



Recommendations to the

Charter School Governance, Accountability and Authority Task Force

September 21, 2011



September 21, 2011

Memorandum

To: The Charter School Governance, Accountability and Authority Task Force

From: National Association of Charter School Authorizers

Re: Charter School Authorizing Roles and Responsibilities including
Charter School Administrative Office Staffing

The Charter School Governance, Accountability and Authority Task Force has asked the National Association of Charter School Authorizers (NACSA) to provide a recommendation on the roles and responsibilities of the Charter School Review Panel (CSRP) and Charter School Administrative Office (CSAO) and on the staffing of the Charter School Administrative Office.

Recommendation

CSRP and CSAO Roles

Across the nation, years of experience within the charter school sector has shown that a high quality authorizer is an essential component of a high quality charter school system. States that have quality authorizing or more likely to have quality charter schools; states that do not have quality authorizing are more likely to have many low quality charter schools.

Hawaii is operating without a quality authorizer because the Charter School Review Panel is not adequately supported by a skilled, professional staff. This statement is not a criticism of the individuals on the CSRP or employed by the CSAO, who appear to be working diligently. Rather, the work of the CSAO is not well-aligned with the needs the CSRP. This lack of alignment produces numerous situations in which there is a significant lack of charter school oversight.

The CSRP should function as Hawaii's charter school policy-setting body. These policies would include:

- Establishing criteria and process for evaluating and approving charter school applications,
- Setting school performance standards for academics, finances, governance and compliance and the processes for monitoring school performance,
- Establishing the criteria and processes for intervening in schools that are failing to meet performance standards,
- Setting the criteria and process for charter school renewal decisions.

The CSAO can develop and recommend policies to the CSRP and should administer policies established by the CSRP. The CSRP should also make all high-stakes decisions to approve or deny charter school applications, to intervene in charter schools that are failing to meet the terms of their contract, and to revoke, renew or not renew a charter. The CSAO should collect, monitor, and analyze school information based on the CSRP policies. The CSAO should also make recommendations to the CSRP to intervene, renew, not renew and revoke charters.

CSAO Staffing

The staff of the CSAO should be re-purposed from its current role, school administration, to a new role focused on school performance and accountability. All but a small portion of the CSAO's capacity is now spent on administering *school inputs*; it should instead be focused *school outcomes*.

While the Department of Education has many staff dedicated to public school administration, no one in Hawaii is focusing on charter school performance and accountability other than the volunteer, part-time members of the Charter School Review Panel. Yet, while charter school performance and accountability is neglected, much of the work of the CSAO replicates Department administrative functions.

To shift its focus to performance and accountability, the staff and budget of the CSAO does not necessarily need to be larger; it needs to shift its functions. The CSAO should seriously consider removing itself from school personnel and information systems management, which are functions already provided by the Department that could also be provided to charter schools.

The new performance and accountability role and functions of the CSAO could be successfully performed by a staff comprised of the following positions.

Executive Director implements state charter school policies as established in law and by the Charter School Review Panel. The Executive Director:

- Serves as the primary contact to the Panel,
- Ensures the efficient and effective operation of all CSAO functions,
- Manages CSAO staff, including hiring, evaluating and compensating staff, and
- Allocates and manages CSAO resources.

Applications Director designs and manages the processes for new charter school applications and existing charter school renewals. The Applications Director:

- Facilitates outreach and communication to potential charter school applicants that enables applicants to understand the application process and criteria,
- Produces the annual application documents, and
- Manages the evaluation of applications and produces recommendations for the Charter School Review Panel.

Accountability Director manages the processes for executing, monitoring, renewing and revoking a school's charter after the application is approved by the Panel. The Accountability Director:

- Manages the process for executing each school's legal contract and acts as the custodian of the office's legal records,

- Manages the process for notifying schools of any failures to meet the terms of their charter and the process for intervening at or revoking a charter, and
- Manages the process for evaluating charter school renewals and produces recommendations for the Charter School Review Panel.

Academic Performance Director establishes and manages systems for defining, collecting and evaluating charter schools' academic performance. The Academic Performance Director:

- Works with the Panel and schools to establish objective, measurable and multiple academic performance standards that apply to all charter schools;
- Stays current on all applicable state and federal public school accountability laws and ensures that all charter schools are participating appropriately in the state's standardized testing system,
- Evaluates each school's academic performance data in comparison to the established performance standards, and
- Provides an annual report on each school's performance to each school, the Charter School Review Panel and the public.

Compliance Director monitors each charter school's compliance with applicable laws and programmatic requirements. The Compliance Director:

- Monitors the start-up of new schools and assess each school's readiness to open, and
- Establishes and manages systems for collecting, evaluating and acting upon data on school's compliance with a wide variety of laws and regulations.

Finance Director evaluates a variety of documents to continuously assess the financial viability of charter schools. The Finance Director:

- Reviews schools' annual budgets at the beginning of each year to determine if the budget presents a viable plan for school operations that is based on realistic income and expense assumptions,
- Reviews quarterly or mid-year school financial reports to determine each school managing its finances in accordance with the annual budget,
- Reviews each school's annual audit to determine if appropriate financial management systems are in place and if the school is a financially viable, and
- Manages disbursement of funds to charter schools.

Administration Director brokers interactions between charter schools and divisions and programs within the Department of Education. The most significant of these are likely to be special education and Title programs. The Administration Director:

- Works with charter schools and Department staff to establish appropriate reporting systems from charter schools to the Department and appropriate services and funding from the Department to charter schools, and
- Because a good Administration Director must have skills to listen, evaluate and act diplomatically in a wide range of situations, the Administration Director should also be skilled at and responsible for managing parent questions and complaints about charter schools.

NACSA believes that, for an office that oversees 31 schools, each of the above functions could be performed successfully by a single individual. Four additional administrative support staff would also likely be needed.

As the number of charter schools increases, the work load will grow in some areas more than others. Those pressures will likely occur in Compliance, Finance and Administration. Every effort should be made to establish efficient, not labor intensive, systems in these areas that can accommodate growth in the number of schools. The primary benefit of establishing efficient systems is that they are also efficient for the schools, minimize their administrative burdens and allow them to maximize their attention to instruction.

An efficient charter schools office, like the one recommended here, focuses on school performance and outcome. It provides clarity, stability and predictably to charter schools themselves. It also provides clarity of expectations the legislature and general public. Most importantly, it provides the best opportunity for students to receive a high quality instruction.



September 21, 2011

Memorandum

To: The Charter School Governance, Accountability and Authority Task Force

From: National Association of Charter School Authorizers

Re: Expanding Charter School Authorizing in Hawaii

The Charter School Governance, Accountability and Authority Task Force has asked the National Association of Charter School Authorizers (NACSA) to provide on a recommendation on whether or not Hawaii should establish additional charter school authorizing bodies.

