Creating a Governing Framework for Public Education in New Orleans

The Scott S. Cowen Institute for Public Education Initiatives at Tulane University presents the first three reports in a series of papers on public school governance called Creating a Governing Framework for Public Education in New Orleans. The overall goal of this study is to lay out options for the roles and responsibilities for all governing entities in the city’s public education landscape in order to support a system of high-performing public schools. With a mayoral race, a legislative session, and federal Race to the Top applications coming in the near future, this information is critical and timely – not only for New Orleans but to public school districts across the country. Under state law, the Recovery School District must make a recommendation in 2010 as to whether some or all of the schools it took over in November 2005 (after Hurricane Katrina) should return to local control. The citizens of New Orleans must now begin to consider the long-term structure that ensures that every child has access to a high-performing public school. The purpose of this series is to inform that dialogue.

These initial three reports focus on district leadership, the relationship between the central office and schools, and charter school authorizers and operators. The reports provide important background information to policymakers and the community on the possible options for governance structures. These reports were written by Michael Schwam-Baird, Assistant Director for Research, and Laura Mogg, Research Analyst. A fourth report will be released in the coming weeks, in partnership with the Bureau of Governmental Research (BGR), and will outline specific models for a governing framework for public schools in New Orleans.

The Scott S. Cowen Institute for Public Education Initiatives at Tulane University

The Cowen Institute is an action-oriented think tank that informs and advances solutions – through policies, programs, and partnerships – to eliminate the challenges impeding the success of K-12 education in New Orleans and beyond. It also serves as a clearinghouse for K-12 public schools in New Orleans to directly access the myriad of experts and resources available at Tulane University. Our work is in the following key areas:

- Applied Research
- Public Policy
- University-Based Initiatives
- College Readiness Program

Additional information, including these reports and other research projects published by the Cowen Institute, can be found at http://education.tulane.edu.

Applied Research at the Cowen Institute

The Cowen Institute’s Applied Research staff serve as an objective voice to education leaders, policymakers, the media, and the public about what is taking place in public education in New Orleans – particularly in the areas of accountability, operations (mainly finance and facilities), and governance – by disseminating relevant data and research. We draft briefings and conduct forums, meetings, and seminars that inform educators, administrators, media, and the general community on issues impacting public education in New Orleans.
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EXECUTIVE SUMMARY

Introduction

Ever since Hurricane Katrina devastated New Orleans, charter schools have been a major part of the landscape of public education in the city.

- Charter schools are public schools that are run by a private entity through a contract, or charter, with a state-sanctioned entity called an authorizer.
- In Louisiana, authorizers are either local school boards or the state Board of Elementary and Secondary Education (BESE).
- In other states, however, the ranks of authorizers include universities, non-profit organizations, city governments, and special state charter boards, among others.
- Like most states with charter laws, non-profit organizations and local school boards are the only entities eligible to receive charters to operate charter schools in Louisiana.

Authorizers are critical to ensuring that school charters are given to organizations with the knowledge and capacity to run high-performing public schools. Authorizers also oversee school operators during the period of their charter and decide on charter renewals. Without good authorizing, low quality charter schools can proliferate and do great damage to student learning. Once a charter is approved by an authorizer, functional governance, high quality management, and a cooperative relationship with the authorizer are vital to a school’s continued success.

Charter Schools in Louisiana and New Orleans

During the 2008-2009 school year, there were 66 charter schools operating in Louisiana. BESE was the largest authorizer in the state, overseeing 52 schools. Other authorizers include the Orleans Parish School Board (OPSB), Jefferson Parish School Board and East Baton Rouge Parish School Board.

The majority of charter schools in Louisiana are located in Orleans Parish. There are 51 charter schools operating in Orleans Parish during the 2009-2010 school year, more than the 37 traditional public schools. The majority of public school students in Orleans Parish attend charter schools.
Charter School Governance

- While most charter schools are managed by leaders selected by the school’s non-profit board of directors, others are managed by for-profit Education Management Organizations (EMOs) or by non-profit Charter Management Organizations (CMOs).
- All but five states require a charter to be governed by a non-profit board, though this does not necessarily preclude these boards from contracting out management to a for-profit organization.

School Management Organizations

- Non-profit charter management organizations can be compared to traditional school districts, though there are significant differences in how they operate and are governed. Though CMOs have become increasingly popular, there are, to date, no major studies on their impact on student achievement in their schools.
- There is also very little research assessing the overall impact of EMOs on student achievement, and even less that focuses specifically on their effect on the charter schools that they manage.
- Theoretically, non-profit organizations that manage schools have less incentive to sacrifice school quality for monetary gain than a for-profit organization.
- There is very little research that compares the practices or outcomes of the two types of organizations.

Charter School Governance

- Despite the importance of charter boards, anecdotal evidence indicates that many boards and board members are ineffective and can be sources of instability.
- Some boards, however, are functional and successful. Yet there is little empirical information to help determine the configuration and operating procedures for boards that encourage success.

Charter Authorizers: Research and Practice

Charter school authorizers are entities that award contracts to, evaluate, and oversee organizations that run charter schools. They are responsible for ensuring that charter schools are in compliance with laws and regulations and are held accountable for established performance standards.

Though there are a number of different types of authorizers, this paper focuses on the most prominent types that are represented in the research literature:
- Local Education Agencies/School Boards
- Non-profit Organizations and Universities
- State-level Authorizers
The available research indicates there are several authorizer features associated with better chartering:

- **Relative insulation from political considerations**: Though politics will always play a role in public education, authorizers that are more insulated from the need to placate interest groups in order to keep their jobs tend to make better authorizing decisions.

- **Experience in charter authorizing and oversight**: As organizations authorize more schools over longer periods of time, their practices tend to improve and they become more selective about the operators they choose. Both the volume of schools and the length of time spent authorizing are important.

- **Adequate systems and staff to collect and analyze information**: Authorizers need adequate resources in order to hire the staff and create the systems necessary to oversee and evaluate the progress of charter schools. This may be tied to the volume of schools authorized, since funding is often available to authorizers on a per school basis.

**Best Practices and Methods**

- The research literature on charter school authorizers has a relatively well-defined set of best practices and methods governing the charter approval/authorization process, the on-going support and relationship between authorizer and school, and the accountability process and decisions related to renewal or termination of charter contracts.

- The duty of an authorizer begins first with the recruitment process and the creation of a charter agreement. The authorization decision should be made based on information gained from a variety of evaluation methods. Charter agreements should be written collaboratively.

- The completion of the charter contract is only the beginning of an ongoing relationship between authorizer and operator focused on oversight and accountability. Authorizers should have sufficient resources and funding. They should establish an accountability system to evaluate operator performance.

