



NATIONAL
CHARTER SCHOOL
RESOURCE CENTER

Policy Framework for High-Quality Charter Authorizing Practices

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Introduction

The role of charter school authorizing is to ensure that only high-quality schools that effectively serve all students are established and continue to operate. Since authorizing is a relatively new field, research is still emerging about which practices effective authorizers employ. The State role in creating strong authorizing environments is critical. By legislating and creating State requirements in policy, States guide authorizers in using best practices that ensure the quality of charter schools. **The Policy Framework for High-Quality Charter Authorizing Practices (Framework) provides one tool for assessing the State policy environment’s support for high-quality authorizing practices.** The Framework provides a context for States to review their policy environments and learn from their peers.

The **Framework** is also the foundation for National Charter School Resource Center (NCSRC) activities related to quality authorizing, including a catalogue of high-quality authorizing practices in the States that were awarded Charter School Program grants between FY2017 and FY2019. In these and subsequent products, NCSRC will review State statute and policy to assess the extent to which States are creating environments that support high-quality charter authorizing practices.

Methodology

The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance). NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing. NCSRC staff then created indicators and sub-indicators related to each theme that articulate the high-quality authorizing practices that State policy might support. Taken together, these themes, indicators, and sub-indicators comprise the Framework. In focusing on the common themes and practices identified across these sources, the Framework seeks to establish a foundation of widely accepted policies associated with high-quality authorizing practices. By design, there may be some individual practices that are not included herein.

Overview of Policy Framework for High-Quality Charter Authorizing Practices

The Framework identifies common themes and practices related to State policy that support high-quality authorizing.

- Authorization
- Performance Monitoring
- Renewal/Revocation
- Authorizer Accountability
- Authorizer Leadership, Student Access, and Student Services
- Authorizer Funding

Within each theme are several indicators and sub-indicators. The themes, indicators, and sub-indicators are presented as follows:

- Exhibit 1 provides an overview of the themes included in the Framework.
- Exhibit 2 provides the Policy Framework for High-Quality Charter Authorizing Practices.
- Exhibits 3-8 provide definitions and additional details related to each of the indicators and sub-indicators in the Framework.
- The Appendix provides synopses of the high-quality authorizing practices highlighted by ESSA, NACSA, and the Alliance in their existing literature. For each organization, there is (i) a Framework Snapshot which indicates which of the practices are included in that organization’s literature and (ii) Framework Details, which include the relevant language for each indicator.

Exhibit 1: Overview of Policy Framework for High-Quality Charter Authorizing Practices

Theme	Definition
Authorization	Authorization refers to providing for more than one authorizing pathway and the required components of the initial application, the initial application process, timelines, and requirements for approval or denial.
Performance Monitoring	Performance monitoring articulates the authorizer’s role in assessing the performance and compliance of the schools in its portfolio and holding them accountable.
Renewal/Revocation	Renewal/revocation includes the process and decision-making criteria for renewing or closing a charter school.
Authorizer Accountability	Authorizer accountability refers to the processes for holding an authorizer accountable for the performance and compliance of the schools in its portfolio.
Authorizer Leadership, Student Access, and Student Services	Authorizer leadership includes the strategies for developing a strategic vision, supporting quality authorizing practices, and ensuring that charter schools effectively serve all students.
Authorizer Funding	Authorizer funding refers to providing authorizers with guaranteed access to funds to support their operations and oversight activities.

Exhibit 2: Policy Framework for High-Quality Charter Authorizing Practices

Each indicator and sub-indicator describe practices that should be included in State law or policy.

Policy Framework for High-Quality Charter Authorizing Practices

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Application criteria specified
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- A separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- An initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Framework Details

Exhibits 3-8 describe the themes, indicators, sub-indicators, and definitions that comprise the Framework. The themes, indicators, sub-indicators, and definitions are presented in the following format:

Theme

1. Indicator

- Definition

OR

1. Indicator

- Sub-indicator
 - Definition
 - Sub-definition
 - Sub-definition

Exhibit 3: Authorization Sub-indicators and Definitions

Authorization: Authorization refers to providing for more than one authorizing pathway and the required components of the initial application, the initial application process, timelines, and requirements for approval or denial.