Recommendation

After a thorough review of the practices of the Charter School Review Panel and the Charter School Administrative Office (CSRP and CSAO), as well as numerous discussions with charter school operators and applicants and with public officials, NACSA recommends that Hawaii not establish an additional charter school authorizer at this time. Hawaii should fix its current authorizing arrangement first and only establish another authorizer after the current system is functioning well.

The existing charter school system in Hawaii functions poorly and, in some situations, not at all. If Hawaii were to establish new authorizers without fixing the current system, the current problems may never be fixed and the weaknesses of the current system would likely transfer to the new authorizer. Creating new authorizers now would increase Hawaii's charter school problems, not solve them.

Rationale

NACSA recommends against the immediate establishment of additional authorizers in Hawaii for several reasons.

Too many authorizers in a state can lead to a race to the bottom. NACSA is not opposed to a policy of multiple authorizers. In fact, NACSA believes that is usually desirable for there to be more than one authorizing entity in a state, especially if the existing authorizer has proven to be hostile to charter schools. However, we caution against the creation of more authorizers in states where the existing authorizer or authorizers have demonstrated an inability to maintain high standards for schools' academic performance, operations, and finances. In these "low standards" states, the creation of multiple authorizers has led to a race to the bottom by low quality charter schools in those states.

In these situations, when a “high standards” authorizer attempts to apply those high standards to a weak charter school applicant or to an existing, weak charter school, the weak applicant/school simply avoids the high standards authorizer and applies to a low standards authorizer. In places where this has occurred (Ohio and Minnesota are the most frequently cited examples), it does not matter how well the high standards authorizer does its job, because the low quality applicants and schools can always survive by going to the low standards authorizer.

After many years of frustration with the uneven quality of charter schools in their states, both Ohio and Minnesota have now passed laws designed to hold authorizers accountable for their work and to take away the authorizing powers of low standards authorizers. This has proven to be a lengthy, expensive and difficult process that could have been avoided if these states had not originally thrown open the authorizer door too widely.

A good authorizer can and should accommodate schools with unique missions. Educational innovation and differentiation are core components of the charter school philosophy. Unlike the traditional school district model, charter schools in a state or community are *supposed* to be different from each other. Authorizers are supposed to hold charter schools accountable primarily for outcomes, rather than inputs. Thus, the presence of Hawaii culture and language charter schools falls squarely within the charter philosophy and a single authorizer can effectively oversee schools with many different educational philosophies and programs.

The weaknesses of Hawaii’s current charter school system are a function of poorly-defined roles and responsibilities, not the number of schools authorized by the CSR/P. The CSAO has a staff of 12 and the CSR/P has a staff of 1.25. Their combined operating budget exceeds \$1 million. The problem is not a lack of capacity. Rather, the CSAO staff duplicates some functions performed at the Department of Education (e.g. student information systems, payroll) and yet does not perform other functions that are essential for quality authorizing (e.g. application evaluation, performance monitoring). A well-designed, well-managed authorizing agency could oversee more than the 31 charter schools currently under the CSR/P/CSAO umbrella by shedding duplicative functions and implementing efficient systems to monitor school outcomes.

The Route to a Second Authorizer

In the long run, Hawaii would benefit from the presence of two high-quality authorizers. Once the CSR/P/CSAO arrangement is functioning well, the purpose of creating a second high-quality authorizer is to minimize the tendency of all bureaucracies to slowly and continuously generate new regulations.

Under a single authorizer model, as more charter schools are established, more funds flow to the authorizer, who hires more staff – because the money is there, not because they are needed. More staff people generate more requirements for schools and, before long charter schools lose the freedom to be innovative and to excel.

A second, high-quality authorizer functions as a check against this growth in two ways. First, on a day-to-day level, the staff of the two authorizers can discuss challenges and learn from each other, finding less regulatory ways to monitor schools. Second, if one authorizer becomes too regulatory, schools can switch to the other. This model only works if both authorizers are committed to excellence (which is why the current CSR/P/CSAO arrangement must first be fixed).

To maintain a high standard for quality over the long run, Hawaii should also implement a system of authorizer accountability (the subject of a second memorandum).

The following is a proposed timeline, including benchmarks, for establishing a second authorizer:

| Dates | Actions |
|--------------------------------------|--|
| Now through December 2012 | Implement new CSR/CSAO system, including clear lines of authority from CSAO staff to CSR, new charter school application evaluation system, a contract between all charter schools and the CSR, thorough monitoring systems, and a transparent renewal system focused on measurable student outcomes |
| January – June 2012 | Enact legislation to clarify and correct the roles and responsibilities of CSR and CSAO and to establish an authorizer accountability system |
| January 2013 – April 2013 | Evaluate function of CSR/CSAO against national standards |
| April 2013 – June 2013 | Legislature considers establishing a second authorizer based, in part, on CSR/CSAO evaluation |
| July 2013 and thereafter | Second authorizer is established with first set of new schools targeted for Fall 2014 |



September 21, 2011

Memorandum

To: The Charter School Governance, Accountability and Authority Task Force

From: National Association of Charter School Authorizers

Re: Creating a System of Authorizer Accountability

The Charter School Governance, Accountability and Authority Task Force has asked the National Association of Charter School Authorizers (NACSA) to provide recommendations on how to establish a system of accountability for the performance of the entity or entities that authorize charter schools.

Background

In the early years of the charter school movement, there was a belief among many charter school advocates that parents would provide the primary accountability for charter schools by only choosing good schools. After several years, it became clear that parental choice *alone* was not sufficient to provide strong accountability for low-performing schools. Parents often lacked good information about school academic performance and had no information about other aspects of school performance that are important to the public, such as financial management and compliance with certain laws.

Across the nation, state policy makers realized that authorizers need to be the primary accountability agents for charter schools. Yet, many of them have never developed policies and practices that are strong enough to weed out weak charter school proposals, adequately monitor school behavior, or close low-performing schools. As a result, law makers are now looking for policies that can incent authorizers to put strong practices in place and for ways to intervene if they fail to do so.

This is an emerging field and few states have enacted laws that address authorizer accountability. Four approaches have emerged.

1. Some state **legislatures** have terminated the powers of some authorizers through an act of law. The Ohio legislature terminated the authorizing powers of the state's department of education. The Louisiana legislature terminated the authorizing powers of any school district in academic crisis. Charter school advocates and authorizers are often concerned that legislative action in this area will be driven by politics rather than quality.
2. In some states, the legislature has given the **State Board of Education authority** to approve and/or terminate an authorizer. Minnesota has used this power to eliminate dozens of

authorizers. In Ohio, this power has been used much more selectively and only one authorizer has been terminated. Missouri directed its state education department to develop and enforce authorizer accountability standards, but the department has not taken any action to do so. Charter school advocates and authorizers are often concerned that state departments of education are compliance-driven bureaucracies that are particularly ill-suited to make judgments about charter school authorizing.