- Lastly, authorizers must make crucial decisions regarding renewing charters or revoking them. Authorizers should use data from the accountability system in order to make decisions about charter renewal or revocation and the process and requirements should remain transparent. When schools fail to meet the goals established in their charters, authorizers should be prepared, in advance to intervene and to cancel contracts.

**Conclusion**

- While knowledgeable and functional governing board and competent management are important to a school's success, there is little agreement on what this looks like in practice.

- There is little research that ties charter school performance to specific types of governance structures and practices.

- In spite of the problems that have plagued different types of authorizers, several important lessons emerge from the research:
  - State-level charter school authorizers are more likely to make impartial decisions on initial charter applications and renewals due to their relative distance from local political pressures and their access to resources.
A proliferation of authorizers may lead to a race to the bottom in charter quality, especially if there is no good mechanism to regulate authorizers.

Regardless of authorizer type, all authorizers can benefit from sufficient resources and staff dedicated solely to authorizing and overseeing charter schools and some insulation from immediate political pressures.

**Lessons for New Orleans**

- The quality of charter school governance will play a major role in determining charter schools’ impact on student achievement.
- Authorizing bodies could adopt a set of best practices for charter school governance as considerations when deciding whether to grant a charter.
- If the local school board continues to charter schools and operate traditional schools, the district may find it difficult to balance the interests of both types of schools. Experiences from New Orleans’ past and from around the country indicate that school districts are often averse to authorizing and see charter schools as competing with district-run schools for students and resources.
- The nature of authorizing in the state could also be changed. Based on the experience of other states, it may make sense to remove the authorizing powers of local school boards and place that responsibility with the state board of education or with a separate state chartering board. Nearly any major change to the chartering process would require legislative changes at the state level.
- Charter schools are likely to remain an important part of the public education landscape in New Orleans. In addition, charter authorizing and charter school governance are critical to improving the overall quality of charter schools in New Orleans. If these areas are not handled well, they could undermine the education of the majority of public school students in New Orleans that now attend charter schools.
INTRODUCTION

Ever since Hurricane Katrina devastated New Orleans in August 2005, charter schools have been a major part of the landscape of public education in the city. Charter schools are public schools that are run by a private entity through a contract, or charter, with a state-sanctioned entity called an authorizer. In Louisiana, authorizers are either local school boards or the state Board of Elementary and Secondary Education (BESE). In other states, however, the ranks of authorizers include universities, non-profit organizations, city governments, and special state charter boards, among others. Most of these states also require that applicants for charter schools be non-profits. Likewise, non-profit organizations and local school boards are the only entities eligible to receive charters to operate charter schools in Louisiana.

Authorizers are critical to ensuring that school charters are given to organizations with the knowledge and capacity to run high-performing public schools. Authorizers also oversee school operators during the period of their charter and decide on charter renewals. Without good authorizing, low quality charter schools can proliferate and do great damage to student learning. Once a charter is approved by an authorizer, functional governance, high quality management, and a cooperative relationship with the authorizer is vital to a school’s continued success.

Because of the prominent role of charter schools in New Orleans, this chapter explains the evolution of charter schools in Louisiana and examines options for the structure of charter school authorizers and charter management organizations (CMOs). It reviews the available research on authorizers, charter school boards, and management organizations and provides case studies of different types of authorizers operating in other states. Finally, it considers how an authorizer might interact with a traditional school district in a city where a majority of students now attends charter schools.
HISTORY AND BACKGROUND

History of Charter Schools in Louisiana

Louisiana enacted its first charter school law in 1995, joining 19 other states with laws allowing the formation of charter schools. Act 192 created a pilot program in 1996 that allowed up to eight school districts to either grant charters to outside applicants or to apply to the Board of Elementary and Secondary Education (BESE) to open a charter school that would then be operated by the local school district. The law required schools to have teaching staffs that were at least 75 percent certified. The schools did not have to be open admission, but at least 85 percent of students had to be eligible for free or reduced lunch.

Though eight school districts elected to participate in the program, only three charter schools opened in fall 1996, and all were geared toward students with academic or behavioral problems. A small number of additional schools were set to open in the fall of 1997, though most of the districts had difficulty opening schools and one withdrew completely from the program. This concerned BESE, which had anticipated that 15 to 20 schools would open in the first year.

The difficulty in opening schools was blamed by at least one BESE member, as well as Governor Mike Foster’s chief education advisor, on the almost total control over charter school authorization that was given to local school boards. Applicants who were denied a charter by the local school board had no recourse. While a lack of start-up money and other practical concerns were also impediments to opening charter schools, the governor’s education advisor claimed that, “...even if boards want to participate, there’s a lot of pressure not to participate.” An attempt in 1996 to expand the program to all school districts and give BESE the right to authorize charter schools failed in the legislature. Legislators were concerned about expanding the program before any results were available.

The opportunity to authorize and operate charter schools was a subject of debate among members of the Orleans Parish School Board (OPSB) and the public in New Orleans. At an OPSB hearing held in August 1995, 27 members of the public spoke on the subject and the majority was opposed to charter schools. The members of the board were split, with some calling Act 192 a “bad law” that would detract from a focus on teaching and learning. Other board members felt charter schools would be more accountable and could offer new ways of educating. At a meeting the following month, the OPSB decided not to participate in the pilot program. Participation was seen as potentially increasing mistrust and divisiveness along race and class lines.

Due to the slow progress of approving and opening schools, the charter school law was significantly amended in 1997, opening up the opportunity for all districts in the state to authorize charters and capping the number of charter schools statewide at 42 through May 2001. Legislative Act 477 also gave potential operators the right to appeal to BESE if their
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proposal was rejected by the local school board. However, this appeals authority lasted only through 2001, after which time local school boards’ decisions would be final. The insertion of this sunset of authority into the new law was seen by some as the desire to retain money, control, and influence with the “powers that be” at the local level.

An attempt to create a statewide independent chartering authority, with seven members appointed by BESE, the governor, and the Public Affairs Research Council, was stripped from the legislation. However, the new law granted authority to BESE to authorize charter schools in any local district which would serve students from across the state, regardless of their parish of residence. It also differentiated four types of charter schools based on their authorizer and operator: new schools authorized by a local school board, conversion schools authorized by a local school board, new schools authorized by BESE, and new or conversion schools authorized by BESE via a charter with a local school board.

A few years after this expansion of the law, the number of charter schools in Louisiana began to grow. By early 1999, 13 charters had been approved to open. The Orleans Parish School Board approved its first charter school in 1998, and New Orleans Charter Middle School opened the following fall. The school received 900 applications for its initial 117 openings. Three additional schools were scheduled to open in the fall of 2000, two of which were authorized by BESE after the OPSB rejected their proposals. Additional charter schools opened (and were closed) in New Orleans and across the state in the following years.

