



NACSA Notes

Vol. I, No. 8

Nov. 11, 2003

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Private Resources for Public Education through Charters

There are public school systems that have embraced chartering for a number of reasons. Among the school system goals are to create new seats to address overcrowding, create options for students at underperforming schools or for students not served adequately in the traditional system, and create space for innovation within the traditional system. In addition to and in support of all of these goals, private philanthropy is increasingly looking to charter authorizing as a way to support and encourage development of strong public schools.

In New York City, Mayor Michael Bloomberg and Schools Chancellor Joel Klein recently announced plans for the NYC Department of Education, a NACSA Member, to create 50 new charter schools in the city over the next five years. Support for this ambitious program will come largely from private philanthropy like the Robertson Foundation, the Robin Hood Foundation and Joe and Carol Reich who, combined, have already committed more than \$40 million to the project.

The Mayor's Office of the City of Indianapolis, another NACSA member, recently secured a \$1.6 million grant from the Indianapolis-based Richard M. Fairbanks foundation to fund a four-year program to increase the number of quality proposals for schools chartered by Mayor Bart Peterson's office. The Fairbanks Foundation has long supported public education in Indianapolis and sees strengthening the charter school infrastructure as a means to create educational alternatives and to make Indianapolis a vital urban area.

This private support for the charter school infrastructure – through support for major charter authorizing initiatives – demonstrates growing awareness in the philanthropic community both of the value of charter schools to strengthening public education and of the importance of the authorizing infrastructure to making the charter concept work well.

Further Reading and Resources

The New York City charter program [press release](#) and other information regarding this initiative is available at www.nyc.gov.

You can find the [press release](#) for the Fairbanks grant and other charter school information on the Mayor's Office of Indianapolis charter school homepage, <http://www.indygov.org/mayor/charter/>.

Also see an interesting article on the grant, "[City secures \\$1.6 million to increase number of charter schools in Indianapolis](#)," *Indianapolis Star*, Nov. 6, 2003, www.indystar.com/articles/0/090037-6970-009.html.

NCLB Update: School Transfer Provisions

Local education pages (both e- and print) have paid plenty of attention to adequate yearly progress outcomes and the discouraging number of schools missing their marks. Just a small sampling of the state and local reports we've seen on the percentage of schools that have not made adequate yearly progress are 25% (Arizona), 40% (Colorado), 44% (Illinois), 35% (Nevada), and 67% (Memphis, TN). A recent NEA survey suggests that one third of schools nationwide have not made their AYP targets.

Schools that miss (or have already missed) the mark two or more years in a row must give students the option to transfer to a higher performing school. More than a year ago (July 30, 2002) we wrote, in these pages, that "both school district and non-district charter authorizers should be prepared for this new transfer provision to direct increased attention to charters as a potential source of choices for parents seeking to exercise their transfer option."

It is time to reprint the statement because the pressure is beginning to mount, particularly for urban areas. The Chicago Sun-Times reported that 270,000 students were eligible for transfers in Chicago but that the district claimed only 1,100 seats were available in higher performing schools. In Baltimore, hundreds of students have been unable to transfer because of transportation problems. Philadelphia school district officials approached officials in surrounding suburban districts about inter-district transfers to help meet their transfer option obligations but got no brotherly love.

The math should not be complicated though it will perhaps be overwhelming. If better options are going to be available to the millions of students entitled to them nationally, then most of those options need to be created anew (or through restructuring) because there are not currently millions of empty seats in high performing schools – whether charter, traditional public, private independent, or parochial.

The charter option will increasingly draw the attention of policymakers, so those doing the chartering, i.e., authorizers, need to be prepared. The New York and Indianapolis examples discussed above may be just the curl of a rapidly building wave.

Further Reading

U.S. Department of Education, [Title I -- Improving the Academic Achievement of the Disadvantaged: Final Rule, U.S. Department of Education](#).

"City Transportation Problems Stall Transfers to Better Schools," *Baltimore Sun*, Oct. 24, 2003.

"Feds: City Falling Short of School Transfer Goals," *Chicago-Sun Times*, Oct. 27, 2003.

"Seven Districts, 33 Schools Listed 'On Improvement,'" *Kansas City Star*, Aug. 13, 2003.

