

CHARTER SCHOOL OVERSIGHT:

the new frontier

Some areas of charter school oversight are easy to overlook.

Here are a few practical tips for ensuring you meet your legal and moral obligations, and your charter schools are “delivering the goods.”

California has more charter schools – more than 900 operating entities – than any other state in the nation. This number is predicted to grow. Exponentially. Correspondingly, it is imperative to see exponential growth in our commitment to provide excellent oversight to our charter schools.

As public schools, charters are funded by tax dollars. For this reason, the charter authorizer has a fiduciary responsibility to provide strong oversight, ensuring funds are properly allocated to fulfill the school’s mission. Beyond dollars, there is the moral mandate to ensure that charter schools enhance student learning.

Typical and appropriate oversight questions include, “Are students learning? What evidence demonstrates academic advancement?” What evidence suggests that all students have access to the education program, including students with special needs?”

When accountability questions are asked of and answered by the charter oversight authorities, we are in the best position to tell the taxpayers that these “incubators for educa-

tional innovation” are delivering the goods.

The charter authorizer – the entity that approved the charter – is responsible for its oversight. Almost all charter schools in California are locally approved by either a school district governing board or a county board of education. This legal responsibility is tied to an authorizer’s liability for the charter school. Oversight is crucial.

Despite noting basic guidelines for the oversight process, the Education Code does not proffer much insight as to how authorizers should carry out oversight. The authorizer must be savvy with regard to oversight implementation. Additionally, school board members have an obligation to the students in their district to ensure they are receiving a quality education.

The process of authorizing includes several components. First is the approval of the charter to petitioners that have presented an innovative and complete petition. The second component is oversight, including the

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collection and dissemination of data from the charter. This leads to the third component: making decisions about the life of the charter based on that data.

California has moved toward requiring more academic and fiscal accountability for charter schools. While this helps ensure charters are operating effectively, it also adds to the duties of the authorizer.

An unavoidable reality

Unfortunately, it is a common sentiment among state education leaders that local authorizers do not provide the comprehensive oversight needed to ensure that charter schools are successful. This may be true in some cases, as the unavoidable reality in today's economic atmosphere is that school districts and county offices of education are struggling to meet the needs of their own students and often lack the capacity to conduct thorough oversight. Usually, a single district or county employee is responsible for oversight of the approved charters in addition to myriad other responsibilities.

To assist with oversight, most charter authorizers create a Memorandum of Understanding with its charter school. MOU creation is best conducted during the charter petition approval process. The MOU will be the operating agreement between the authorizer and the charter school. Key components of any MOU will explicitly cite both how oversight will be implemented and the necessary information the charter is required to impart.

While some oversight areas are apparent, (academic benchmarks, fiscal accountability) I will focus on issues often overlooked.

Governance

Charter schools create their own governance structure responsible for all aspects of the charter. The quality of the governance team impacts the quality of the education the students receive, as well as the safety and well being of everyone in the school.

It is the authorizer's responsibility to ensure that the charter school's governance team is:

- Running the school according to state and federal law and good practice.
- Enforcing bylaws and policies that re-

fect the process for the day-to-day running of the school, which should include fiscal management, personnel decisions, educational program and student safety.

- Following the Brown Act.
- Providing parents access to the leadership of the school. As a matter of fact, it is a requirement in Education Code that the charter petition has outlined a process to

in determining if the charter is demonstrating financial stability and effective financial management.

In addition to the regular financial reporting required by law, authorizers will want to ensure that the charter school has procedures and policies in place that demonstrate how the charter can manage its finances effectively. For instance:



keep parents involved in the governance of the school. Parent involvement is an underlying tenet of charter law, and authorizers want to make sure that it is being implemented.

- Attuned to issues of charter governance conflict of interest. There are no specific laws currently governing charter boards with respect to conflicts of interest.

Practical tips

Put yourself on the charter school's e-mail list to ensure that you receive charter board agendas and minutes. This will help you monitor the charter board's work.

It is recommended that the authorizer's charter liaison attend charter board meetings to better understand how the meetings are running and if the charter board is following its own policy.

Financial management

The importance of ensuring operational viability of a charter school is a frequent topic of discussion. Indeed, most charters fail due to their inability to meet financial obligations. The authorizer plays a large role

- Does the charter have an adequate accounting system?

- Are there internal controls in place that prevent the misuse of charter school funds?

- Are audit findings addressed in a timely and appropriate manner? Authorizers will want to determine if the charter school budget is in sync with the charter school educational program. For example, if the charter school has a program that provides online learning, the budget should reflect appropriate expenses for technology equipment and staffing of technology experts. If the school has a math and science focus, the budget should reflect that the appropriate curriculum is purchased and staff is being provided professional development in those areas.

Are the students learning?

Increased academic achievement is the basis for charter law. The charter school is given increased flexibility and freedom in implementing its program. In return, the school must show academic progress that meets or exceeds that of the school district where the students would otherwise attend.

When a petitioner submits a charter petition to a local authorizer, there are many required components of the petition the founders of the school must address. One of those components is student outcomes. Specifically, charter law states the petition must include the “measurable pupil outcomes identified for use by the charter school. ‘Pupil outcomes,’ for purposes of this part, means the extent to which all pupils of the

school demonstrate that they have attained the skills, knowledge and attitudes specified as goals in the school’s educational program.” These are goals and outcomes that are unique to the charter school.

Promises to increase student achievement

The charter petitioners received approval based on a set of promises to increase student achievement via an innovative academic

program. The petition expressly articulates how the charter will accomplish these ends and what benchmarks will be used to measure student achievement.

There are other academic requirements that must be met in order for a charter to be renewed. Sadly, these standards are frightfully inadequate and low. Along with the required accountability measures, the authorizer must assess the frequency with which the charter regularly meets its unique goals.

Even more so than API and AYP scores, the goals and benchmarks stated in the charter will give the authorizer a bar by which to measure the charter. The MOU (addressed

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on next page), should be designed so that the process for gathering the information and data needed to measure the charter’s progress is seamless.

Effective charter oversight takes time and diligence. As many districts know, closing or not renewing a charter school can be painful for all involved, especially the students. Quality oversight is designed to prevent charters from closing except in extreme cases of academic or financial failure. It is imperative that local districts and county offices of education review their charter oversight policies and procedures to ensure they are effectively enforced.

It is important to note that districts and county offices of education that have created their own charter schools – sometimes known as dependent or affiliated charters – are not exempt from providing the oversight required by law. All the laws and regulations applied to independent charters are also applied to dependent charters. ■

Stephanie Medrano Farland is director, Collaborative Solutions for Charter Authorizers. For more information about oversight trainings and workshops, visit www.charterauthorizers.com.

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