In what was called a “major shift in philosophy,” the OPSB’s 2002 reform plan endorsed using charters as a way to turn around failing schools. While this particular measure was opposed by some board members, it was supported by the majority. One board member called it a “cautious approach” that would be used only for low-performing schools and not necessarily for outside groups to start new schools.

In 2003, with the passage of legislation creating the Recovery School District (RSD), the Louisiana charter school law underwent further changes. The RSD was created as BESE’s mechanism for taking over low-performing schools across the state. It was given the same rights and responsibilities over its schools as the local school district had prior to a school takeover, including control over local funds and facilities. This also meant that the RSD could turn over its schools to charter school operators if it chose.

The revisions to the charter law further codified this right, providing for a fifth specific type of charter school. Type 5 charter schools are schools taken over by the RSD that are converted into charters. Type 5 charter schools are authorized by BESE and must be operated by non-profit groups. P.A. Capdau Middle School in New Orleans became the first Type 5 charter school in New Orleans after it was taken over by the state in 2004 under the new RSD legislation. The University of New Orleans proposed the takeover to the state, offering to operate the school under a charter with BESE.
Current Louisiana Charter Law

The current Louisiana charter school law is similar to the 2003 version of the law. There are currently five types of charter schools:

**Type 1 charters** are new start-up schools authorized by a local school board. They may only enroll students from the local district, must be operated by a non-profit entity, and may have admissions requirements. The only Type 1 charter school in New Orleans is Einstein Charter School.

**Type 2 charters** can be conversion or start-up schools and are authorized by BESE. They may only be operated by a non-profit entity, may enroll students from across the state, and may have admissions requirements. New Orleans has two Type 2 charter schools: Milestone/SABIS Academy and the International School of Louisiana.

**Type 3 charters** are conversion schools authorized by a local school board. They may enroll students from the local district only, must be operated by a non-profit entity, and may have admissions requirements. Both Lusher Charter School and Ben Franklin High School, among others, are Type 3 charter schools in New Orleans.

**Type 4 charters** can be conversion or start-up schools and are authorized by BESE via a charter with a local school board. Essentially, the local school district acts in the role of the charter holder, and is ultimately responsible for the school’s operation. However, type 4 charter schools can be operated by a for-profit or non-profit entity contracted by the local school board. They may enroll students from the local district only unless there is an agreement with another district, and may have admissions requirements. New Orleans has two Type 4 charter schools: Harte Charter Elementary and Karr Charter High School.

**Type 5 charters** are conversion schools authorized by BESE via the RSD. They can only be operated by a non-profit entity, may only enroll students from the local district, and must be open admission. Most of New Orleans’ charter schools are Type 5, including Dr. Martin Luther King Charter School and Lafayette Academy and nearly half of all New Orleans public schools are Type 5 charter schools.

While Louisiana law requires that all charter schools, except Type 4, be operated by non-profits, it also restricts who can form these non-profit organizations. Eligible groups include three or more teachers, ten or more citizens, Louisiana universities, the faculty and staff of a public school or local school board, corporate entities, and public service organizations (which are tax-exempt organizations with 50 or more members). The law also places strictures on how charter schools are governed. No more than 20 percent of a charter board can be members of the same family and board members cannot be employed by the school or receive any compensation other than reimbursement for actual expenses. For Type 5 schools, board members
cannot also be members of BESE or the local school board and cannot hold public office or have held public office in the year prior to their appointment.27

The law lays out what information is required to be in a school's charter, including a mission statement, admission requirements, an education program, a plan for employee evaluation, a financial and accounting plan, and expected educational results. Charters are valid for an initial five year period contingent upon the results of a third year progress report. No charter will be renewed unless the school demonstrates improvement on standardized tests. Renewals are for terms of at least three years and not more than ten years. Charter schools receive per-pupil state funding through the Minimum Foundation Program as well as local funding.28

The law requires that local school boards provide Type 1, 3, and 4 charter schools with any available vacant facilities for lease or purchase at fair-market value. The RSD holds the rights of the facilities of the schools it takes over, which are then provided for Type 5 charter schools. Type 2 charter schools must make arrangements for their own facilities, though these can be provided by the school district. Charter school Types 1 and 2 must serve an at-risk student population that is comparable to the district average while Types 3 and 4 must serve an at-risk population close in number to what they served before being converted to charters.29

During the recently concluded 2009 Legislative Session, Louisiana lawmakers voted to remove the cap on charter schools across the state, which had been set to 70 for Types 1, 2, 3, and 4 charter schools.30 (There was no cap on charter schools affiliated with the RSD.) This was done to better position the state to gain access to federal education grants.31

Charter Schools in Louisiana and New Orleans

As of the 2008-2009 school year, there were 66 charter schools operating in Louisiana. The majority of these, 39, were Type 5 schools. BESE is currently the largest authorizer in the state, overseeing 52 schools. Other authorizers include the OPSB, Jefferson Parish School Board and East Baton Rouge Parish School Board.32 The state-wide charter school population does not mirror the demographics of the state as a whole, though it is similar to the urban districts in which most charter schools are located. More than 85 percent of charter school students are members of minority groups and nearly 80 percent are eligible for free or reduced-price lunch.33

The majority of charter schools in Louisiana are located in Orleans Parish. The sudden and rapid growth in the number of charters in New Orleans was due to both the destruction caused by Hurricane Katrina and the RSD’s takeover of the majority of schools in the district. After Katrina, the OPSB opened schools as charters because of the need to quickly reopen schools in the face of limited financial resources.34 In addition, charters were able to access a $20.9 million federal grant earmarked specifically for charter schools.35 With the transfer of over 100 schools to the state in November of 2005, many RSD schools reopened as charter schools, though the RSD has also continued to operate a number of schools. The superintendent of the
RSD, Paul Vallas, has stated that he plans to convert more of the schools currently being operated by the RSD to charters: “In two to three years, this district is going to be almost exclusively made up of charter and independent schools . . .”\(^{36}\)

There were 51 charter schools operating in Orleans Parish during the 2009-2010 school year, more than the 37 traditional public schools open that year. Two of these charter schools were Type 2 and were authorized and overseen directly by BESE, 37 Type 5 charter schools were overseen by the RSD, and the OPSB authorized and oversaw 12 others, one Type 1 charter, nine Type 3 charters, and two Type 4 charters.\(^{37}\) In the 2008-2009 school year, the majority of public school students in Orleans Parish (nearly 57 percent) attended charter schools.\(^{38}\)

Most charter schools in New Orleans are governed by a board of directors and managed directly by a school leader, though some have elected to hire for-profit management companies. Five of the charter schools open during the 2008-2009 school year were managed by for-profit companies. However, by the end of that year, one board cancelled its contract for the management of two schools.\(^{39}\)

While the conversion to a majority charter system happened quickly in the aftermath of Hurricane Katrina, it was not without controversy. The public, elected officials, and educators were divided as to whether the state takeover of schools was warranted and whether mass chartering was the best solution for reopening schools after Katrina. Citizens filed a lawsuit to prevent some West Bank schools from being opened as charters.\(^{40}\) The first public meeting of the newly created Algiers Charter School Association had to be guarded by armed National Guardsmen.\(^{41}\) Four years later, some opposition to charter schools remains. In May of 2009, a group of community leaders spoke before BESE to voice their concerns with the expansion of charter schools in New Orleans, arguing that there is not a clear system for evaluation outside of standardized test performance. Proponents cite rising test scores as proof that charter schools are an improvement over the system that existed before Katrina.\(^{42}\)
While most charter schools are managed by leaders selected by the school’s non-profit board of directors, others are managed by for-profit companies often referred to as Education Management Organizations (EMOs) or by non-profit networks called Charter Management Organizations (CMOs). The extent to which these organizations are involved in school operations can vary, with some EMOs and CMOs having total control over operations and others providing only selected services on a contract basis with schools.