"27 Schools Must Offer Students Choice," *Providence Journal*, Aug. 15, 2003.

"No Child Left Behind Law Bumps into Hard Reality," *Philadelphia Inquirer*, Oct. 14, 2003.

School district authorizers, in particular, should also look at a recent series of four papers published by the Education Commission of the States, collectively entitled "[The Nuts and Bolts of Charter Districts](#)." This series, available at www.ecs.org/clearinghouse/44/95/4495.doc, raises important issues for rethinking the district-school relationship even if chartering is just part of a larger school system strategy.

State Charter Policy News: Authorizer Accountability in California

California's policy environment is one of those that seems always to be struggling with whether to give charters a longer leash or yank their chains tighter – and often doing both simultaneously. This attitude may now be carrying over to authorizers. School districts and county offices of education are the primary authorizers in California. Believing that these agencies would often be reluctant authorizers, at best, policymakers created a law that establishes a presumption that charter applications ("petitions" in California parlance) be approved or granted except under statutorily designated circumstances. The law constrained authorizer authority on the front end and provided little guidance regarding exercise of the rest of the authorizer's responsibilities. Then last year, a state audit lambasted four of the most active district authorizers for inadequacy of their oversight procedures. The audit had merit on some counts but on other counts it assumed a highly regulatory authorizer role that is largely inconsistent with the charter concept and was certainly not provided for in the California code.

Regardless of the merits, the critical audit prompted legislation, AB 1137, (recently signed into law by Governor Davis) that specifies several of the authorizer's duties including annual site visits, assurance of school compliance with reporting requirements, and establishment of policies and procedures for fiscal oversight. The new law suggests that an authorizer *may be liable for the debts or obligations of the school or claims against the school* if it fails to comply with its oversight obligations. The legislation also contains equally significant new minimum performance standards for the charter schools themselves.

Authorizers in most states have operated with little statutory (or regulatory) guidance. This inattention has been both a blessing and a curse. Authorizers have had to find their way by trial and error, but they have also had the kind of flexibility and opportunity to experiment, adapt, and tailor their practices that are hallmarks of the charter idea. We suspect that as awareness of the role of authorizers grows in many states, there is likely to be some legislative and regulatory retrenchment from those days of substantial authorizer autonomy (and, candidly, limited accountability). As is often the case, developments in California may be a harbinger of things to come elsewhere.

Further Reading

You can find a copy of [AB 1137](#) through California's legislative information search page, <http://www.leginfo.ca.gov/bilinfo.html>.

See also, "[Davis Signs Charter-School Bill](#)," Fresno Bee, Oct. 15, 2003.

NACSA Noteworthy

The **Education Commission of the States** recently unveiled a new [Charter Schools Database](#), accessible from the ECS homepage, <http://www.ecs.org>. The database has a number of interesting, useful search features including state by state Q&A profiles that allow comparison between states according to selected categories. You can also review "50-State" reports by ten different categories ranging from school or student preference requirements, to waiver provisions, to collective bargaining agreements. When we selected the "Charter School Authorizers/Sponsors" category, we were disappointed to get an error message, but based on our scan of other topics, it will be worth visiting when it is fully functional, and authorizers can get good use out of the other categories in the meantime.

Clear, reliable, publicly accessible information about school performance is a critical piece of the accountability puzzle. The **Mayor's Office of Indianapolis** has published one excellent model for providing such information with its [2003 Accountability Report on Mayor-Sponsored Charter Schools](#). This report is the work of a number of capable researchers and writers including regular

NACSA collaborators Sejal Doshi, Bryan Hassel, and Paul Herdman. It is available through Mayor Bart Peterson's charter schools office homepage, <http://www.indygov.org/mayor/charter/>.

The fall issue of the **National Association of State Boards of Education**'s quarterly journal, **The State Education Standard** is an all-charter edition, including an article co-authored by NACSA associate director, William Haft, and board member, Otho Tucker. The article, [*Seizing the Charter Moment*](#), suggests that, for a number of reasons, state and local school system authorizers ought to view chartering as a way to strengthen existing school systems. You can link to any of the featured articles from this interesting issue at www.nasbe.org/Standard/index.html.

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