



## **THE LAW, POLICY, AND PROCEDURES FOR THE CHARTER SCHOOL APPLICATION PROCESS**

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The decision to approve a charter school application is the first, and one of the most crucial, steps in charter school authorizing. A rigorous and thorough application process should prevent groups with tenuous academic, financial, or operational plans from being granted a charter to open a school. The state's local school boards and the Louisiana Board of Elementary and Secondary Education (BESE) have the authority to approve or reject applications for the five types of charter schools established by Louisiana law. Louisiana's charter law mission of increasing access to quality education for students across the state requires that authorizers only approve applications for schools with solid plans for educating students and managing finances and operations.

The charter school application process is governed by Louisiana law, BESE policy, and Louisiana Department of Education (LDE) Charter School Office (CSO) rules. Charter school applications detail the mission, scope, and many aspects of operation for the proposed charter school. The application not only serves as a tool for BESE's review, but also as a guide for the operation of the charter school throughout the term of its charter. As the authorizers, it is BESE's role to hold the charter organization accountable for commitments made in the proposed charter.

In 2009, the Louisiana State Legislature lifted the cap on the number of charter schools allowed to operate in Louisiana in response to federal Race to the Top criteria. At the same time, there is a growing movement, both locally and nationally, to hold charter schools to an increased level of accountability. With Louisiana charter school authorizers now able to approve an unlimited number of schools, reviewing each application with a higher degree of scrutiny and selecting only those most likely to succeed will become increasingly important.

BESE was not established as an organization intended to review and approve charter applications. This work is just one of the many tasks included in its job as the overseers of all elementary and secondary education in the state. Yet with authorizers facing an increasing number of charter applications that it must review and act on, a thorough understanding of the laws and policies governing these decisions is vital for the board to act as a quality authorizer. In this brief, the Louisiana Department of Education's Charter Schools Office and the Cowen Institute for Public Education Initiatives will review Louisiana law, BESE policies, and Louisiana Department of Education (LDE) Charter School Office (CSO) procedures on the charter school application process.

### **Louisiana Law on the Charter School Application Process**

Louisiana law provides the general framework for the charter school application process and outlines the important principals authorizers must use to evaluate charter school applications. Of these provisions, one of the most important is the timeline for the charter school application process. Local school boards are required to receive charter school applications through February 28 of each year and act on them within

90 days. BESE may accept charter school applications from April 1<sup>st</sup> until October 31<sup>st</sup> of each year, and may approve charters from May 1<sup>st</sup> until January 31<sup>st</sup> of the following year.<sup>i</sup> BESE has the authority to set submission due dates and approval dates any time within these periods. All authorizers must review and take action on every timely application they receive, in the order the applications were submitted.

The law requires that authorizers review each charter according to the “Principles and Standards for Quality Charter School Authorizing” from the National Association of Charter School Authorizers (NASCA).<sup>ii</sup> These principles and standards articulate the duties and expectations for authorizers throughout the application process. They include:

- Requires the applicant to provide a clear and compelling mission, solid business plan, governance, and management structures, and a quality education program;
- Considers innovative educational philosophies and approaches;
- Grants charters only to applicants who demonstrate that they can succeed in all aspects of school operation;
- Documents factors that led to its decisions;
- Users reviewers with various areas of expertise to evaluate the application;
- Uses realistic and clear timelines, requirements, and criteria for content and format and explains how each stage of the process is evaluated; and
- Communicates openly with the public and provides prompt notification of decisions and applicants rights and responsibilities.

In addition, the law makes specific eligibility requirements for charter school applicants. These eligibility requirements vary according to the type of charter proposed.

#### *Type 1 Charter Application Eligibility Requirements*

Only nonprofit corporations formed for the purpose of proposing a charter may apply for a Type 1 charter. A local school board may enter into any charter it finds valid, complete, financially well-structured, and educationally sound.

#### *Type 3 Charter Application Eligibility Requirements*

Only nonprofit corporations formed for the purpose of proposing a charter may apply for a Type 3 charter. Prior to the creation of such a charter, the local school board may require approval of a proposal to create such a charter by the members of the faculty and staff of the preexisting school who are certified by the state board and by the parents or guardians of children enrolled in the school.

#### *Type 2 Charter Application Eligibility Requirements*

Only nonprofit corporations formed for the purpose of proposing a charter may apply for a Type 2 charter.<sup>iii</sup> Nonprofit corporations may take various forms, including: teachers, citizens, public service organizations, business or corporate entities, universities, or public school faculty and staff. Each nonprofit corporation must include three or more persons holding valid and current Louisiana teaching certificates.