3. Some states have directly addressed the root issue and have passed laws to **automatically close** any charter school that fails to achieve certain statutorily-defined performance benchmarks. Ohio has closed approximately ten schools in this manner. California passed a similar law, but attached a number of loopholes that have made the law ineffective. Some charter school advocates are concerned that academic performance data (like AYP) is usually too crude to use as the sole basis of a closure decision.
4. Finally, some states (e.g. Louisiana, Wisconsin) have written into law that authorizers must follow NACSA's *Principles and Standards for Quality Charter School Authorizing*. This approach clearly communicates the legislature's expectations to authorizers, but by itself it has no direct enforcement mechanism. An approach under development in Colorado would establish these standards in law and policy, and then use evidence that an authorizer has met those standards as part of the process whenever the State Board considers appeals of decisions by the district authorizers.

Recommendation

Because there are so few examples of successful authorizer accountability systems, Hawaii has the opportunity to develop and implement a system that meets its own needs and potentially serve as a model for the rest of the nation.

NACSA recommends that Hawaii establish a layered approach to accountability that establishes real standards and safeguards against low performance while minimizing the risks of any individual component of the strategy.

1. Require the Charter School Review Panel (and any subsequent authorizers) to establish a **performance framework** that includes all schools and that, for each school, articulates multiple, objective, measurable performance criteria as well as the levels of performance that each school will be expected to reach as a condition of renewal. The performance criteria should include multiple measures of academic performance (e.g. status, growth, comparisons) as well as financial and operational criteria.
2. Require the Charter School Review Panel (and any subsequent authorizer) to **annually report** to each school, the legislature and the public on the performance of each charter school on each element of the performance framework. While an authorizer is not directly responsible for the performance of any individual school, it is responsible for the collective performance of all of the schools it oversees. If most or many charter schools persistently fail to perform at acceptable levels, it is appropriate for the legislature to question the performance of the authorizer and to consider removing that authorizer's powers.

3. Require the Charter School Review Panel (and any subsequent authorizers) to comply with NACSA's *Principles and Standards for Quality Charter School Authorizing*. Each year, require the Panel to report to the legislature on the number of core authorizing practices, as identified in NACSA's *Index of Basic Practices*, which the Panel meets. Every 3 to 5 years, require an independent, comprehensive evaluation the Panel's compliance with NACSA's standards and a report to the legislature.
4. Establish a **minimum academic performance standard in state law** that applies to charter schools that are up for renewal. A school that fails to meet the standard would close unless its authorizer votes to keep the school open, by a vote of a majority or super-majority of the Panel based on an explanation of what is unique about the school (not using promised change or improvement as grounds for continued operation).

Recommendations 1, 2 and 4 are appropriately focused on what matters most, the quality of school outcomes, while the third recommendation holds the Panel accountable for its own actions. Altogether, this approach will provide schools, the public and the legislature with a robust set of appropriate information about the performance of Hawaii's charter school sector and will enable future policy decisions to be informed by standards and quality rather than partial information or politics.



September 21, 2011

Memorandum

To: The Charter School Governance, Accountability and Authority Task Force

From: National Association of Charter School Authorizers

Re: Charter School Board Governance

The Charter School Governance, Accountability and Authority Task Force has asked the National Association of Charter School Authorizers (NACSA) to provide recommendations on the role, composition, skills, and training of charter school governing boards (also known as Local School Boards).

NACSA believes that the governing board is a central element of a successful charter school. A charter school governing board has a multi-year, multi-million dollar agreement with the State to provide public education services to children. This arrangement places significant educational, financial, legal and moral responsibilities on the governing board. It is not a PTA, an advisory board, a legislative body or a representative democracy. A charter school governing board must be viewed for what it is: a serious legal partner with serious responsibilities.

Board training is one part of successful governance, but is not likely to be effective if a board does not also have the necessary structure, skills, roles and responsibilities. Further, successful training cannot be viewed as a one-time, externally-imposed activity. A healthy board creates and sustains a set of improvement behaviors that will keep itself focused and keep the school moving forward.

The Ultimate Success of the School Depends on a Strong, Effective Board

Much of the ultimate success of a charter school hinges on the board's ability to govern effectively. In fact, it can be argued that no other single factor is more important to the health and sustainability of a charter school than its board.

It is the board that selects, supports, and terminates when necessary, the school leader. It is the board that ensures that the school is operationally and financially viable. It is the board that partners with the school leader to define academic excellence and then holds the bar high insisting that the school delivers.

The Key Steps to Creating and Sustaining Effective Governance

1. Clearly Define the Intent of a Charter School Board

In nearly every case that charters have been revoked, there is a direct line back to ineffective

governance. Much of this comes from an ill-conceived idea of what a charter school governing board is, who should be on it, and what it should do. The intent of a charter school governing board is not a glorified parent teacher organization (PTO), or a collection of well-meaning people, but rather:

A highly effective team, strategically assembled, to bring the skills, expertise, temperament and time to govern a multi-million dollar public enterprise.

2. Insist on Strong, Effective Governance from the Very Beginning

It is vital that strong, effective governance is developed from the outset—this means in the founding and charter application phase. Initially it was common that loose founding groups were encouraged to form as interim entities during the chartering phase with the intention that after chartering the “real” board would be assembled. We have learned over the 15+ years of chartering that this was a flawed concept for a variety of reasons. The most significant being:

- An authorizer’s success in creating quality public schools hinges upon knowing who they are giving the charter to, making sure that they are prepared to govern effectively, and ultimately holding them accountable for the performance of the school. Therefore, successful authorizing must place a great deal of stock in vetting, probing, and orienting the actual board, not a proxy.
- Learning how to govern effectively is hard work and takes time, the sooner the “real “ board has formed and starts functioning like an effective governing board the better.
- Boards that get it right from the outset are likely to deliver on the academic promises outlined in their charters. Boards that start out on the wrong foot are almost certain not to deliver the academic excellence their students deserve.

3. Capacity and Composition

Very often the initial composition of the founding board that is pulled together for the charter application process is flawed. More often than not these initial boards lack a level of objectivity by being close personal friends and colleagues of the lead founder, are comprised of members who were placed on the board to “lend their names and credibility,” generally are not prepared to carry out the hard work of governing a start-up charter school, are unclear about the time commitment this will require, and/or lack the right mix of skill sets and tangible ties to the community, or are people who hope to work in or benefit from the school in some way.

The capacity/composition of the founding board should be evaluated carefully and should focus on these key questions:

- Do the members have the skills, time, and experience to do the job? Does the board have the financial capacity to run a multi-million dollar enterprise? Does the board have the skills to properly conduct oversight of the academic program?
- Does the board have a diversity of perspective and experience to truly represent the public’s interest?
- Is there a level of objectivity on the board or are the members close personal friends or relatives? Are there obvious conflicts of interests that need to be addressed?

