



Charter School Authorization

Charter School Renewal, Revocation, and Closure

Charter Schools Division
2014



TOM TORLAKSON
State Superintendent
of Public Instruction

Academic Achievement Above All

California charter school law establishes that improved pupil academic achievement for **all** pupils is the first priority of California charter schools.

EC Section 47601



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Legislative Intent: Charter School Expectations

It is the legislative intent that charter schools will:

- Improve pupil learning
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for academically low achieving students
- Meet measurable pupil outcomes
- Operate under performance-based accountability systems
- Stimulate continual improvements in all public schools

California Education Code (EC) Section 47601



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Charter Authorizing

“The primary goal for effective authorizing is to partner with our schools in providing quality education for our students.”

-- *Charter Authorizer Toolkit ,
Digital Chalkboard*



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Charter Authorizer Transparency



For the [renewal] policy to be clearly understood and fairly applied, it must be well-documented, highly visible, and provided to all charter schools as early as possible...

An authorizer's renewal policy and framework should ensure that no school is ever surprised by a non-renewal recommendation.

- *Accountability in Action: A Comprehensive Guide to Charter School Closure*, p. 38. National Association of Charter School Authorizers, Updated May 2014



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Charter Authorizer Transparency (cont.)



Transparency in the charter renewal process can protect the authorizer from political pressure. A transparent charter renewal process can ease the school closure process when a charter fails to meet academic or fiscal performance standards.

- *California Charter Oversight: Key Elements and Actual Costs*, p. 58. California Research Bureau, California State Library, January 2012



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Charter School Accountability and Non-Renewal



The California Charter Schools Association (CCSA) is a strong advocate for quality charter schools through advancing accountability. Annually, CCSA calls for non-renewal of charter schools that fail to meet CCSA's minimum criteria for renewal. CCSA promotes an Accountability Framework that “values academic rigor while giving schools credit for growth and for taking on the challenge of serving traditionally disadvantaged students well.”

<http://www.calcharters.org>



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NACSA: High Standards



The National Association of Charter School Authorizers (NACSA), in its *Principles & Standards for Quality Charter School Authorizing (2012)*, identifies **maintaining high standards for schools** as a core principle of charter authorizing.

<http://www.qualitycharters.org>



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NACSA: Performance Standards



NACSA recommends setting performance standards to enable schools and authorizers to know the outcomes for which authorizers will hold schools accountable. Academic, financial, and organizational performance standards should include clearly defined and measurable indicators, measures, metrics, and targets.

<http://www.qualitycharters.org>



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NACSA Essential Practices for Charter School Renewal

Practice 10: Renewal Criteria – Have established renewal criteria



- Designs, communicates, and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions. Bases the renewal process and decisions on thorough analysis of a comprehensive body of objective evidence defined by the charter petition or contract. Grants renewal only to schools that achieve performance standards and targets, are organizationally and fiscally viable, and have been faithful to the terms of their petition/contract and applicable law.

<http://www.qualitycharters.org>



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NACSA Essential Practices for Charter School Renewal (cont.)

Practice 10: Renewal Criteria (cont'd)



- Provides to each school, in advance of the renewal decision, a cumulative performance report that summarizes the school's performance record over the charter term and states the authorizer's findings concerning the school's performance and its prospects for renewal.
- Regularly updates and publishes the process for renewal decision making, including guidance regarding required content and format for renewal applications.

<http://www.qualitycharters.org>



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NACSA Essential Practices for Charter School Renewal



Practice 12: Annual Report – Provide an annual report to each school on its performance

- Provides an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement. Articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.

<http://www.qualitycharters.org>



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Governing Board Policies for Charter Authorizers: CSBA



The California School Boards Association (CSBA) develops sample board policies and administrative regulations for governing boards, including policies related to charter school authorization.