A 2008 report profiled all 83 non-profit CMOs operating in the United States, which managed a total of 488 charter schools. Of these schools, 44 percent were managed by CMOs with 10 or more schools. CMOs have seen consistent growth, from a total of six CMOs operating in six states in 1995, to the current 83 operating in 24 states. These CMOs enrolled 129,836 students in 2007, with an average school size of 266 students.

As of the 2008-2009 school year, almost 25 percent of students in charter schools nationwide attended schools managed by for-profit EMOs. The number of these organizations has increased from 14 to 95 since 1997, and the number of states in which for-profit EMOs operate has increased from 16 to 31. Most of these for-profit schools, 74 percent in 2008-2009, were operated by firms running 10 or more schools.

All but five states require governance by a non-profit board, though this does not necessarily preclude these boards from contracting out management to a for-profit organization. Only six states actually ban for-profit companies from contracting with charter schools. There has been some debate as to which management model best serves students and increases achievement, though very little research exists comparing for-profit and non-profit models.

For-Profit Versus Non-Profit Charter Managers

There is very little research that compares the practices or outcomes of non-profit and for-profit charter school operators. Researchers have found that for-profit firms are more likely to use extrinsic incentives in their personnel practices. This includes merit pay and rewards for professional development. In another study researchers found that schools run by EMOs were associated with higher achievement in basic skill areas but not in higher order skills, though the results were “modest.” This may be attributable to the standardized curricula that many EMOs use.

Theoretically, non-profit organizations that manage schools have less incentive to sacrifice school quality for monetary gain than a for-profit organization. Because they are non-profits, there are no shareholders to benefit from any funds not spent on the school and so there is no need to cut corners in order increase profits. In addition, non-profits are better positioned than for-profits to attract donations and volunteer labor. On the other hand, for-profit schools may be more responsive to
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the pressures of output-based accountability. However, with little evidence, the debate about the relative merits of non-profit and for-profit charter operators remains largely speculative.

Charter Management Organizations

Non-profit charter management organizations can be compared on their own to traditional school districts, though there are significant differences in how they operate and are governed. While both create “systems of centrally managed and supported public schools,” CMOs are not governed by elected or appointed bodies and can avoid shifts in politics. They also begin with a blank slate upon which to build their infrastructure and principles.

CMOs have faced challenges and setbacks in their operations, including opening new schools more slowly than anticipated and being forced to rely on private philanthropic dollars to maintain a functioning central office. A report released by the Center on Reinventing Public Education (CRPE) claimed that the five biggest challenges for CMOs are: political risk, the obligation live up to ambitious promises made to funders, the difficulty of replicating a school model at scale while maintaining the feel of an “independent” school, the process of determining when an opportunity to expand is worth pursuing, and the uneven implementation of a school model across schools. A 2009 study, in which 51 CMO founders and leaders were interviewed, reported that creating and staffing a central office is very difficult without outside funding or a critical mass of schools to support centralized administrative functions.

Though non-profit CMOs have become increasingly popular, there are, to date, no major studies of their impact on student achievement. A large study by Mathematica Policy Research and the CRPE is underway to assess this impact. Using data from 2008 to 2011, the study will consider the effect that the internal structures, practices, and policies of CMOs have on student achievement. A final report is expected to be released in 2011.

Education Management Organizations

A series of case studies about for-profit education management organizations conducted in 2002 revealed stark differences in how EMOs operate, even among those that offer “comprehensive management services.” The study concluded that there may be some benefit for charter schools in exchanging some of their autonomy for the “clear structure” that an EMO can provide.
There is very little research assessing the overall impact of EMOs on student achievement. A review of 940 studies on EMOs by the American Institutes for Research found that only nine studies met the definition for scientific quality and all of these studies focused on one EMO, Edison Schools. Edison was given a “moderate” effectiveness rating.57

Overall, the research on school management organizations, both non-profit and for-profit, is limited. There is little evidence to determine how management organization type affects student achievement and school success. Given the complex environment in which schools operate, this may not be surprising. However, it leaves little basis on which to make policy.

**Charter School Boards**

While schools in many states can be managed by for-profit firms, almost all states with charter school laws require that schools are ultimately governed by non-profit boards. Exceptions include Iowa, Kansas and Virginia, where charter schools are governed by the local school board; Indiana, which specifies only that the governance structure is included in the written charter; and Wisconsin, where some charter schools are governed by the local school board while others are governed by their own board.58 As of 2008, there were an estimated 4,300 charter schools operating in the United States being governed by tens of thousands of board members.59

The governance structure of the proposed school can be a factor that authorizers consider in their decision to grant or renew a charter. Arizona requires applicants to submit an organizational chart as well as demonstrate their fiscal viability, the stability and strength of the governing body, and a succession plan for school leaders.60 New York’s Charter Schools Institute, which makes renewal decisions, also examines the charter school board and key leaders to determine whether the school is a “viable and effective organization.”61 While none of these organizations identify a single governance structure as the best, they believe governance is an important factor in the success of the charter school.