- 1. Does not cap charter school growth**
- 2. Provides for more than one authorizing pathway**
 - More than one approved authorizing entity in the State
- 3. Application includes the following:**
 - *Application criteria specified*
 - *Timelines*
 - Timelines specified or authorizer required to provide
 - *Evaluation review process*
 - Criteria and process for evaluating and approving applications specified
 - *Process for denied applications*
 - At a minimum, authorizer must provide reason for denial in writing or in public forum
 - May include opportunity to revise, resubmit, or appeal denial decision
- 4. Performance-based contract includes and provides for the following:**
 - *A separate post-application agreement*
 - Contract and application referenced as separate documents, or
 - Contract incorporates information included in the application by reference
 - *Rights and responsibilities of authorizer and school*
 - Rights/responsibilities of authorizer and school
 - Specified and required to be in the contract, or
 - Not specified but required to be in contract
 - *Academic, operational, and financial performance expectations for schools*
 - The contract includes each type of performance expectation:
 - Academic: e.g., elements of educational program to which authorizer will hold school accountable; and/or student academic achievement and growth, graduation rate, and mission-specific goals
 - Operational: e.g., compliance requirements; and/or records retention, health and safety, transportation, and/or facilities processes
 - Financial: e.g., independent annual financial audits; short- and long-term goals related to financial sustainability; and/or financial management standards
 - *An initial term of not more than five years*
 - *Fiscal, legal, and programmatic autonomy for schools*
 - Charter schools are:
 - Exempt from other laws, policies, and regulations applicable to other public schools, and
 - Afforded fiscal, legal, and programmatic autonomy
 - Fiscal: e.g., ability to control own funds and/or make budgetary decisions
 - Legal: e.g., ability to enter leases and/or execute contracts
 - Programmatic: e.g., ability to design educational program
 - *Independent charter school governing boards*
 - Board enters performance-based contract with authorizer, and
 - Board has ability to enter contracts, govern schools, and make policy decisions

Exhibit 4: Performance Monitoring Sub-indicators and Definitions

Performance Monitoring: Performance monitoring articulates the authorizer’s role in assessing the performance and compliance of the schools in its portfolio and holding them accountable.

- 1. Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract**
 - Schools to submit an annual report to authorizer and report contents are specified in performance-based contract, or
 - Authorizer required to annually evaluate schools
- 2. Establishes comprehensive accountability/monitoring system that includes performance expectations and compliance requirements**
 - Ongoing monitoring of schools by authorizer required (beyond annual report submission)
- 3. Minimizes schools’ administrative and reporting burden**
- 4. Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)**
 - Authorizer ability to take action for schools that fail to meet performance standards

Exhibit 5: Renewal/Revocation Sub-indicators and Definitions

Renewal/Revocation: Renewal/revocation includes the process and decision-making criteria for renewing or closing a charter school.

- 1. Establishes a clear renewal process and decision-making criteria**
 - Renewal process and decision-making criteria specified, or
 - Authorizer required to develop process and decision-making criteria
- 2. Requires that decisions to renew/revoke be based on student academic achievement**
- 3. Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)**
 - Closure procedures specified, or
 - Authorizer required to develop closure procedures

Exhibit 6: Authorizer Accountability Sub-indicators and Definitions

Authorizer Accountability: Authorizer accountability refers to the processes for holding an authorizer accountable for the performance and compliance of the schools in its portfolio.

- 1. Provides for a registration process for eligible authorizing entities**
- 2. Requires the State entity to review authorizers’ performance**
 - State law or policy requires State entity to monitor or review authorizers’ performance, or
 - Authorizer required to submit annual report to State entity
- 3. Requires authorizers to adhere to standards for high-quality authorizing**

Exhibit 7: Authorizer Leadership Sub-indicators and Definitions

Authorizer Leadership, Student Access, and Student Services: Authorizer leadership includes strategies for developing a strategic vision, supporting quality authorizing practices, and ensuring that charter schools serve all students.

- 1. Requires a mission or strategic vision for authorizing**
- 2. Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants**
- 3. Ensures equitable access to all students**
 - Open enrollment required, and
 - Discrimination prohibited, and
 - Lottery/random selection process specified
- 4. Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)**

Exhibit 8: Authorizer Funding

Authorizer Funding: Authorizer funding refers to providing authorizers with guaranteed access to funds to support their operations and oversight activities while ensuring there are accountability mechanisms in place for the funding.

- 1. Provides a mechanism for guaranteed access to authorizer funding**
 - Statewide funding formula, or
 - State appropriation, or
 - Other method of receiving funds for authorizer operations
- 2. Includes a process for holding authorizers accountable for how funding is used**
 - Mechanisms for transparency, such as annual reporting that has a funding component, or
 - State evaluation of authorizer funding

Appendix: ESSA, NACSA, Alliance Framework Snapshots and Details

Included in this Appendix are the synopses of the high-quality authorizing practices highlighted by ESSA, NACSA, and the Alliance in their existing literature. For each organization, there is a (i) Framework Snapshot which indicates which of the practices are included in that organization's literature and (ii) Framework Details, which include the relevant language for each indicator. The specific sources used for each review are footnoted within each section and are included in a comprehensive list at the end of this document.

ESSA: Framework Snapshot and Details

ESSA: Framework Snapshot¹

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Application criteria specified
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- A separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- An initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

¹Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>

Authorization

Does not cap charter school growth

- N/A

Provides for more than one authorizing pathway

- A stated purpose of the law is to support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies (LEAs), and other authorizing entities, § 4301(8).
- In awarding grants under this [§], the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria: (A) the State entity is located in a State that—(i) allows at least one entity that is not a LEA to be an authorized public chartering agency for developers seeking to open a charter school in the State, § 4303(g)(2)(A)(i).

