New Beginnings
O. Perry Walker High School	Algiers Charter Schools Association
Singleton Charter School	Dryades YMCA
Sophie B. Wright	Institute for Academic Excellence
Tubman Elementary	Algiers Charter Schools Association



## Endnotes

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- <sup>i</sup> Principles and Standards for Quality Charter School Authorizing, National Association of Charter School Authorizers, 2009 Revised Edition, ([http://www.qualitycharters.org/files/public/principles\\_and\\_standards\\_2009.pdf](http://www.qualitycharters.org/files/public/principles_and_standards_2009.pdf)), Accessed May 13, 2010.
- <sup>ii</sup> State Charter Law Rankings Database, Louisiana, National Alliance for Public Charter Schools, (<http://www.publiccharters.org/charterlaws/state/LA>), Accessed May 13, 2010.
- <sup>iii</sup> The Louisiana Administrative Code, Title 28, Education, Part I. Board of Elementary and Secondary Education, Part CXXXIX., *Bulletin 126 – Charter Schools*, March 2010.
- <sup>iv</sup> *State Charter Law Rankings Database, Clear Processes for Renewal, Nonrenewal, and Revocation Decisions*, National Alliance for Public Charter Schools, (<http://www.publiccharters.org/charterlaws/component/9>), Accessed May 13, 2010.
- <sup>v</sup> Board of Elementary and Secondary Education, *Bulletin 126 – Charter Schools*.
- <sup>vi</sup> Ibid.
- <sup>vii</sup> Ibid.
- <sup>viii</sup> *Memo: Reporting Requirements for Charter Renewal*, Charter Schools Office, State of Louisiana Department of Education, April 22, 2010.
- <sup>ix</sup> Ibid.
- <sup>x</sup> *State Charter Law Rankings Database, Louisiana*, National Alliance for Public Charter Schools, (<http://www.publiccharters.org/charterlaws/state/LA>), Accessed May 13, 2010.

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The Cowen Institute is an action-oriented think tank that informs and advances solutions – through policies, programs, and partnerships – to eliminate the challenges impeding the success of K-12 education in New Orleans and beyond. It also serves as a clearinghouse for K-12 public schools in New Orleans to directly access the myriad of experts and resources available at Tulane University. The Cowen Institute’s Applied Research staff serve as an objective voice to education leaders, policymakers, the media, and the public about what is taking place in public education in New Orleans – particularly in the areas of system-level accountability, finance, facilities, and governance – by disseminating relevant data and research. The Institute drafts briefings and conducts forums, meetings, and seminars that inform educators, administrators, media, and the general community on issues impacting public education in New Orleans.

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