Despite the importance of charter boards, anecdotal evidence indicates that many boards and board members are not effective and are actually, “sources of instability and disruption.”62 This can be due to the difficulty in finding board members with needed expertise, board member inexperience, and the prevalence of boards staffed with friends of the school’s founder who may bring no particular skill to the board.63 One consultant found that boards generally suffer from similar dysfunctions including: managing and not governing, failing to outline the responsibilities of the school leader in advance, acting as individuals and not as a group, spending time on administrative trivia, and failing to engage in board (and board member) development.64 Other studies indicate that when public charter boards lack oversight they can become insular and act in their own self-interests, placing the goals of their program over the public goal of a public school: providing a quality education to students.65 One report goes so far as to propose that states do not require nonprofit governing boards at all as they inherently work against effectiveness.66

**IV Chart School Governance: Research and Practice**
Four states have programs available to train and support governing board members for charter schools. Utah offers CharterSTAR, which helps start-up schools navigate the application and planning process, but also offers workshops to existing board members to elucidate what their roles do and do not include. The Idaho Charter School Network offers a "team assessment" by other members of the network to evaluate school function. Nevada’s department of education provides information and sponsors training sessions for board members. The Minnesota School Boards Association facilitates “cross-trainings” between charter and traditional school board members.67

Some boards, however, are functional and successful. Yet determining the configuration and operating procedures for boards that encourage success is made more difficult by the fact that there is little empirical information on what most boards currently look like. Little is known about who serves on charter boards, what their size and structure is, and how they operate.68 Much of the information on charter school boards that is available comes from state charter laws, most of which are silent on the matter of composition. Of the 41 jurisdictions with charter school laws on the book, 27 make no requirements for the composition of the board.69

Of those 14 jurisdictions that do have laws governing who sits on charter school boards:70
• Six require that the board include parents with three of these jurisdictions specifying a minimum number or percentage.
• Five states require that teachers must serve on the board, with two specifying a number or minimum. Three states prohibit teachers from serving on their charter school’s board, though Louisiana allows teachers to serve on the boards of charter schools where they are not employed.
• Two states set a minimum number of board members (5), while one sets a maximum of 7.
• Three states have regulations regarding board members serving on other boards.
• One state, California, requires that boards leave one seat available for a representative of the authorizer.
• Two states require that initial board members are identified in the charter application and one state allows authorizers to appoint board members, making them public officials who are required to take an oath of office.
• One state has a law mandating that charter school board members receive training, with Florida requiring 12 hours within 90 days from the approval of the charter. Both Minnesota and New Jersey have state department of education policies requiring training but no state law.71

There is little agreement as to what type of structure produces the most effective boards among consultants and professional organizations; each structure has its own pros and cons. Experts and observers disagree on the ideal number of board members, how members should be selected, the amount of training that should be required, and even whether or not nonprofit boards should govern charter schools at all.72
Charter school authorizers are entities that award contracts to, evaluate, and oversee organizations that run charter schools. They are responsible for ensuring that charter schools are in compliance with laws and regulations and are held accountable for established performance standards. Two authors compare the relationship between authorizers and charter schools to government contracting and licensing. In a typical licensing relationship, a government entity gives a person or private entity permission to engage in a particular type of work, with compliance requirements. After a certain period of time, the license expires and must be renewed and the government agency performs a check to make sure the licensee is meeting its requirements. A contracting relationship is usually initiated by a government agency that is seeking other entities to provide a needed service instead of doing it directly. In the same way, a charter school provides a public service via a private provider. Schools and districts have always engaged in some form of contracting, be it for food services or school nurses. More recently, some districts have contracted out the operation of entire schools to private firms, usually to serve as alternative schools for students with discipline or behavioral issues. The authors suggest that there “is no bright line of distinction between this practice and the authorizing of charter schools.”
States allow a number of different types of entities to authorize charter schools. While each state's laws differ, authorizers are generally one of the following seven types:

**Local education agencies** (LEAs), generally traditional local school boards, comprised 88 percent of all authorizers according to a 2006 survey by the Fordham Institute. Of LEAs that authorize charter schools, 68 percent had only one charter school, and most others had only a handful. Of all authorizer types, LEAs are the more likely than other authorizers to sponsor schools that are unionized and have charter school principals with more educational experience.76

**State education agencies** (SEAs) comprise only 4 percent of all authorizers, yet oversee 31 percent of all of the charter schools in the 2006 survey sample. (The Louisiana Department of Education, which is overseen by the Board of Elementary and Secondary Education, is the SEA for Louisiana.) Most SEAs oversee between 5 and 18 charter schools, though several oversee 100 or more.77

In addition to state boards of education, some states have created **independent charter boards** (ICBs) whose only mission is authorization. There were four known ICBs at the time of the survey, which sponsored 443 schools, over 400 of which are in Arizona.78

Some states allow **institutions of higher education** to authorize charter schools, 20 of which responded to the 2006 survey. Higher education authorizers were most likely to charge fees to the schools that they oversee. These fees provide, on average, about 50 percent of the authorizers' funding.79

Only three states had **county or intermediate education agencies** as authorizers. There were only 16 of these agencies authorizing charter schools in 2006. On average, these agencies authorized the fewest number of schools out of all of the types of authorizers.80

Some states have also given authorization rights to **non-profit organizations** that meet certain requirements. These authorizers generally only oversee one school, though some oversee more. Interestingly, over 60 percent of the schools authorized by non-profits in the sample were located 50 or more miles from their authorizer.81

Lastly, a new development in charter authorizing is the creation of **municipal authorizers** that are a part of city government. Of the two municipal authors that existed in 2006, one reported to the city council and the other was a department within the mayor's office.82

Louisiana currently allows two types of charter school authorizers, the state Board of Elementary and Secondary Education (BESE) and local school boards. Schools taken over by the Recovery School District can become charters through BESE.83
Research on Charter School Authorization

The research on charter school authorizers generally looks at the quality of authorizer decision-making or the opinions of charter school operators, regulators, and experts to evaluate how well authorizers are doing their job. Only one study has looked at whether certain types of authorizers are associated with better charter school performance.84 The available research indicates there are several authorizer features associated with better chartering:

1) **Relative insulation from political considerations:** Though politics will always play a role in public education, authorizers that are more insulated from needing to placate interest groups in order to keep their jobs tend to make better authorizing decisions.85

2) **Experience in charter authorizing and oversight:** As organizations authorize more schools over longer periods of time, their practices tend to improve and they become more selective about the operators they choose. Both the volume of schools and the length of time spent authorizing seem to be important.86

3) **Adequate systems and staff to collect and analyze information:** Authorizers need adequate resources in order to hire the staff and create the systems necessary to oversee and evaluate the progress of charter schools.87

Several studies have also found a relationship between having multiple authorizers in a state and poorer authorizing decisions.88 Fewer authorizers that oversee more schools generally have more resources and the capacity to do a better job.89 One study has also found a connection between multiple authorizers and lower charter school performance. Researchers believe this suggests that charter operators may shop around for the “easiest” authorizer which would eventually lower the quality of schools over time.90
Though there are a number of different types of authorizers, this paper will focus on the most prominent types that are represented in the research literature:

**Local Education Agencies/School Boards:**
On the whole, local education agencies (LEAs), most of which are run by school boards, are thought to make the poorest authorizers. School boards are more easily influenced by local politics than other types of authorizers, which might give board members an incentive to make authorizing decisions based on factors other than school performance. School boards are also more likely to be dominated by charter-averse interest groups. Because LEAs operate their own schools as well, they may see charter schools as competing with district-operated schools for resources. In addition, LEAs tend to authorize and oversee very few charter schools, giving them little experience in the process and little incentive to put the needed resources towards monitoring. There are notable exceptions to this generally held view; Chicago Public Schools, for instance, has generally been praised for thorough and rigorous charter authorizing. However, Chicago also has many charter schools and has dedicated significant resources and staff to authorizing and oversight.