Application includes the following:

- Application criteria specified
 - N/A
- Timelines
 - N/A
- Evaluation review process
 - N/A
- Process for denied applications
 - In awarding grants under this [§], the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria: (A) The State entity is located in a State that—(i) allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or (ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school, § 4303(g)(2)(A)(ii).

Performance-based contract includes and provides for the following:

- A separate post-application agreement
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (C) a description of how the State entity will award subgrants, on a competitive basis, including...(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—(I) a description of the

ESSA: Framework Details

- roles and responsibilities of eligible applicants, partner organizations, and charter management organizations, including the administrative and contractual roles and responsibilities of such partners, § 4303(f)(1)(C)(i)(I).
- The term “charter school” means a public school that...has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school, § 4310(2)(L).
 - Rights and responsibilities of authorizer and school
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (C) a description of how the State entity will award subgrants, on a competitive basis, including...(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, § 4303(f)(1)(C)(i)(II).
 - Academic, financial, and operational performance expectations for schools
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include...a description of how the State entity will award subgrants, on a competitive basis, including...(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school’s performance in the State’s accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school’s charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school’s charter based on financial, structural, or operational factors, § 4303(f)(1)(C)(i)(II), and how the State entity will ensure that each eligible applicant that receives a subgrant under the State entity’s program [including] is prepared to continue to operate charter schools funded under this [§] in a manner consistent with the eligible applicant’s application for such subgrant once the subgrant funds under this [§] are no longer available, § 4303(f)(1)(A)(vi)(II).
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering

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- agency in the State to improve such agency’s ability to monitor the charter schools authorized by the agency, including by...(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school’s charter § 4303(f)(2)(E)(iii).
- The term “charter school” means a public school that...(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school, § 4310(2)(L).
 - An initial term of not more than five years
 - N/A
 - Fiscal, legal, and programmatic autonomy for schools
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity’s objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, including...(2) Assurances that—(A) each charter school receiving funds through the State entity’s program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions, § 4303(f)(2)(A).
 - A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary... a description of the State entity’s objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, including—(C) a description of how the State entity will award subgrants, on a competitive basis, including...(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in [§] 4310, § 4303(f)(1)(C)(i)(III).
 - The term “charter school” means a public school that—(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph; (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction; (C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency; (D) provides a program of elementary or secondary education, or both; (E) is nonsectarian in its programs, admissions policies, employment practices,

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and all other operations, and is not affiliated with a sectarian school or religious institution; (F) does not charge tuition; (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, [§] 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. [§] 12101 et seq.), [§] 444 of the General Education Provisions Act (20 U.S.C. [§] 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”), and part B of the Individuals with Disabilities Education Act; (H) is a school to which parents choose to send their children, and that—(i) admits students on the basis of a lottery, consistent with [§] 4303(c)(3)(A), if more students apply for admission than can be accommodated; or (ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i); (I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State; (J) meets all applicable Federal, State, and local health and safety requirements; (K) operates in accordance with State law; (L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and (M) may serve students in early childhood education programs or postsecondary students, § 4310(2).

- Independent charter school governing boards
 - N/A

Performance Monitoring

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...
 - (E) The State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency’s ability to monitor the charter schools authorized by the agency, including by—(i) Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic

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- growth, and rates of student attrition; (ii) reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publicly reported; and (iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter, § 4303(f)(2)(E).
- (G) The State entity will—ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card under [§] 1111(h), including on the website of the school, information to help parents make informed decisions about the education options available to their children, including—(i) information on the educational program; (ii) student support services; (iii) parent contract requirements (as applicable), including any financial obligations or fees; (iv) enrollment criteria (as applicable); and (v) annual performance and enrollment data for each of the subgroups of students, as defined in [§] 1111(c)(2), except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student, § 4303(f)(2)(G).

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

- Stated purposes of the law include supporting efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and supporting quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, LEAs, and other authorizing entities, § 4301(7) and (8).
- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include...(2) Assurances that...(E) the State entity will promote quality authorizing by—(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition; (ii) reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publicly reported; and (iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter, § 4303(f)(2)(E).

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Minimizes schools' administrative and reporting burden

(1) The Secretary shall award grants to State entities under this [§] on the basis of the quality of the applications... after taking into consideration—(D) the State entity's plan to—(ii) work with authorizers to avoid duplication of work for the charter schools and authorized public chartering agencies, § 4303(g)(1)(D)(ii).

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

- N/A

Renewal/ Revocation

Establishes a clear renewal process and decision-making criteria

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(C) a description of how the State entity will award subgrants, on a competitive basis, including—(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include...(II) a description of quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school's performance in the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, § 4303(f)(1)(C)(i)(II).
- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by...(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter, § 4303(f)(2)(E)(iii).

Requires that decisions to renew/revoke be based on student academic achievement

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(C) a description of how the State entity will award subgrants, on a competitive basis, including—(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include...(II) how a school's performance in the State entity's accountability system and impact on student achievement (which may include

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student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, § 4303(f)(1)(C)(i)(II).