<http://www.csba.org> (BP/AR 0420.4)



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Governing Board Policies for Charter Authorizers: CSBA



CSBA's sample policies and regulations suggest:

A policy that captures the requirements regarding petition approval consistent with statute and regulation

A policy that reflects district practice with regard to charter school approval

Administrative regulations that are consistent with statute and regulation

Administrative regulations that reflect district practice, and may include a petition review team that includes representatives from several of the district's departments to evaluate a petition's merits and identify any concerns that should be addressed by petitioners

<http://www.csba.org> (BP/AR 0420.4)



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NACSA: Charter Renewal



Reasons underperforming charter schools remain open:

1. The absence of clear or meaningful performance criteria
2. The absence of a strong body of evidence gathered over the charter term
3. The absence of better alternatives in the surrounding neighborhood
4. Community and political support for the failing school

- *Accountability in Action: A Comprehensive Guide to Charter School Closure*, pp. 3-4.
National Association of Charter School Authorizers, Updated May 2014



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Charter Petition Renewals

Charter renewals are granted for a period of five years.

Renewals are governed by the standards and criteria in California *Education Code (EC)* Section 47605, the same criteria used for charter petition approval.

Renewals must include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

In order to ensure continued operation and renewal, a charter school must meet its goals for increases in student achievement. Renewal is linked to API thresholds or other pupil achievement data.

EC Section 47607



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Charter Petition Renewals

The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils* served by the charter school as the most important factor in determining whether to grant a charter renewal.

EC Section 47607 (a)(3)(A)

* A numerically significant subgroup as defined in 52052(a)(3).



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Academic Achievement Through Measureable Pupil Outcomes

Charter petition renewals must include measurable pupil outcomes, which at a minimum:

Specify skills, knowledge and attitudes that reflect the schools educational objectives

Address increases in pupil academic achievement both schoolwide and for all subgroups of pupils served

Align with the eight state priorities that apply for the grade levels served, or the nature of the program operated, by the charter school

Align the method for measuring pupil outcomes for state priorities consistent with how information is reported on a school accountability report card

EC Section 47605(b)(5)(B) and (C)



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Academic Performance Index (API) Changes

Changes in the calculation of API and ranking of schools:

- 2013 represents the final year calculations of statewide and similar school ranks were made
- Growth APIs are suspended for 2014 and 2015 and reestablished for the 2016 reporting cycle

Schools and LEAS will use one of the following proxies to meet legislative or other programmatic requirements:

- Most recent API calculation
- An average of the three most recent annual API calculations
- Alternative measures that show increases in pupil academic achievement for all groups schoolwide and significant subgroups (30 or more students; 15 or more for Foster Youth)

EC Section 52052(a)(3) and (e)



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Academic Achievement Data for Determination for Renewal

Available API, state assessments, and school rankings information will vary for each year of charter renewal:

Year	API Growth	Assessment Data	School Rankings
2014-2015 School Year	No 2014 Growth API; use 2013 Growth API as most recent, 3-year average API (2011/2012/ 2013), or alternative measures	No 2014 Smarter Balance Assessment Consortium (SBAC) scores for math and ELA	Use 2013 school rankings or rankings for 2 of last 3 years
2015-2016 School Year	No 2015 Growth API; use 2013 Growth API as most recent, 3-year average API (2011/2012/ 2013), or alternative measures	Use 2015 SBAC scores for math and ELA; can compare results with local schools	No 2014 rankings; use 2012 and 2013 rankings for 2 of last 3 years
2016-2017 School Year	Use 2016 Growth API	Use 2016 SBAC scores for math and ELA; can compare results with local schools	No rankings available



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Academic Achievement Determination for Renewal

A charter school meets at least one of the following for charter renewal:

1. Attained API growth target in the prior year or in two of the last three years, school wide and for all groups of pupils served
2. Ranked in deciles 4 to 10 on the API in the prior year or in two of the last three years
3. Ranked in deciles 4 to 10 on the API for a demographically comparable school in the prior year or in two of the last three years
4. Performs at least equal to the academic performance of the public schools that the pupils would have been required to attend, and the performance of the schools where the charter is located, considering the composition of the pupil population.
5. Qualified for an alternative accountability system.