Skills, expertise and time. The board should be comprised of individuals who are recruited to bring particular skills to the board. There should be strong financial management, academic oversight, human resources, fundraising, real estate and legal expertise on the founding board. In addition, at least one-third of the board should have prior governance experience. In the key areas where charter school boards typically fail—financial management and academic oversight—there should be some demonstrated “bench strength” or at least a plan to recruit additional members with these skills.

The amount of time it takes to be an effective charter school board member is often underestimated. Typically a charter school board member needs to be able to devote eight to ten hours a month to the school when it is up and running and even more during the founding phase. Authorizers should ask probing questions about founding board members’ availability. For example, how many of the founding board members plan to transition to the governing board upon chartering? Will the whole board turn over? Do the board members fully grasp the time commitment this endeavor will require and are they prepared to deliver? Conversely, has the founding group set up a sustainable time commitment for board members or are they asking for something that simply cannot be sustained?

Diversity. The board should bring as much diversity of perspectives and opinions as possible to truly represent the public interest. The board should be diverse in the broadest sense of the term, including ethnicity, gender, age, geography, and socio-economic background. Are there enough board members with connections to the community they are planning to serve? Do they truly understand the community? Are they receiving appropriate/authentic community input?

Level of objectivity. When launching a new endeavor, entrepreneurs generally turn to their closest friends and smartest allies. This bears out in the founding of charter schools. Typically a few committed people sit around the kitchen table and “dream the dream.” By the time an application has been submitted for chartering, the group should have already demonstrated an ability to go beyond a tight-knit group and recruit people from the broader community to be involved in this effort. The board recruitment and expansion efforts should be increasingly professional, and there should be clear evidence that this is a trend that will continue.

It is essential that authorizers point out both direct and inherent conflicts of interest. Many charter school boards have inherent conflicts in their board composition. These might escape the legal interpretation of “conflict” but certainly will lead to potential problems later. The most common examples include a husband/wife pair of board chair and school leader; husband/wife pairs on the board, siblings on the board, and so on. If the board’s responsibility is to replace an ineffective school leader who is hampering student achievement, and the board chair is the school leader’s spouse, the students are likely to be ill served, even though in many states this arrangement is within the laws and most ethics rulings.

Selection not Election. To create a strategically assembled team of skilled experts, charter school governing boards should always follow the best practices of non-profit governance and have a clear transparent nominating process. Open elections might feel more democratic but they do not lead to the right configuration of board members capable of governing a multi-million dollar public enterprise that delivers outstanding academic outcomes for all their students.

4. Board Structure that will Lead to Effective Governance

Authorizers should pay careful attention to the board’s structure, which is generally articulated in the charter school bylaws. Bylaws provide the basic parameters or general guidelines for how the board

operates. Although authorizers do not need to dictate specific requirements, they should identify key structures that lead to effective governance and require that these be included in the bylaws. For example, authorizers should consider:

- Is the board large enough to support effective governance and an effective committee structure?
- Are there term limits in place to help guard against “founder’s syndrome?”
- Are key officer positions in place?

Board Size. Most charter school boards are too small. Arguably a board comprised of five to seven people is too small to provide effective governance. For example, with a five-person board, a quorum would be only three members. This is not a credible number of people to make decisions about how to spend millions of taxpayers’ dollars. The most effective charter school boards have nine to eleven members by the time the school opens and eventually a board of eleven to fifteen at the end of the school’s first year. This is the right size to bring public credibility, the right mix of skills, and enough people to have functioning committees capable of accomplishing significant work in between meetings.

Officers. The bylaws should call for officers, particularly Chair, Vice Chair, Treasurer, and Secretary. Officers ensure an additional level of accountability by having key individuals responsible to the group for specific tasks and functions. In addition, officers help to ensure that the board does not become overly dependent on the school leader. The authorizer should expect that individuals have been identified and are prepared to step into these roles immediately and that the founding board has written job descriptions detailing the roles and responsibilities of each of these positions.

5. Clarity of Roles & Responsibilities

Confusion regarding the distinction between governance and management is a key element that plagues all types of boards—nonprofit, corporate, and certainly charter school boards. Many charter applications inadvertently create confusion before the charter is even granted by asking about the “founding group”—which can be comprised of lead teachers, potential board members, parents, etc. Authorizers should ask for and expect a clarification of roles from the very beginning, explicitly asking about the founding *board*. This is the entity that will ultimately answer to the authorizer.

Board Roles and Responsibilities. The application process should be designed to assess whether the full board understands its roles and responsibilities and whether there are clear performance expectations for individual trustees. The charter application should include a job description for the full board that spells out its role as well as written performance expectations for the individual trustees.

School Leader’s Role. In addition, the charter application should spell out the board’s intended relationship with the school leader. It is best to have only one-person report to the board. There are a few exceptional charter schools with co-directors or multiple reports to the board. If this is being proposed, the division of roles and responsibilities should seem logical. In general, the authorizer should be asking: Is there a clear delineation of roles and responsibilities between the board and the school leader? Does the group understand the distinctions between governance and management? Do they have a qualified school leader or a plan to identify one?

Parents, Teachers, and Student Voices. What will the role of parents, teachers and students be in governance? If the bylaws spell out the inclusion of parent, teacher, or student representatives on the board, does the structure seem to plausibly lead to effective governance? Does it seem particularly unwieldy? If the group is choosing a nontraditional structure, is this in sync with their charter?

Parent, teacher, and student voices are essential to running an effective school. However, having one or two seats on the board occupied by them usually does not lead to greater representation. In actuality, the board may have a false sense of security that they are hearing from their constituents when in fact, they are hearing from one or two particularly motivated individuals who may be far from representational of the group.

Relationship with an ESP/CMO. If the board is delegating responsibilities to an ESP or CMO, then they should be able to clearly define the parameters of this relationship. Have they clearly delineated the roles and responsibilities of the board as compared to the ESP/CMO? Are they prepared to conduct effective oversight of the ESP/CMO and have tools and measures in place to evaluate this group's performance on a regular basis? Are they delegating too much authority to the ESP/CMO?

Preparation: Governing for What Matters Most

Many charter school boards spend too much of their energy worrying about governance mechanics, such as the size of the board, the number of committees and the use of Robert's Rules of Order, rather than focusing on governing for what really matters—the academic success of their students and the sustainability of the organization. The mechanics are essential—you need this scaffolding to create the structures and team to effectively govern—but they are in themselves not the end game. The end game is creating a school that delivers academic excellence.

Boards that are prepared to govern for what matters most:

- Demonstrate a passionate, unwavering belief in the school's mission and understand the implications of choosing this mission;
- Understand their charter, know what they are promising to deliver and have clear and consistent ways to measure success;
- Have a clear definition of academic excellence and understand their role in pushing the organization to achieving this;
- Have a plan to conduct effective oversight of the academic program; and
- Have a plan to oversee the financial health of the school.

6. Train AND Sustain

Identifying the key ingredients above is essential – but putting it into action is even more vital.