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by...(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter, § 4303(f)(2)(E)(iii).

Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity's objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, include—(A) a description of how the State entity will...(iv) ensure that authorized public chartering agencies, in collaboration with surrounding LEAs where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools, § 4303(f)(1)(A)(iv).

Authorizer Accountability

Provides for a registration process for eligible authorizing entities

- N/A

Requires the state entity to review authorizers' performance

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity's objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, include—(A) a description of how the State entity will...
 - Support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements, § 4303(f)(1)(A)(xi).
 - In the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools

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authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and (II) in the case of a State entity described in subsection (a)(4), a description of how the State entity will work with the State to support the State's system of technical assistance and oversight...of the authorizing activity of authorized public chartering agencies, § 4303(f)(1)(A)(xii)(I) and (II).

Requires authorizers to adhere to standards for high-quality authorizing

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity's objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, include—(A) a description of how the State entity will...(xii)(I) in the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations, § 4303(f)(1)(A)(xii)(I).

Authorizer Leadership, Student Access, and Student Services

Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...(D) the State entity will provide adequate technical assistance to eligible applicants...[and] (E) will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by (i) assessing annual performance data of the schools...(ii) reviewing the schools' independent, annual audits of financial statements... [and] (iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and each authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter, § 4303(f)(2)(D) and (E).
- In awarding grants under this [§], the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria...(F) the State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing, § 4303(g)(2)(F).

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- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity’s objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, include (A) a description of how the State entity will...(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements, § 4303(f)(1)(A)(xi).

Ensures equitable access to all students

- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity’s objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, include (A) a description of how the State entity will...(viii) work with charter schools on—(i) [the] recruitment and enrollment practices to promote inclusion of all students, including by eliminating barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth), § 4303(f)(1)(A)(viii).
- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following...(2) Assurances that...the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity’s program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including students with disabilities and English learners, § 4303(f)(2)I.
- The term “charter school” means a public school that—(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph; (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction; (C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency; (D) provides a program of elementary or secondary education, or both; (E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution; (F) does not charge tuition; (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, [§] 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. [§] 12101 et seq.), [§] 444 of the General Education Provisions Act (20 U.S.C. [§] 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”), and part B of the Individuals with Disabilities Education Act; (H) is a school to which parents choose to send their children, and that—(i) admits students on the basis of a lottery, consistent with [§] 4303(c)(3) (A), if more students apply for admission than can be accommodated; or (ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same

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network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i); (I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State; (J) meets all applicable Federal, State, and local health and safety requirements; (K) operates in accordance with State law; (L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and (M) may serve students in early childhood education programs or postsecondary students, § 4310(2)

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

- A stated purpose of the law is to expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards, § 4301(6).
- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity's objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, including (A)description of how the State entity will...(x) ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including children with disabilities and English learners, § 4303(f)(1)(A)(x).
- A State entity desiring to receive a grant under this [§] shall submit an application to the Secretary...The application shall include the following: (1) a description of the State entity's objectives in running a quality charter school program under this [§] and how the objectives of the program will be carried out, including (A)a description of how the State entity will...(viii) work with charter schools on—(I) recruitment and enrollment practices to promote inclusion of all students, including by eliminating barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless); and (II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom, § 4303(f)(1)(A)(viii).
- In awarding grants under this [§], Secretary shall give priority to a State entity to the extent that the entity meets the following criteria...The State entity supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services, § 4303(g)(2)(E).

Authorizer Funding

Provides a mechanism for guaranteed access to authorizer funding

- N/A

Includes a process for holding authorizers accountable for how funding is used

- N/A

NACSA: Framework Snapshot and Details

NACSA: Framework Snapshot²

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Application includes the following:

- ☒ Application criteria specified
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Performance-based contract includes and provides for the following:

- ☒ A separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☒ An initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

Performance Monitoring

- ☒ Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based
- ☒ Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- ☒ Minimizes schools' administrative and reporting burden
- ☒ Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☒ Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for economically disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

Authorizer Funding

- ☒ Provides a mechanism for guaranteed access to authorizer funding
- ☒ Includes a process for holding authorizers accountable for how funding is used

²Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: [National Association of Charter School Authorizers: Quality Authorizing Practices; Reinventing the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping](#)

Authorization

Does not cap charter school growth

- No caps on charter school growth.

Provides for more than one authorizing pathway

- The existence of multiple authorizers provides checks and balances on these types of behaviors: it allows for consequences for the authorizers who do not uphold their duties, without restricting charter school growth.

Application includes the following:

- Application criteria specified
 - Charter application information packet/request for proposals (RFP) specifies:
 - Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities.
 - Provides clear guidance and requirements regarding application content and format and explains the evaluation criteria for different types of applications (e.g., applications new school, existing operator).
- Timelines
 - Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity.
- Evaluation review process
 - Application process is clear, publicized, transparent, and includes realistic timelines, evaluation criteria at each stage of the process, and approval criteria.
 - Application process includes evaluation criteria and provides applicants information at each stage and the opportunity to (i) respond to that information during the process and (ii) provide feedback and correspondence with prior applicants.
 - Application-review and decision-making processes are free of conflicts of interest and require full disclosure of any potential or perceived conflicts of interest between reviewers or decision makers and applicants.
 - Grants charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria.
 - When conditional approval is granted, its purpose is to specify technical changes to the proposal that need to be made, not as a method to allow the applicant to further develop and improve their proposal.