Before submitting a Type 2 charter school application to BESE, the charter school applicants must have already unsuccessfully petitioned the local school board for a Type 1 or Type 3 charter. The applicants may only submit a Type 2 application to BESE if the local school board has denied the Type 1 or Type 3 proposal, or, the conditions placed on the proposal by the local school board were not acceptable to the applicants. In addition, once BESE receives the Type 2 application, it must notify the local school board of the proposal and provide the local board and other interested groups the opportunity to provide written and oral information at a scheduled public meeting with BESE before BESE decides to accept or reject the

application. Finally, any Type 2 conversion school proposal *must* first be approved by the faculty, staff, and parents or guardians of children enrolled in the preexisting school.

#### *Type 4 Charter Application Eligibility Requirements*

Only local school boards may submit Type 4 charter school applications, which can be new schools opened as charters or preexisting public schools converted to charters. In addition, BESE *may* require proposed conversion charters to be approved by the faculty, staff, and parents or guardians of children enrolled in the preexisting school.

#### *Type 5 Charter Application Eligibility Requirements*

Only nonprofit corporations formed for the purpose of proposing a charter may apply for a Type 5 charter. In addition, the nonprofit corporation must include one or more person with at least 5 years of significant experience operating or working for or with a school, group, or company which provides academic instruction to students. These proposals can only be considered by BESE upon recommendation of the administering agency of the Recovery School District.

Further, Louisiana law mandates that charter school applications include several specific provisions related to enrollment practices, the school's role, scope, and mission, a financial plan, a description of the education program, proposed organization, governance, and operation of the school.

While this type of information was already included in most charter schools' applications, during the 2010 Regular Legislative Session, an act was signed into law that specifies<sup>iv</sup> that when BESE reviews charter proposals, one of the criteria it will assess is whether or not the proposed charter provides for "a master plan for improving behavior and discipline in accordance with R.S. 17:252" including include provisions for "school discipline practices and policies that incorporate positive behavior interventions and supports, restorative justice, and other research-based discipline practices and classroom management strategies" and "a plan for collecting data in accordance with R.S. 17:3911."

The legislation also specified that each proposed charter shall include "a description of the geographic boundaries circumscribing the neighborhood immediately surrounding the charter school from which students residing within may be given preference for enrollment." This is because, "beginning with the 2011-2012 school year, each elementary and middle charter school, other than a Type 2 charter school, may request from and be granted by its chartering authority the authority to give preference in its enrollment procedures to students residing within the neighborhood immediately surrounding the school."

## **BESE Policy on the Charter School Application Process**

While state law sets forth requirements for all charter school authorizers relative to the application and evaluation process, in BESE Bulletin 126 on Charter Schools, the state board sets specific authorizer responsibilities related to the application process. BESE, in its role, does not have the statutory authority to promulgate policy for charter schools authorized by local school boards. While local authorizers are required to follow state law, they are given wide latitude to design their own requirements, policies, and procedures in all phases of chartering. With such freedom, local school boards have the ability to adopt BESE's policy as their own in whole or in part.

Additionally, BESE policy reiterates and further clarifies Louisiana law on the eligibility criteria for charter school applicants for the submission of Type 2, Type 4, and Type 5 charter school applications.<sup>v</sup> These criteria include, for example, the minimum number of board members a non-profit corporation applying

for a charter must have as well as the experience in education that some of those board members must possess. The policy also specifies the process for converting existing public schools into charters, including the number of votes needed from parents and faculty and the manner in which the election is held.

Bulletin 126 explains further the form and composition of charter school applications and the process by which BESE will evaluate each Type 2, 4, or 5 application. Each application is to be in the form of the "Request for Applications" (RFA) document prepared and released by the CSO and approved by BESE. The RFA must consist of sections that include an executive summary, education program, governance, leadership and management, financial plan, and facilities. The application itself requires applicants to answer 25 different questions. Some of these include:

- A statement of the school's role, scope, and mission and the percentage of at-risk students to be served;
- A description of any admissions requirements, the recruitment, enrollment, and admissions process;
- A financial and accounting plan sufficient to permit a governmental audit;
- A description of the education program and how it will meet the needs of at-risk students and students with exceptionalities;
- The specific educational and academic results to be achieved, the timelines for the achievement of those goals, and how results will be measured and assessed;
- The organizational, governance, and operational structure of the school including management and accounting practices, provisions for liability issues, and types and amounts of insurance coverage;
- Policies to ensure parent involvement;
- A staffing plan and personnel policies and practices including employee evaluation;
- School rules and regulations for pupils, including disciplinary policy and provisions for school security;
- A requirement that curriculum be focused on intellectual development, defined as acquisition of discrete academic and technical skills, and that schools regularly assess their progress of their pupils, sharing this information with parents; and
- Information regarding the school location and facilities including the procedures for disposition of equipment and facilities should the charter be revoked or not renewed.