It is important for any state to have a clear process to set expectations about the role and function of the charter school board and to develop a system to hold them accountable to delivering the promised results. But, in addition, there needs to be a parallel process aimed at training and sustaining strong governance. Effective charter school board training should include:

1. **Diagnostics:** Develop a process to assess strengths and deficits in current board practice. Ideally these diagnostics are administered via the web or in another type of scalable fashion so that the

individual school data and aggregate data can be analyzed to target limited training resources in the most effective manner, and on the most critical topics.

2. Training for Boards

If designed properly, the diagnostic tools can serve as a wake-up call to existing governing boards, helping them more fully articulate their strengths and the areas they need to improve. Ideally targeted training is developed to help boards where they have self-identified needing to improve.

Most charter school boards share a number of core challenges, including:

- Lack of clarity regarding exactly what they should be doing to ensure school-wide academic and organizational success.
- Confusion about how to measure their effectiveness and that of their school leader.
- A peer network to learn from and challenge the limits of what is possible.

3. Tools to Sustain Effective Governance

Where support for charter school boards does exist, it takes the form of in-person trainings and board retreats. While these methods are helpful they are only a start. To create and sustain effective governance there is a need for a much more systematic approach. A systematic approach should focus on:

- **Road-tested best practice so that boards don't reinvent the wheel.** Boards should be provided with tools, samples and documents that have been proven effective with a significant number of boards already. There is no need to reinvent the wheel. Most governance practices and policies are easily transferable from board to board.
- **The ability to learn while doing.** Instead of the "one-time hit" of a board training or retreat, board members and their school leaders should have access to web-based resources that allow them to constantly learn at their own pace.
- **Learn from peers across the country.** Board members and school leaders are often isolated. They should have an opportunity to access their peers across the country, troubleshoot issues together, share policies and approaches, and feel like they are a part of something larger than their own individual board. The Internet provides a platform to create these kinds of training opportunities.

Create sustainable governance systems. Learning to govern well is hard, but sustaining good governance is even harder. Term limits and the steep learning curve for new trustees add to the complexity of maintaining effective governance. Boards need systems, training and processes to build an institutional memory to sustain their organizational practices.

Much of the material presented in this memo was produced at NACSA's request by The High Bar, a consulting firm that specializes in charter school governance.



September 21, 2011

Memorandum

To: The Charter School Review Panel
The Charter School Governance, Accountability and Authority Task Force

From: National Association of Charter School Authorizers

Re: Selected Results from Charter School Leaders Survey

As part of its comprehensive evaluation of the Charter School Review Panel's authorizing practices, the National Association of Charter School Authorizers has conducted an online survey of charter school leaders' experiences with the Panel. The following pages present some selected findings from that survey.

In short, the survey confirms much of what NACSA observed during its evaluation of the Panel and the Charter School Administrative Office:

Charter school leaders are not sure how their school is being evaluated but they report that they have autonomy in the operation of their school.

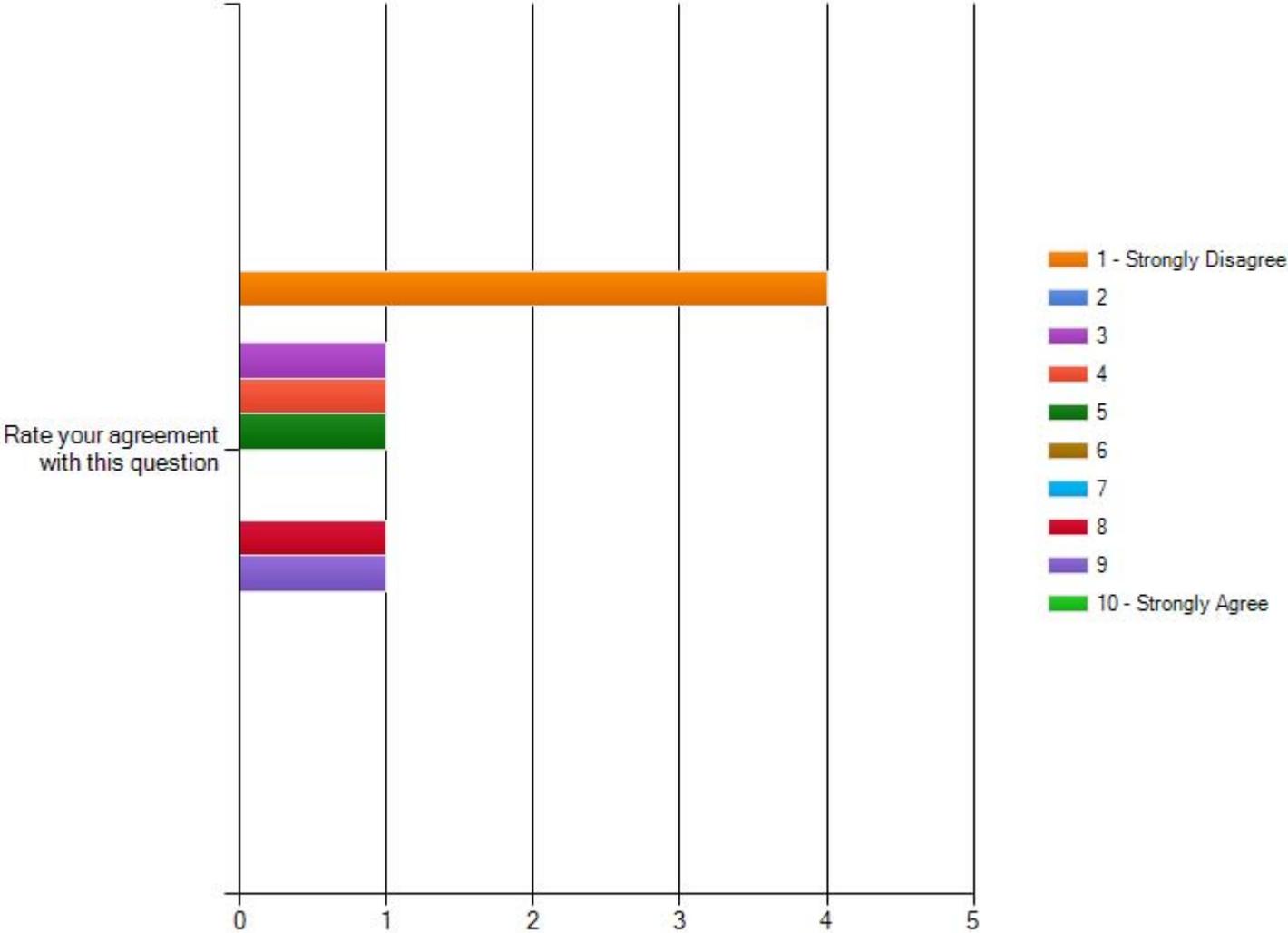
Following this memorandum are seven charts showing responses to a sampling of the questions NACSA posed to school leaders. The responses presented cover monitoring practices, school autonomy and renewal criteria. Although NACSA's survey also asked about the application process, almost none of the school leaders had experience with the CSRP's application process and we have omitted those items.