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- Charter application information packet/request for proposals (RFP) specifies:
 - Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities.
 - Requires applicants to demonstrate capacity to serve students with diverse needs, such as students with disabilities or learning exceptionalities and English learners.
- Process for denied applications
 - Authorizer provides denied applicants (i) detailed feedback on the public record as to why an applicant was denied, and (ii) an appeal process.
 - Charter application information packet/request for proposals (RFP) specifies:
 - Informs applicants of their rights and responsibilities and promptly notifies applicants of approval or denial, and explains the factors that determined the decision.

Performance-based contract includes and provides for the following:

- A separate post-application agreement
 - The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.
- Rights and responsibilities of authorizer and school
 - Contract states the rights and responsibilities of the school and the authorizer and the statutory, regulatory, procedural terms, and conditions for the school's operation.
- Academic, financial, and operational performance expectations for schools
 - Contract defines the (i) clear, objective, measurable, and attainable academic, financial, and organizational performance standards for which schools will be evaluated and (ii) criteria and conditions for renewal, intervention, revocation, and non-renewal, and (iii) consequences for meeting or not meeting standards or conditions.
 - Defines the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including State-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and State
 - Defines the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability

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- Defines the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship
- An initial term of not more than five years
 - Grants charter contracts for an initial term of five operating years or longer only with periodic high-stakes reviews every five years.
- Fiscal, legal, and programmatic autonomy for schools
 - Contract states and respects the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school’s authority over educational programming, staffing, budgeting, and scheduling.
 - States the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer.
- Independent charter school governing boards
 - Executes a contract with a legally incorporated governing board independent of the authorizer.

Performance Monitoring

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

- Evaluates each school annually on its performance and progress toward meeting the standards and targets stated in the charter/performance-based contract, including essential compliance requirements, and clearly communicates evaluation results to the school’s governing board and leadership.
- Requires and reviews annual financial audits of schools, conducted by a qualified independent auditor.
- Makes decisions that will result in stronger student outcomes, based on an accumulation of evidence, data, and expertise.

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

- Implements a comprehensive performance accountability and compliance monitoring system that is defined by the charter/performance-based contract and provides the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions.
- Defines and communicates to schools the process, methods, and timing of gathering and reporting school performance and compliance data.

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- Provides an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement.

Minimizes schools' administrative and reporting burden

- Implements an accountability system that effectively streamlines Federal, State, and local performance expectations and compliance requirements while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens.
- Collects information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.
- Respects the school's authority over its day-to-day operations.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

- Establishes and makes known to schools at the outset an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue.
- Refrains from directing or participating in educational decisions or choices that are appropriately within a school's purview under the charter law or performance-based contract.
- Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.
- Allows schools reasonable time and opportunity for remediation in non-emergency situations.
- Articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.
- Communicates regularly with schools as needed, including both the school leaders and governing boards, and provides timely notice of contract violations or performance deficiencies.
- Where intervention is needed, authorizer engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).
- Applies professional discretion when intervention is needed and considers context and a range of effective solutions, rather than relying solely on tools or protocols to make decisions.

Renewal/Revocation

Establishes a clear renewal process and decision-making criteria

- Clearly communicates to schools the criteria for charter revocation, renewal, and non-renewal decisions that are consistent with the charter/performance-based contract.
- Requires any school seeking renewal to apply for it through a renewal application, which provides the school a meaningful opportunity and reasonable time to respond to the cumulative report; to correct the record, if needed; and to present additional evidence regarding its performance.
- Promptly notifies each school of its renewal or revocation decision, including written explanation of the reasons for the decision and rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

Requires that decisions to renew/revoke be based on student academic achievement

- Revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds.
- Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter/performance-based contract; does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.
- Authorizer informs the school and its board of underperformance years in advance of the end of the school's charter term; when a school's performance meets the authorizer's standards for closure, authorizing staff prefers to work with the school's board to relinquish the charter rather than initiate a formal closure by the authorizer.

Clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

- Contract states the responsibilities of the school and the authorizer in the event of school closures.
- Authorizer takes an active role when a school is closed, which may include trying to find a replacement operator and project managing (either directly or through other organizations) the process of ensuring students have access to another school, overseeing and working with the school governing board and leadership in carrying out a detailed closure protocol that ensures (i) timely notification to parents, (ii) orderly transition of students and student records to new schools, and (iii) disposition of school funds, property, and assets in accordance with law.

Authorizer Accountability

Provides for a registration process for eligible authorizing entities

- New authorizers should apply, or at least register, in order to authorize.