EC Section 47607(b)



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Academic Achievement Determination for Renewal (cont.)

The authorizer, in making the determination for #4, shall base it on all of the following:

- Documented and clear and convincing data
- Pupil Achievement data from assessments, including, but not limited to, state required assessments, for demographically similar pupil populations in the comparison schools
- Information submitted by the charter school

EC Section 47607(b)(4)

Note: *The authorizer must submit information pertaining to its achievement determination to the CDE when using criterion #4. Charter renewal cannot be granted prior to 30 days after the school submits materials pertinent to this determination to the authorizer.*



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Charter Petition Renewals: CDE Notification Process

The Charter School Renewal - Academic Performance Determination documentation includes:

- Cover Sheet signed by the superintendent of the authorizing school district or county office of education
- Supporting documentation and a written summary of the basis for any determination made in renewing a charter using alternative criterion per *EC* Section 47607(b)(4)(A)
- All materials submitted electronically on a CD or by e-mail, along with the printed and signed form and mailed to CDE's Charter Schools Division

EC Section 47607(b)(4)(C)

Note: For all other charter renewals, the authorizer submits to the CDE local board minutes approving or denying the renewal.



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Evidence to Support Renewal

An authorizer has resources to inform its renewal decision:

1. Required fiscal reports and audits demonstrating past performance and likely future financial viability of the school
2. Compliance with all state and federal laws applicable to charter schools and fulfilling the terms of its charter
3. Academic performance data and reports showing increases in pupil academic achievement for all groups; LCAP & annual updates
4. Annual visits and annual reports, including correcting any deficiencies identified during the annual reviews and visits
5. Inspections or observations of any part of the charter school at any time

California Code of Regulations (CCR) Title 5 Section 11966.4



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Timeline for Authorizer Actions – Renewal