**Non-profit Organizations and Universities:**
Non-profit and university authorizers have a mixed record. Both types of organizations have the benefit of being relatively insulated from political considerations in comparison to local education agencies. In addition, non-profits and institutions of higher education may have additional resources of their own to support authorizing and oversight functions. However, in many states, university and non-profit authorizers have been part of a proliferation of authorizers that has given many different organizations the right to authorize charter schools. This proliferation of authorizers is generally associated with poorer outcomes for charter school performance. Individual non-profits and universities are also likely to authorize only a handful of charter schools, which gives them less experience in authorizing compared to organizations that authorize many schools.

**State-level Authorizers:**
State-level charter authorizers have the best authorizing record given the limited examples available. Statewide charter authorizers can be state boards of education (like BESE), or independent chartering boards (ICBs) whose only task is to approve, oversee, and decide on the renewal of charters. Overall, state-wide authorizers have the advantage of a high volume of authorizing, giving them more experience and an incentive to allocate resources to the process. Authorizers affiliated with the state also have access to the data gathering infrastructure that state departments of education already have in place. However, state boards of education are not as insulated from politics as ICBs, which are usually appointed and focus solely on chartering as opposed to a variety of controversial issues. While many state boards are at least partially elected, the few ICBs in existence are almost entirely appointed. In Washington, DC, for instance, the seven member Public Charter School Board (PCSB) is appointed by the mayor from a list of nominees provided by the U.S. Secretary of Education.
Best Practices and Methods in Charter Authorizing

The research literature on charter school authorizers has a relatively well-defined set of best practices and methods governing the charter authorization process, the on-going support and relationship between authorizer and school, and the accountability process and decisions related to renewal or termination of charter contracts.

The duty of an authorizer begins first with the recruitment process and the creation of a charter agreement:

- Authorizers should look for detailed educational plans, sound fiscal management, and a quality governance plan in addition to a “missionary zeal” for education.99
- In selecting charter operators, authorizers should use a variety of evaluation methods, including interviews and letters of community support,100 and evaluators with diverse expertise.101
- Charter agreements should be written through a collaborative process whereby the authorizer and operator write the contract together.102
- Charter schools should be given time to develop their performance goals to ensure that they are based on incoming students’ baseline performance levels.103

The completion of the charter contract is only the beginning of an ongoing relationship between authorizer and operator focused on oversight and accountability:

- The authorizing agency should have sufficient resources, funding, and political clout to avoid being undermined.104
- Authorizers should strike a balance between helping operators fix their problems and demanding specific changes, perhaps with the assistance of third party inspectors.105
- Authorizers should establish an accountability system to evaluate the performance of operators and their schools that will generate the necessary information to determine if the standards in the contract are being met.106

Lastly, authorizers must make crucial decisions regarding renewing charters or revoking them:

- Authorizers should use data from the accountability system in order to make decisions about charter renewal or revocation.107 The process and requirements should remain transparent so that schools and the public understand why decisions were made.108
- When schools fail to meet the goals established in their charters, authorizers should be prepared in advance to intervene and to cancel contracts. They should establish protocol for closing a charter ahead of time and follow through on it.109 This should include planning for students who will be displaced.110
Experiences of Different Types of Authorizers

Local Education Agency: Chicago

In the mid-1990s, the Mayor of Chicago, Richard Daley, was given sweeping authority over the Chicago Public School (CPS) system. One of the ways that he, and then-CPS chief executive Paul Vallas, hoped to improve the city’s schools was by authorizing charter schools. Charters were seen as not only a way to create good schools within CPS, but also to boost educational reform and economic and community development. Vallas and Daley believed it was fruitless to try and improve student learning only by putting more resources into dysfunctional traditional public schools. Instead, they saw charters as an opportunity to continue the restructuring of the school system using another means to revitalize teaching, increase learning, and ensure that schools were supporting student achievement.

In 1996 Illinois passed its charter school law, permitting 15 charters to be formed in the city of Chicago itself, 15 in the suburbs of Chicago, and 15 outside of metropolitan Chicago. Only local school districts were allowed to authorize schools. The law’s primary intent was to create public school options while at the same time improving student performance. Because of charter school popularity in Chicago, CPS used a loophole in the law—which did not specifically forbid charters from opening multiple campuses—to increase its charter school numbers. In 2003 the original law was modified. It capped the number of Chicago charter schools at 30, although it allowed the original 15 charter schools to be able to open additional campuses (but forbade new charters and for-profit charters from doing the same). Although the charter law covered the entire state, CPS has been the only school district to embrace charter schools. During the 2008-2009 school year, there were 68 different charter campuses in Chicago (from 30 schools), while only two charter schools in suburban Chicago and seven downstate.

CPS has a clearly articulated process by which it authorizes and supports new charter and autonomous schools (district-run schools with enhanced autonomy) in the district, which is administered by the Office of New Schools. Requests for proposals are released in April of each year, with proposals due by July. After a proposal is approved in October, the school founders enter an incubation phase where they receive training and professional development from November to the opening of the school the following August. Trainings include regular meetings and a three-day retreat. Incubating teams are allowed office space with access to work areas, internet access, and a computer and phone. Once schools are open, they are assisted by the Business Services department when they face operational issues. The School Support Team, with a seven-person staff, acts as a liaison between schools and the district as well as an advocate for schools and their students and families.
The Office of New Schools publishes an annual performance report on the composite and individual performance of charter schools. Schools are measured on absolute student performance, student performance relative to neighborhood schools, and operational performance including financial practices and compliance and contractual obligations. This information is used, in part, for the renewal evaluation process that a school undergoes in its fifth year. Renewal is a multi-step process that involves completion of an application, a review of student performance data and finance and compliance audits, an assessment of the facilities, site visits and interviews, and a public hearing. The Comprehensive Evaluation Team conducts a final review of all the documentation and then makes a recommendation to CPS leaders about renewal.115

In 2008, 50 percent of Chicago charter schools made Adequate Yearly Progress (AYP), the progress required to eventually meet goals set by the No Child Left Behind Act, compared to 34 percent of traditional public schools in the city.116 Forty of the 44 charter schools and campuses that reported their 2008 Illinois State Achievement Test (ISAT) composite scores had a higher percentage of students who met or exceeded the Illinois Learning Standards than their comparison neighborhood school average. Most of the charter schools also outperformed comparison schools in student attendance and dropout and graduation rates.117