Requires the State entity to review authorizers' performance

- A State entity should (i) evaluate authorizers on their practices as well as the performance of their school portfolio and (ii) enforce consequences for authorizers with bad practices or those with a high proportion of persistently failing schools.
- Authorizer produces an annual public report that provides clear, accurate performance data for the charter schools it oversees, reporting on individual school and overall portfolio performance according to the framework set forth in the charter/performance-based contract, and authorizer's progress towards meeting established authorizer standards.

Requires authorizers to adhere to standards for high-quality authorizing

- State policy should endorse professional standards for quality charter school authorizing.

Authorizer Leadership, Student Access, and Student Services

Requires a mission or strategic vision for authorizing

- States a clear mission for quality authorizing; articulates and implements an intentional strategic vision and plan for chartering, including clear priorities, goals, and timeframes for achievement, such as:
 - Authorizer goal setting and planning tends to be focused on annual core authorizing activities and are not part of a long-term (multi-year) traditional strategic plan.
 - Authorizers tend to have goals and activities specific to cyclical authorizing functions (e.g., application season, renewal season, site visit season).
 - Authorizing goals and key activities are updated at least annually and are specific to local context.
 - Authorizers have an intentional goal alignment process, in order to avoid conflicting goals and activities and/or to ensure they have adequate capacity to execute multiple goals.

Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants

- A quality authorizer... provides clear technical guidance to schools as needed to ensure timely compliance with applicable rules and regulations.

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Ensures equitable access to all students

- Holds schools accountable for fulfilling fundamental public-education obligations to all students; this includes providing nonselective, nondiscriminatory access to all eligible students; fair treatment in admissions and disciplinary actions for all students; and appropriate services for all students, including those with disabilities and English learners in accordance with applicable law.
- Ensures that schools admit students through a transparent, random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.
- Quality authorizer executes contracts that include expectations for appropriate access, education, support services, and outcomes for students with disabilities.

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

- Ensures that schools provide equitable access and inclusive services for all students, including but not limited to special populations of English learners, homeless students or those in foster care, and gifted students, as required by Federal and State law.
- Ensures clarity in the roles and responsibilities of all parties involved in serving students with disabilities.
- Contract must ensure that schools provide access and services to students with disabilities as required by applicable Federal and State law, including compliance with student individualized education programs and Section 504 plans, facilities access, and educational opportunities.

Authorizer Funding

Provides a mechanism for guaranteed access to authorizer funding

- Ensure there is sufficient funding to execute authorizing functions.
- Give authorizers the resources to do it well. Authorizer fee structures or other funding streams should be available to authorizers to ensure they have the resources to build capacity to perform their job well. There is no one best formula for authorizing funding, but it should be set by the State and applied uniformly across all authorizers. If funding will be generated by collecting a fee from authorized charter schools, two to three percent of per-pupil funding is usually considered adequate.

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Includes a process for holding authorizers accountable for how funding is used

- Fund authorizers in a way that minimizes incentives to approve or renew low-performing schools.
- Require authorizers to publicly report on the academic, fiscal, and operational health of schools in their portfolios.
- Put additional financial transparency mechanisms in place or allow the State to establish a sliding scale for authorizer fees, which declines as the authorizer's portfolio of schools grows, to decrease the financial incentive to retain failing schools. Another alternative is to do both.
- In order to curb the temptation to authorize for financial gain, NACSA recommends that States cap the amount of authorizing fees that an authorizer can withhold from a full-time virtual charter school.

National Alliance for Public Charter Schools: Framework Snapshot and Details

Alliance: Framework Snapshot³

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Application includes the following:

- ☒ Application criteria specified
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Performance-based contract includes and provides for the following:

- ☒ A separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☒ An initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

Performance Monitoring

- ☒ Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- ☒ Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- ☒ Minimizes schools' administrative and reporting burden
- ☒ Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☐ Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

Authorizer Funding

- ☒ Provides a mechanism for guaranteed access to authorizer funding
- ☒ Includes a process for holding authorizers accountable for how funding is used

³Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

Alliance: Framework Details

Authorization

Does not cap charter school growth

- No numeric or geographic limits are placed on the number of charter schools or students; if caps exist, there is room for growth.

Provides for more than one authorizing pathway

- Non-district authorizers available (State allows an applicant anywhere in the State to apply directly to a non-district authorizer).
- A well-designed charter school law must allow two active and effective authorizing options so that all charter applicants have the opportunity to seek approval from a conscientious and well-motivated authorizer. Having just one option is bad if it involves only a school board half-heartedly interested in the process. On the other hand, creating an environment in which charter schools can shop around among many authorizers for the laxest approval and accountability standards undermines school quality. To clarify the intent of allowing multiple authorizers in a State, the model law includes the following language: The intent of this section is to create at least two active and effective authorizing options for each charter public school applicant, but not a large number of authorizers with authority in any single school district.
- To create multiple authorizers, the model law provides for three things:
 - (i) Establishment of a State charter school commission,
 - (ii) Opportunity for school boards to register as authorizers with the existing State entity tasked with authorizer oversight; and,
 - (iii) Opportunity for various entities—including mayors, city councils, non-profit organizations, and public and private postsecondary institutions—to apply for authorizing ability to the existing State entity tasked with authorizer oversight.