District Authorizer

Public Hearing – 30
days

Action After Receipt –
60 days

Extension by Mutual
Consent – 30 days

Inaction Results in
Approval – 60 days

County Authorizer

Public Hearing – 60 days

Action After Receipt – 90
days

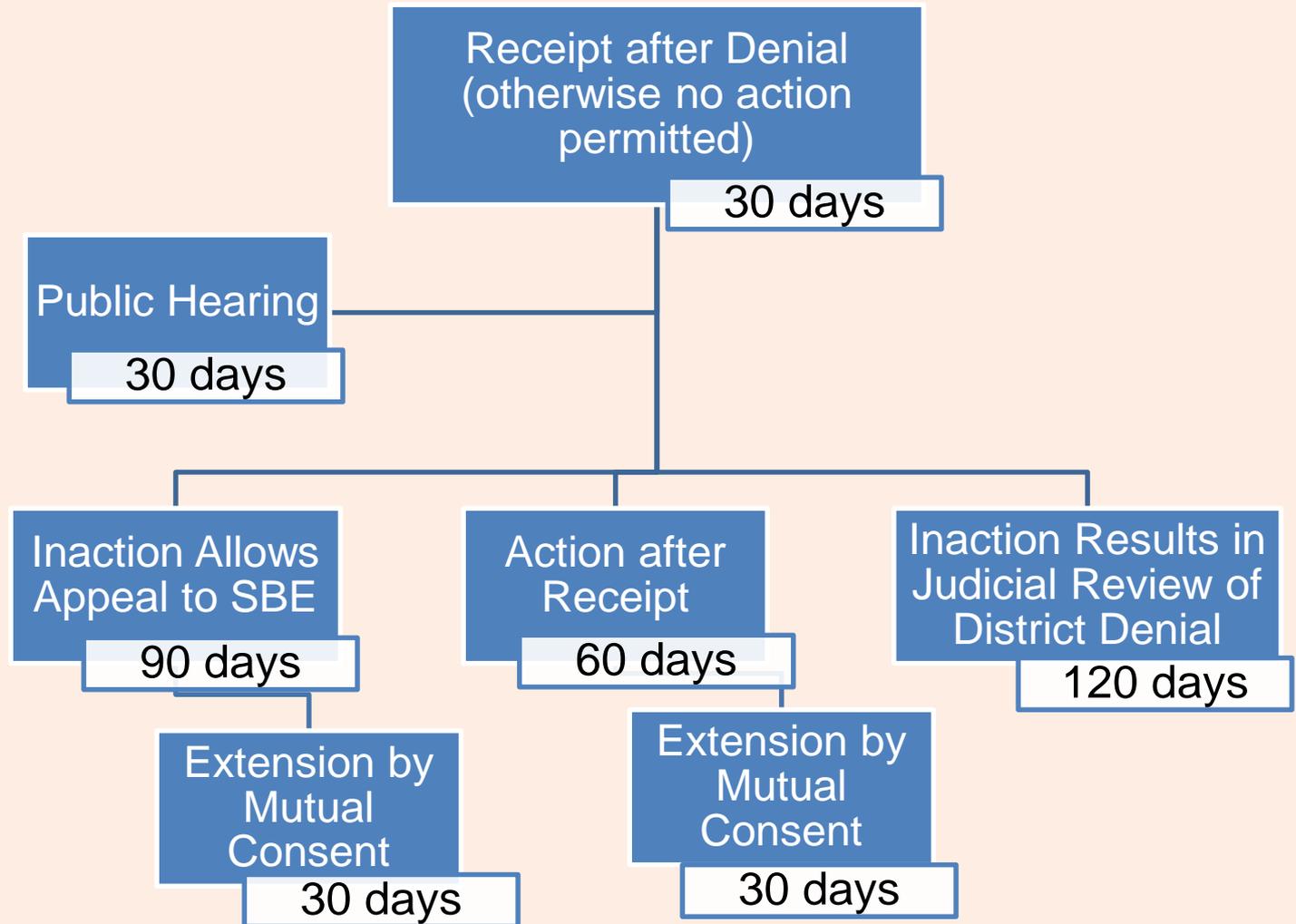
Extension by Mutual
Consent – 30 days

Inaction results in judicial
review of district denial –
120 days



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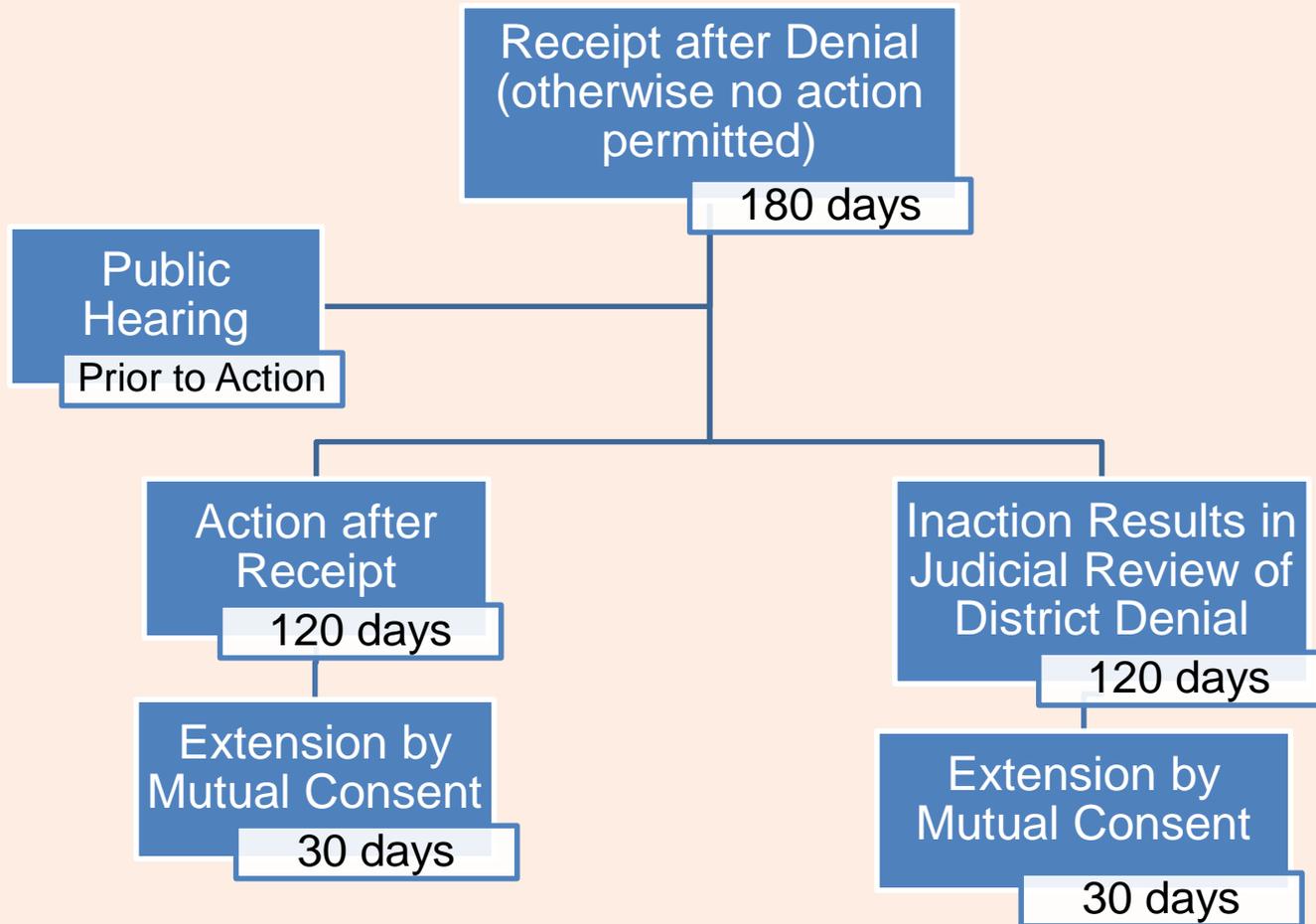
Timeline for Appeal to County – District Non-Renewal





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Timeline for Appeal to State Board – District Non-Renewal





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NACSA and Charter School Accountability



NACSA identifies four “red flag” areas that it suggests should at least trigger consideration of charter school closure:

1. Academic Underperformance
2. Financial Mismanagement
3. Organizational Incompetence
4. Non-compliance

- *Accountability in Action: A Comprehensive Guide to Charter School Closure*, p. 4. National Association of Charter School Authorizers, Updated May 2014



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Charter Revocation

Academic achievement for all groups of students is the most important factor in revocation.

EC Section 47607



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NACSA Essential Practices for Charter School Revocation

Practice 11: Revocation Criteria- Have established revocation criteria



- Revokes charter when necessary to protect student and public interests. Revokes when there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds. Communicates clearly the criteria for charter revocation.

<http://www.qualitycharters.org>



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Reasons for Revocation

A charter may be revoked by the authority that granted the charter if the authorizer finds substantial evidence that the charter school:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition
- Failed to meet or pursue any of the pupil outcomes in the charter petition
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement
- Violated any provision of law
- Failed to show increases in pupil academic achievement for all groups

EC Section 47607



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Authorizer Oversight of Academic Achievement

When a charter school fails to improve outcomes for three or more student subgroups (*EC* Section 52052) or for all students, in three of four consecutive years, in regard to one or more state or school priorities, the authorizing district:

Shall provide technical assistance to the charter school using the California State Board of Education (SBE) adopted rubric (available by October 2015)

May request the State Superintendent of Public Instruction assign the CA Collaborative for Educational Excellence to provide advice and assistance to the charter school