All school leaders were surveyed, but not all responded. Each leader was asked to respond a scale of 1 (Strongly Disagree) to 10 (Strongly Agree). For some items, the number of responses was less than ten and caution should be used when interpreting those results.

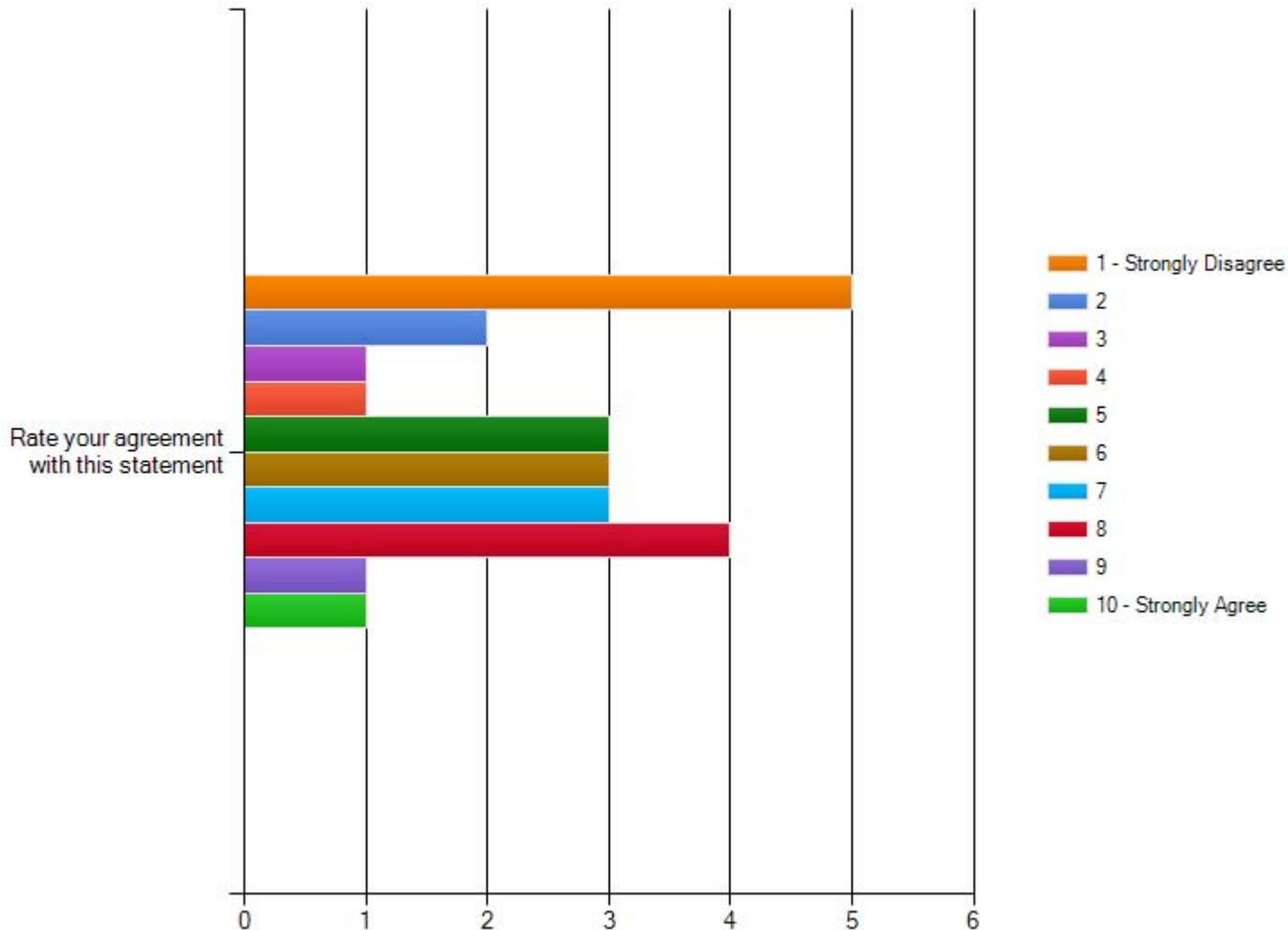
In some cases, a clear tendency is apparent (e.g. "CSRP has an accurate sense of how my school is performing.") Yet in others, the responses are more evenly distributed. For example, "We get clear feedback from CSRP about how we are performing" produced at least one response in each of the ten categories. Such a wide range of responses appears to indicate an uneven level of interaction or communication between the CSRP and the schools.

This type of online survey is easy to perform and we recommend that the CSRP and CSAO implement their own survey on an annual basis to monitor their performance.

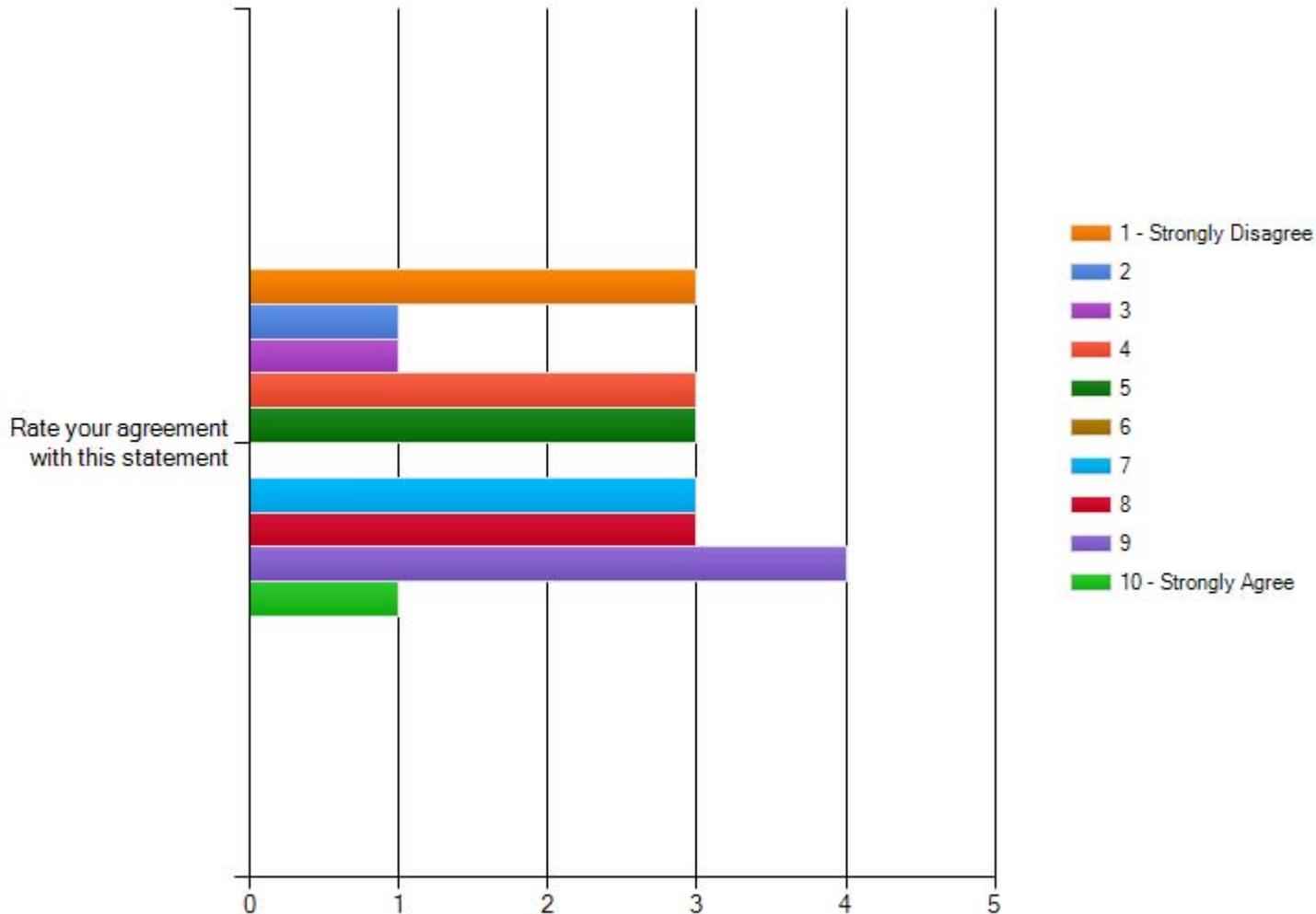
CSRP has an accurate sense of how my school is performing.