Application includes the following:

- Application criteria specified
 - Application establishes clear standards on authorizer’s organizational capacity and infrastructure, soliciting, evaluating, and approving applications (including approval criteria), performance contracting, ongoing oversight and evaluation, and charter renewals/revocations.
 - Transparent charter school application, review, and decision-making processes, including comprehensive academic, operational, and governance application requirements, with such applications reviewed and acted on following professional authorizer standards.

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- Timelines
 - A statewide timeline for charter approval or denial decisions annually published by the existing State entity tasked with authorizer oversight, which shall apply to all authorizers in the State.
- Evaluation review process
 - Requirement for thorough evaluation of each application, including an in-person interview and a public meeting.
 - Transparent charter school application, review, and decision-making processes, including comprehensive academic, operational, and governance application requirements, with such applications reviewed and acted on following professional authorizer standards.
- Process for denied applications
 - All charter school approval or denial decisions made in a public meeting with authorizers stating reasons for denials in writing.

Performance-based contract includes and provides for the following:

- A separate post-application agreement
 - Contract must be a separate post-application document executed by the charter school and authorizer.
- Rights and responsibilities of authorizer and school
 - Contract must define the roles, powers, and responsibilities for the school and its authorizer.
- Academic, financial, and operational performance expectations for schools
 - Contract must detail academic, financial, and operational performance expectations by which the school will be evaluated.
- An initial term of not more than five years
 - Contract must provide an initial term of five operating years.
- Fiscal, legal, and programmatic autonomy for schools
 - Contract must:
 - Provide for fiscal and legal autonomy, independent charter school boards, and automatic exemption from collective bargaining as well as many State and district laws and regulations.
 - Legally autonomous schools are schools that have clear statutory authority to enter into contracts and leases, sue and be sued in their own names, acquire real property, clear statutory authority to receive and disburse funds; incur debt; and pledge, assign, or encumber assets as collateral.

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- Exempt charter schools from all laws, including State teacher certification requirements, except those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally accepted accounting principles.
- Independent charter school governing boards
 - Contract must require independent school governing boards created to govern their charter schools
 - A “governing board” means the independent board of a charter public school that is party to the charter contract with the authorizer, whose members have been elected or selected pursuant to the school’s application and charter contract.

Performance Monitoring

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

- Annual school performance reports.

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

- Authorizer authority to conduct oversight activities.
- Performance monitoring must include:
 - Comprehensive monitoring and data collection processes that enable authorizers to verify charter school compliance with applicable law and their performance-based contracts.
 - Financial accountability for charter schools (e.g., Generally Accepted Accounting Principles, independent annual audit reported to authorizer).

Minimizes schools’ administrative and reporting burden

- Authorizer may not request duplicative data submission from its charter schools and may not use performance framework to create cumbersome reporting requirements.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

- Authorizers must notify schools of perceived problems, with opportunities to remedy such problems.
- Every authorizer shall have the authority to take appropriate corrective actions or exercise sanctions short of revocation in response to deficiencies in charter public school performance or legal compliance. Such actions or sanctions may include, if warranted,

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requiring a school to develop and execute a corrective action plan within a specified timeframe.

Renewal/Revocation

Establishes clear renewal process and decision-making criteria

- Authorizer must issue school performance renewal reports to schools whose charter contract will expire the following year and renewal application guidance that provides: (i) a differentiated renewal process for high-performing charter schools, (ii) timely notification of potential nonrenewal or revocation (including reasons), (iii) an opportunity for schools to respond to these reasons or augment their performance record, or both, (iv) reasonable time to respond, and (v) due process for nonrenewal and revocation decisions (e.g., appeal process).

Requires that decisions to renew/revoke be based on student academic achievement

- Authorizers must (i) ground renewal decisions based on evidence regarding the school's performance over the term of the charter school contract in accordance with the performance framework set forth in the charter contract and (ii) have the authority to vary the length of the charter contract renewal terms based on performance or other issues.
- All charter renewal, nonrenewal, and revocation decisions must be made in a public meeting, with authorizers stating reasons for non-renewals and revocations in writing.

Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

- Authorizers must have school closure protocols to ensure timely parent notification, orderly student and record transitions, and property and asset disposition.

Authorizer Accountability

Provides for a registration process for eligible authorizing entities

- Registration process for school boards to affirm their interest in authorizing.
- To create multiple authorizers, the model law provides for three things: (i) Establishment of a State charter school commission; (ii) Opportunity for school boards to register as authorizers with the existing State entity tasked with authorizer oversight; and, (iii) Opportunity for various entities—including mayors, city councils, non-profit organizations, and public and private postsecondary institutions—to apply for authorizing ability to the existing State entity tasked with authorizer oversight.