A RAND Corporation study of student achievement in Chicago charter schools found small differences in average achievement gains between elementary and middle charter and CPS schools. However, the results did not show any consistent trends for students who attended charter schools—though it did suggest that charter schools did not do well in raising student achievement in their first year of operation. Among the students who attended charters for both 8th grade and high school, the study found that charter attendance was associated with higher ACT scores (an approximately half a point increase), and an increased probability of graduating (by seven percentage points) and enrolling in college (by 11 percentage points). These improvements were only seen in students who only attended charter high schools that also included middle school grades. The study warns that it is unclear whether or not these gains were attributable to charter status or to a grade configuration that encompassed middle and high school.118

Nonprofit Authorizer: Ohio

The state of Ohio, believing it had done a poor job authorizing charter schools, passed a law in 2003 that set 2005 as a deadline for ending state authorizing altogether. Under the new law, private and non-profit groups could apply to become “sponsors” (another term for an authorizer) of charter schools. If an already open charter school could not find a sponsor, it would be closed.119 Sponsors ensure that charters are held to standards regarding academic performance and financial management and provide technical assistance to their schools. The state is responsible for “applying monitoring and legal compliance measures.”120 In 2006, the state began a pilot Sponsor Performance Review system in which it collected baseline data and visited a sample of schools in preparation of the release of a report on their findings.
As of its 2007 accountability report, Ohio had 65 sponsors overseeing 325 schools. Seven of these 65 sponsors were nonprofit organizations. In 2004, the Thomas B. Fordham Foundation, an education think tank, became the first nonprofit to sponsor schools under the new law. Initially, Fordham took over nine schools with a student population of about 2,700 and run by multiple operators. The board members of its schools have described Fordham as being more involved than the state was, providing technical assistance as well as a needed “push.”

Fordham-sponsored schools sign a tailored performance contract which outlines their education, accountability, governing, and business plans, their mission statement, and performance indicators. Two site visits are conducted each school year by two consultants and one to two Fordham staff members to “evaluate the delivery of academic programs.” There are two more site visits done annually to evaluate special education specifically. Compliance with laws and regulations are monitored via the Fordham-created Authorizer Oversight Information System (AOIS), a web-based document management system. Schools submit compliance documents on a regular basis allowing ongoing oversight without time consuming site visits. The findings from AOIS and the school visits are published annually, and schools receive a letter noting their progress. If a school fails to meet its contractual obligations for three or more years it faces corrective actions.

Fordham has two full-time staff members dedicated to school sponsorship: a director and an assistant director. They also employ a part-time expert on curriculum and testing and a part-time office assistant. A board-level subcommittee on sponsorship meets at least monthly. These staff provide oversight as well as technical support and, occasionally, financial support in the form of grants. They do not require that schools purchase supplemental services from them, believing that, “The sponsor’s appropriate role is to point schools seeking specific services to competent providers of such services but to play no role in a school’s decisions about which services (if any) to procure from which providers.”

Fordham does provide strategic support in the form of training for school leaders on both governance issues and data analysis. In addition, the organization has provided experts and consultants on certain subjects for schools as they need them. For example, some schools were given access to an expert who evaluated their financial health, while others were given the opportunity to tour and observe a KIPP school. The Fordham Institute has also provided grants to schools for reconstitution efforts, conference fees and expenses, and other needs.

Fordham schools experienced “significant” leadership turnover during the 2006-2007 school year with five of its nine schools replacing their school leader. However, the following year brought greater stability and little turnover in leadership. According to Fordham’s self-published Sponsorship Accountability Report for 2007-2008, three schools were closed due to struggles with enrollment and finances, among other issues. Fordham ceased sponsorship of two others that failed to live up to conditions set forth in a Memorandum of Understanding. While Fordham lost these five schools, two new schools were opened.

V Charter Authorizers: Research and Practice
Only two of the nine sponsored schools made AYP in 2007-2008, down from three the previous year. In 2007 most students in Fordham-sponsored schools outperformed the other schools in their districts on state test passing rates in math, reading and writing, though not in science or citizenship. Yet by 2008, Fordham schools’ performance was similar to their home districts in math, reading, and writing, and very few students attended a school that performed better than district peers in science and citizenship.

Those charter schools authorized by nonprofits in Ohio, including Fordham, have not done particularly well at raising student achievement or managing operations. Ohio has a higher rate of charter school failure than most other states; the 2007 state report card gave more than half of charters a grade of D or F. Overall charter school performance in 2007-2008 lagged behind state performance as well as performance in major urban districts alone. Only 16.6 percent of all charter schools made AYP that year, while 23.7 percent of major urban district schools made AYP and 52.4 percent of urban district schools did.

After being elected in 2006, a new Democratic governor and attorney general began publicly criticizing the manner in which charter schools were allowed to proliferate across Ohio. Critics of the Ohio charter system believe that behind these failures are, “systemic weaknesses that include loopholes in oversight, a law allowing 70 government and private agencies to authorize new charters, and financial incentives that encourage sponsors to let schools stay open.” A 2006 report by the National Association of Charter School Authorizers (NACSA) recognized that the state needed to perform a “housecleaning” and move to close “abysmally” performing schools.
Independent Charter Board: Arizona State Board for Charter Schools

The state of Arizona enacted one of the earliest charter laws, in 1994, giving authorization rights to the Arizona Department of Education, local school districts, and the newly created Arizona State Board for Charter Schools (ASBCS). Any person, business, or entity could apply to charter a school, and local school districts could grant charters to schools outside of their areas. The legislation took effect within three months of its passage and a hurried implementation resulted in significant problems. Despite these issues, Frederick Hess concludes that the "supply of alternative education could not have been produced without the political activism of the newly formed" ASBCS.

Early in the development of charter schools in Arizona, authorizers paid most of their attention to the charter application process, providing little oversight and sometimes having no further contact with schools unless complaints were filed. There followed a series of high-profile problems, including local districts selling charters for profit by charging large administrative fees to applicants for charters in other areas of the state. In response, two significant changes were made to the charter law.

In 2000, more responsibility was shifted to state level authorizers from local school districts, who were no longer allowed to authorize schools outside of their geographic boundaries. The cap of 25 schools per state charter board was lifted. In addition, district-authorized schools that were out of compliance were transferred to state authorizers. Lastly, the new legislation required that applicants submit detailed business plans. A second piece of legislation in 2003 ended the state Department of Education’s right to charter schools, and gave control of its charter schools to the ASBCS.

Currently, the ASBCS is comprised of the state superintendent and ten board members appointed by the governor to staggered terms, all of whom having voting power. These ten members consist of six members of the general public (one of whom must reside on an Indian reservation), two members of the business community, one charter school operator and one charter school teacher. Three members of the legislature also serve on the board but do not receive a vote. As of August 2006, the ASBCS oversaw 462 charter “sites” run by 348 operators, more than any other authorizer in the nation. Local school districts oversaw an additional seven sites run by seven operators across the state, for a total of 469 charter sites in Arizona.