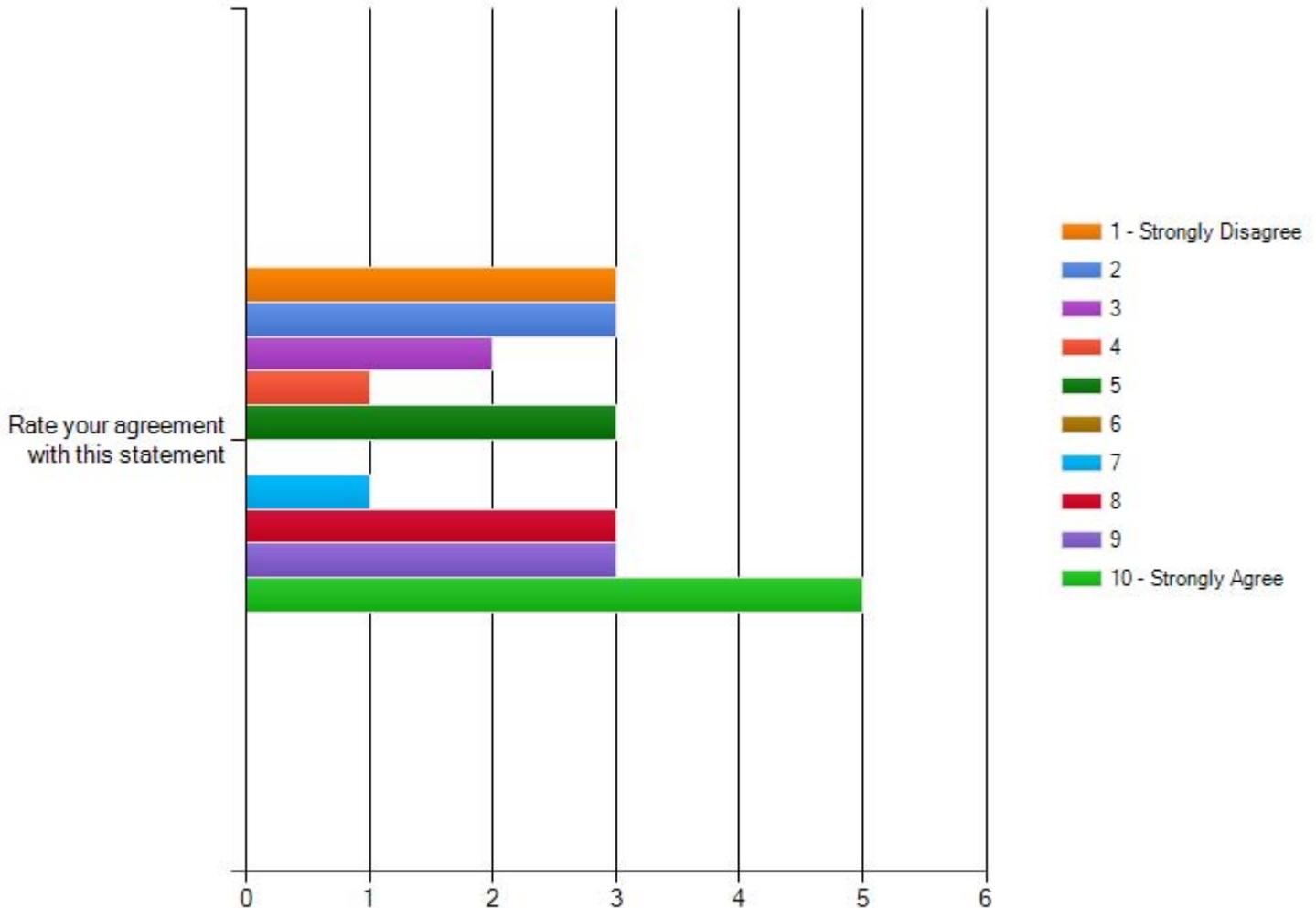
We get clear feedback from CSRP about how we are performing.