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Requires the State entity to review authorizers' performance

- Periodic formal evaluation of overall State charter school program.
- Ability for the State to conduct a review of an authorizer's performance and sanction an authorizer for poor performance.
- Authorizer submission of an annual report to the State that includes:
 - The authorizer's strategic vision for chartering and progress toward achieving that vision.
 - The academic and financial performance of all operating charter schools overseen by the authorizer, according to the performance expectations for charter schools set forth in the State's Charter Public Schools Act.
 - The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened.
 - The authorizing functions provided by the authorizer to the charter schools under its purview, including the authorizer's operating expenses as detailed through annual audited financial statements that conform with Generally Accepted Accounting Principles.
- The services purchased from the authorizer by the charter schools under its purview, including an itemized accounting of the actual costs of these services.

Requires authorizers to adhere to standards for high-quality authorizing

- 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. 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.

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Authorizer Leadership, Student Access, and Student Services

Requires a mission or strategic vision for authorizing

- Authorizer has strategic vision for chartering (progress towards which is reported in annual authorizer report).

Promotes quality authorizing by requiring technical assistance and/or professional development for authorizers and/or charter school applicants

- N/A

Ensures equitable access to all students

- A charter public school shall be open to any student.
- Enrollment and lottery procedures ensure open enrollment, nondiscrimination, and equitable access of all students to charter schools.
- A charter public school conducting an admissions lottery shall ensure that...every student has a fair opportunity to be considered in the lottery and that the lottery is competently conducted, equitable, randomized, transparent, and impartial so that students are accepted in a charter public school without regard to ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability, except as stated herein.
- A charter public school shall not limit admission based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability.
- The model law now states that a charter school may give enrollment preference to students who are at risk for academic failure, defined as a student who has an economic or academic disadvantage that requires special services and assistance to succeed in educational programs. The term includes, but is not necessarily limited to, students who are members of economically disadvantaged families, students who are identified as having special educational needs, students who are limited in English proficiency, students who are at risk of dropping out of high school, and students who do not meet minimum standards of academic proficiency.

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, and/or unaccompanied homeless youth)

- Clarify which entity is the LEA responsible for providing special education services.
- Clear identification of special education responsibilities, including clarity on which entity is the LEA responsible for such services and how such services are to be funded (especially for low-incident, high-cost cases).

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- Charter application must include: the school’s plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations.
- The model law states that a charter school may give enrollment preference to students who are at risk for academic failure, defined as a student who has an economic or academic disadvantage that requires special services and assistance to succeed in educational programs.
- Consistent with Federal civil rights laws, charter public schools shall provide students with limited English proficiency with appropriate services designed to teach them English and the general curriculum.

Authorizer Funding

Provides a mechanism for guaranteed access to authorizer funding

- Adequate authorizer funding, including provisions for guaranteed funding from the State or authorizer fees and public accountability for such expenditures.
- The determination of an adequate, efficient, and well-working formula for authorizer funding will depend on the conditions in each State, including the variety and preexisting financial capacities of authorizers in the state. Below are a few principles and recommendations that guided the model law’s provisions on authorizer funding:
 - (i) The funding formula should be set by the state and apply uniformly to all authorizers in the State. Authorizers should not be permitted to offer “cut-rate” or “below-market” oversight fees to charter schools, thereby creating an environment in which charter schools seek out the lowest-cost instead of the highest-quality or best-fitting authorizer.
 - (ii) To ensure efficient and well-directed use of tax dollars, the existing State entity tasked with authorizer oversight should periodically review and, if warranted by the actual costs of authorizing (as reported annually to the State), adjust the authorizer funding formula or scale. Charter authorizing should be neither a financial burden nor a “cash cow” for authorizers. The funding formula should provide adequate funding for authorizers to fulfill the responsibilities of quality authorizing in accordance with the charter law, but should not give authorizers a financial incentive to pursue volume chartering at the possible expense of quality chartering.
 - (iii) Three percent of charter school per-pupil funding is generally regarded as adequate funding for authorizers in most States, particularly where separate start-up funding is allocated for the establishment of new authorizers like a statewide commission. In addition, once an authorizer has chartered schools for a few years and oversees a “critical mass” of charters, it might be able to continue authorizing effectively with a lower-percentage fee (because it is beyond start-up and also may

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have achieved some economies of scale) until the point where the number of schools it authorizes increases costs on a per-school basis. Such a determination should be made by the existing State entity tasked with authorizer oversight based on several consecutive years of financial data from all authorizers in the State. If the data warrant, the existing State entity tasked with authorizer oversight could, for example, establish a sliding scale that provides for authorizers to receive a higher-percentage fee (not to exceed three percent of charter school per-pupil dollars) in their first three years of authorizing, with the percentage decreasing thereafter.

Includes a process for holding authorizers accountable for how funding is used

- The model law requires each authorizer to submit to the existing State entity tasked with authorizer oversight and the legislature an annual report that includes...The authorizing functions provided by the authorizer to the charter schools under its purview, including the authorizer's operating expenses as detailed through annual audited financial statements that conform with Generally Accepted Accounting Principles.

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