BESE policy also identifies the three stages of application evaluation for Types 2, 4, and 5 applications. Each evaluation will undergo an "eligibility review," a "completeness review" and a "due diligence review." The eligibility review requires each applicant to meet the basic eligibility criteria set forth in the RFA. The completeness review determines whether the applicant has completed all questions requiring a response in the application. The due diligence review seeks to evaluate whether the application and applicants are legitimate and likely to fulfill their duties should their charter be approved. The due diligence review may include background checks, analysis of school performance and nonprofit corporation performance, and site visits (for existing operators).

These reviews are completed before the application moves on to be considered by a team of evaluators. These teams include local, state, and national evaluators with expertise in various areas of authorizing, curriculum and instruction, governance and management, and finance. The applications are scored by the teams according to a uniform rubric. Additionally, each applicant is interviewed by the evaluators who then make a recommendation to the LDE on approval or denial of each application. After recommendations are made to the LDE and BESE, all Type 2 and Type 4 applications, regardless of the recommendation are voted on by BESE. BESE only votes on Type 5 applications that have already been recommended by the State

Superintendent of Education. Charter applications for all state-authorized schools may only be approved upon the affirmative vote of at least six BESE members.

## CSO Procedures on the Charter School Application Process

The Louisiana Charter School Office, on behalf of BESE, manages the specific details and mechanics of the Type 2, 4, and 5 charter school application process. The CSO creates and publishes the Request for Applications (RFA) and the charter school application timelines. The RFA is a large document, available online, that provides information, resources, and required documents for charter applicants. Most importantly, the RFA includes the actual charter school application. The CSO also publishes a “Charter School Application Submission and Evaluation Timeline” for each application cycle. The 2010 timeline may serve as a typical model of the CSO’s application process timelines<sup>vi</sup>:

April	<ul style="list-style-type: none"> <li>• Release of RFAs</li> </ul>
May-June	<ul style="list-style-type: none"> <li>• Information sessions for applicants</li> <li>• Applicant support workshops</li> </ul>
July	<ul style="list-style-type: none"> <li>• Letter of Intent due</li> </ul>
August	<ul style="list-style-type: none"> <li>• Eligibility Review documentation due</li> <li>• Notification of applicants eligible for final submission</li> <li>• Application evaluation begins (due diligence review, site visits, and applicant interviews)</li> </ul>
September	<ul style="list-style-type: none"> <li>• Charter applications due</li> <li>• Completeness screening</li> </ul>
November	<ul style="list-style-type: none"> <li>• Application evaluation ends</li> </ul>
December	<ul style="list-style-type: none"> <li>• BESE makes decisions about charter approval</li> </ul>

Additionally, the LDE, and by extension the CSO, has a contract with NACSA to manage the application evaluation process. The reviews described above are conducted by the teams of evaluators selected and managed by NACSA. This contract has been in place for every charter application cycle in the post-Hurricane Katrina era. NACSA claims that in a “politically charged environment” it has “helped establish an objective merit-based process for approving new schools that recognizes the needs of communities without bowing to local politics.”<sup>vii</sup>

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<sup>i</sup> La. RS 17:3983

<sup>ii</sup> La. RS 17:3983 and 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>iii</sup> La. RS 17:3973, 17:3983, 17:3991

<sup>iv</sup> Ibid.

<sup>v</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>vi</sup> *Charter School Application and Submission Evaluation Timeline (April-December 2010)*, Charter Schools Office, State of Louisiana Department of Education, (<http://www.louisianaschools.net/lde/uploads/16229.pdf>), Accessed July 21, 2010.

<sup>vii</sup> *What We Do*, National Association of Charter School Authorizers, ([http://www.qualitycharters.org/authorizer\\_development/what-we-do](http://www.qualitycharters.org/authorizer_development/what-we-do)), Accessed July 21, 2010.