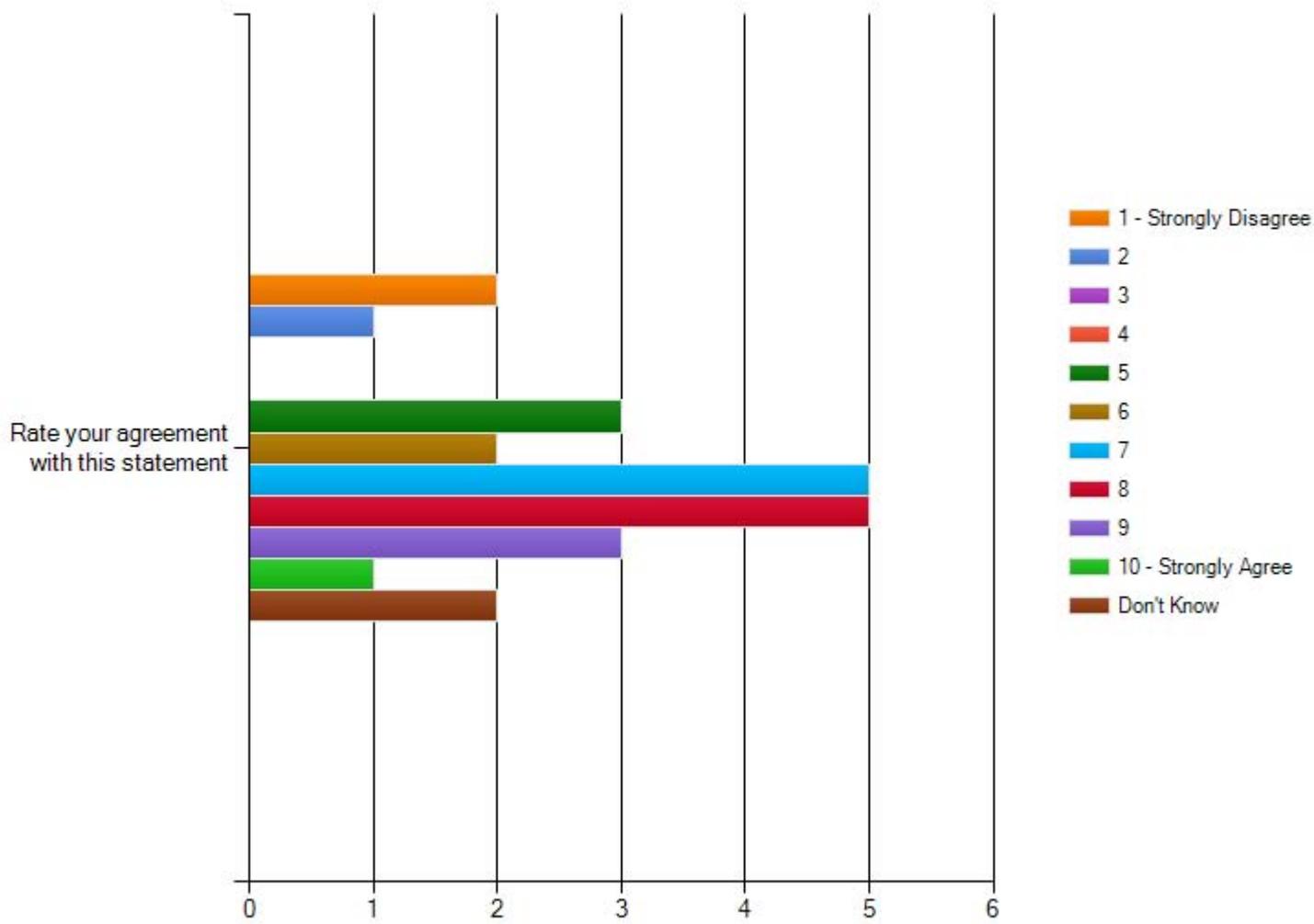
If there is a problem or concern about the school's progress, CSRP lets us know.



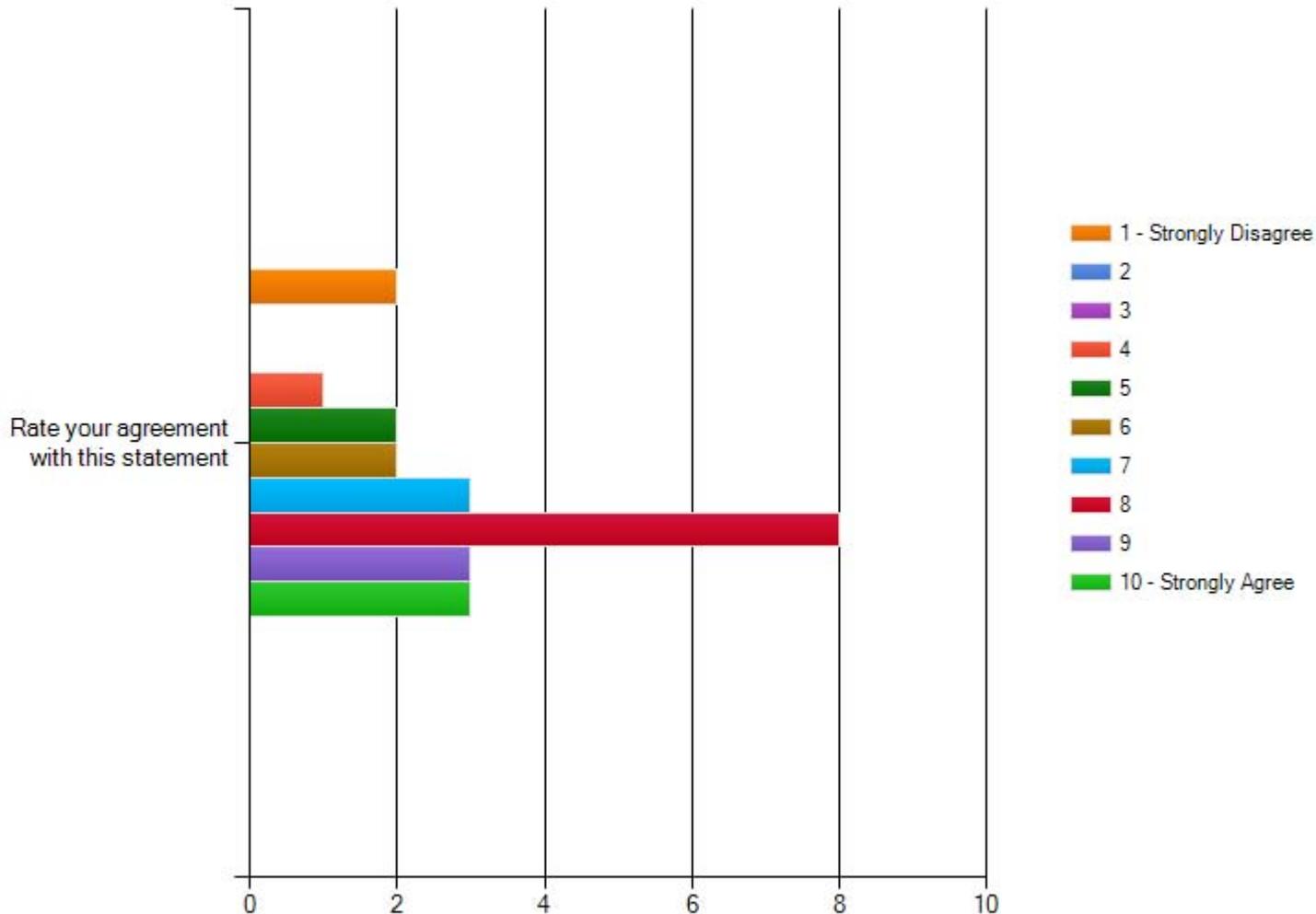
If we have a question or concern, there is someone at CSRP that we can contact.



The terms of our charter agreement are generally limited to what is required by the charter school law.



We have the flexibility to operate the school to best meet the needs of our students.



I understand the basis on which CSRP makes charter renewal decisions.