EC sections 47607.3, 52064.5, and 52074



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Additional Basis for Revocation

A charter may be revoked by the authorizer if the charter school:

Fails to improve outcomes, in regard to the state priorities, for three or more pupil subgroups (or all of the school subgroups if less than three subgroups in the charter school) in three of four consecutive school years

Fails, or is unable, to implement recommendations after advice and assistance from the California Collaborative for Educational Excellence; or inadequate performance of the charter school, based on the SBE's evaluation rubric, is so persistent or acute as to require revocation

A charter school cannot appeal a revocation made on this basis



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Steps for the Authorizer to Revoke

For revocation action, an authorizer must:

Make written factual findings supported by substantial evidence

Notify the charter of any violation in writing and give a reasonable opportunity to remedy, unless an imminent health and safety threat

Provide written notice of intent to revoke and notice of facts in support of revocation along with date and time of public hearing

Hold a public hearing within 30 days of notice of intent to revoke

Make a written final decision to revoke or decline to revoke the charter within 30 days of public hearing (30 day extension by mutual consent)

Follow specifications in Title 5 regulations regarding Notice of Revocation and Notice of Violation

EC Section 47607; and CCR Title 5 Section 11965



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Steps After Authorizer Acts to Revoke

If a school district board revokes a charter, the following may occur:

Charter school may appeal the revocation in writing to the county board of education within 30 days

County Board may reverse the revocation decision if findings are not supported by substantial evidence; school district may appeal the reversal in writing

If the county does not act within 90 days of appeal receipt or upholds the revocation, charter school may appeal in writing to the SBE

The SBE may reverse the revocation decision if the findings made by the district are not supported by substantial evidence – district continues as authorizer; the SBE may uphold the revocation decision of the district if it determines the findings are supported by substantial evidence



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Steps After Authorizer Acts to Revoke (cont.)

If a county board revokes a charter, the following may occur:

Charter school may appeal in writing the revocation to the SBE within 30 days

SBE may reverse the revocation decision if it determines the findings are not supported by substantial evidence; the county board continues as authorizer

EC Section 47607

In all cases, a final decision of a revocation or appeal of a revocation by a district or county authorizer is reported to the charter authorizer, the county board of education and the California Department of Education.



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Sources of School Closures

School closures occur for the following reasons:

- Voluntary Closure
- Non-Renewal
- Revocation

EC sections 47604.32 and 47607



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School Closure Procedures

Follow closure procedures in the charter.
Procedures include:

Designating a responsible entity to conduct closure-related activities and identifying funding for all closure activities

Notification of closure to identified entities with specified information

List of pupils, related information, and transfer and maintenance of all pupil records, assessment results, and special education records

Transfer and maintenance of personnel records

Final audit of assets, liabilities, and disposal of net assets

Filing of annual financial reports

*EC sections 47605(b)(5)(P) and 49061(b),
CCR Title 5 sections 11962 and 11962.1*



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School Closure Authorizer Responsibilities

Provide notification, within 10 calendar days of official action of the charter authorizer, to the CDE, if a charter school is closed:

- A description of the circumstances of the closure
- The effective date of the closure
- The location of pupil records and personnel records

“Personnel records” means any records of the charter school relevant to its employees, including records related to performance and grievance

“Pupil records” means the same definition as for school districts

*EC sections 47605(b)(5)(P) and 49061(b),
CCR Title 5 sections 11962 and 11962.1*



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Authorizer Provides Timely Notifications

Provide timely notification to the department if any of the following circumstances occur or will occur:

- Renewal of the charter is granted or denied
- Charter is revoked
- Charter school will cease operation for any reason



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Web Resources

California Department of Education:

<http://www.cde.ca.gov/sp/cs/>

National Association of Charter School
Authorizers:

<http://www.qualitycharters.org>

California School Boards Association:

<http://www.csba.org>

California Charter Schools Association:

<http://www.calcharters.org>

Digital Chalkboard

<http://www.mydigitalchalkboard.org>