As of 2006, the ASBCS had a full time staff of eight and a yearly budget of about $785,000. It claims to have “developed a systematic monitoring process and established clear expectations for the schools it oversees.” It had revoked a total of 12 charters at the time, with another 53 that were voluntarily relinquished. Arizona’s first charter schools are up for renewal in 2009, 15 years after they were first given.

The ASBCS monitoring process begins with a site visit done by staff members in the first half of the first year of a school’s operation. During this visit, the staff checks enrollment counts, verifies compliance on personnel and open meeting law
issues, and observes the implementation of the curriculum plan laid out in the school’s charter. In the middle of the second year, another site visit is conducted specifically to review curriculum and instruction. A third year site visit is only conducted “when a year 1 or 2 visit warrants further action.” After that time, a school only undergoes review at the five and ten year marks.\textsuperscript{148} Charters are reviewed again after 15 years, when they are up for renewal.

An in-depth study by the Progressive Policy Institute in 2004 criticized ASBCS’ authorization and oversight process, noting that out of the 413 charter proposals submitted between 1994 and 2002, only 70 were not approved.\textsuperscript{149} Likewise, the report criticized the ASBCS’ staff as too small; while eight employees and one contracted accountant at ASBCS monitor more than 400 schools, 37 full time staff members oversee 56 charter schools from one authorizer in Michigan.\textsuperscript{150} As a result, the study concludes that there is no “reasonable way to assure that charter schools are carrying out even the most basic responsibilities of public schools, such as being open to all students and keeping children safe from harm.”\textsuperscript{151}

These concerns were also expressed in an audit conducted by the Arizona Office of the Auditor General in 2003. The audit mentioned the board’s lack of policy to address schools that are under-performing or not in compliance, as well as its failure to follow through with schools whose site visits revealed problems. In response, the ASBCS made the criteria for the application process clearer and required applicants to project their finances and enrollment. Outside consultants were hired for background checks and a committee of charter school operators reviews and scores applications. The board also retains the right to withhold a portion of a school’s funding for non-compliance.\textsuperscript{152}

Two studies done by the Goldwater Institute found the effects of Arizona charter schools on student performance to be either non-existent or positive. In a 2003 study, researchers found no statistically significant effects while a 2004 study found that charter school students begin with lower test scores than those students in traditional public schools but show slightly larger annual growth in the elementary and middle grades. Though this was not true for high school, the study attributes this to the special populations that many charter high schools serve.\textsuperscript{153}

However, in the only multi-state study to date on the effect of charter authorizers on student performance, Arizona’s charter schools were found to have an overall negative impact on student performance across the state, with few exceptions. Across states, negative effects were linked to state charter policies that allowed the presence of multiple authorizers, which allowed operators to “shop” for the easiest one.\textsuperscript{154} While multiple authorizers are allowed in Arizona, the vast majority of charter schools are now overseen by the ASBCS, though they may have been originally authorized by another entity. While the effect of charter school enrollment on student performance in Arizona is negative, changes in policy and the shifting of schools between authorizers makes it difficult to adequately assess the impact of the state’s current authorization policies.
Conclusion

While a knowledgeable and functional governing board is important to a charter school’s success, there is little agreement among consultants and professional organizations on what this looks like in practice. Likewise, the limited research on charter school governance has found few connections between governance and school performance. However, most research on charter schools has not taken into account the differences in charter governance, meaning that all charters are treated as the same. Charter school governance, however, varies widely between schools and deserves additional inquiry. Further research into the governance structure and practices of charter schools could reveal relationships between higher student achievement and particular aspects of school governance.

Regardless of type, authorizers around the country have struggled to authorize, support, and monitor schools in a way that helps to produce high quality charter schools. As a whole, charter schools are a promising but as yet unproven model for improving public education, especially on a large scale. Authorizers share in these mixed results because of their failure, at times, to create good processes for approving and overseeing schools and to shut down failing schools.

In spite of the problems that have plagued different types of authorizers, several important lessons emerge from the research:

1) State-level charter school authorizers are more likely to make impartial decisions on initial charter applications and renewals due to their relative distance from local political pressures. These authorizers are also more likely to have the resources necessary to be able to oversee and support charter schools. State-level authorizers are usually the state board of education or a statewide independent charter board (ICB).

2) A proliferation of authorizers may lead to a race to the bottom in charter quality, especially if there is no good mechanism to regulate authorizers. Choosing among many authorizers allows aspiring charter school operators to find those with the least rigorous standards for awarding charters.

3) Regardless of authorizer type, all authorizers can benefit from sufficient resources and staff dedicated solely to approving and overseeing charter schools and some insulation from immediate political pressures. In addition, as chartering experience grows, authorizers tend to become more selective and rigorous in awarding charters.
The majority of public schools in New Orleans are now charter schools, placing the district in a situation unlike any other in the country. The quality of charter school governance will play a major role in determining charter schools’ impact on student achievement. However, the state does little to limit or define the composition of governing boards and the qualifications of operators. This may be for the best; it is unclear what type of state limits would be helpful beyond basic laws against nepotism and conflict of interest (which are already in place). Short of additional legislation, authorizing bodies could also adopt best practices for school governance and management structure as considerations when deciding whether to grant or renew a charter.

Authorizing responsibility for charter schools in New Orleans is currently divided between the local school board and the state board of education. Regardless of the district leadership structure that emerges in New Orleans, if it continues to charter schools and operate traditional schools, the district may find it difficult to balance the interests of both types of schools. Experiences from New Orleans’ past and from around the country indicate that school districts are often averse to authorizing and see charter schools competing with district-run schools for students and resources.

However, the nature of authorizing in the state could be changed. Based on the experience of other states, it may make sense to remove the authorizing powers of the local school board and place that responsibility with the state board of education or with a separate state chartering board. A separate state charter board would allow BESE to focus on other matters and provide the entire state with a less politicized entity that would focus exclusively on authorizing and overseeing charter schools. Alternately, the local school board in New Orleans could remain an authorizer, but cease to operate schools. This would also help remove the tension between operating and authorizing within the same organization.

Nearly any major change to the chartering process would require legislative changes at the state level. Thus, if New Orleans were to have only charter schools authorized through BESE, or through a new independent chartering board, changes would need to be made to the state’s charter law. Changing the basic structure and duties of the local school board may require additional constitutional changes.

Charter schools are likely to remain an important part of the public education landscape in New Orleans. In addition, charter authorizing and charter school governance are critical to improving the overall quality of charter schools in New Orleans. If the quality of these functions is not assured, it could undermine the education of the majority of public school students in New Orleans who now attend charter schools.
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