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NACSA Authorizer Evaluation Report

Authorizer

Oregon State Board of Education

Board Chair

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Evaluation Scope

This evaluation is designed to provide authorizers a reflective, formative look at their current authorizing policies and practices in relation to NACSA's *Principles & Standards for Quality Charter School Authorizing*. The evaluation process and this report serve as an opportunity for an authorizer to reflect upon the strengths of its authorizing program and determine how best to focus time and energy on areas where the program could be improved.

Consistent with NACSA's *Principles & Standards for Quality Charter School Authorizing*, this evaluation focuses on and is organized according to the following five guiding questions:

1. Does the authorizer approve applications based on applicants' demonstrated preparation and capacity to open and operate a quality charter school?
2. Does the authorizer have effective systems for establishing and monitoring school performance expectations and holding schools accountable as necessary to protect student and public interests?
3. Does the authorizer have rigorous, appropriate standards by which it holds schools accountable for results? Are decisions made with the intent to maintain high standards and protect the students' and the public's interests?
4. Do schools have the autonomy to which they are entitled?
5. To what extent do the organizational structure and systems support quality authorizing practices and forward the authorizer's mission?

The contents of this report are a culmination of a process involving analysis of authorizer policy and practice. NACSA gathers evidence that informs our assessment through an extensive document review, surveys, interviews, and a site visit. We explore each guiding question in detail and present the authorizer with analysis of the applicable standards and recommended actions for strengthening the future work of the authorizing office.

Rating Categories

Authorization quality is rated in two categories:

Established

Refers to the authorizer's practices as set out "on paper" whether by policy, protocol, or other means. It also addresses the way that the authorizer communicates information about its practices to relevant stakeholders within the authorizing agency and to schools. This category rates the authorizer based on what it plans to do.

Applied

Refers to the authorizer's practices as applied. This category rates the authorizer based on what it actually does, in practice.

Within each part of the evaluation, the rating categories are defined more specifically with respect to the authorizer's responsibilities in that area.

Rating System

For each category (established or applied), the authorizer receives a rating as follows:

Well-Developed

Commendable in that it meets or exceeds NACSA's *Principles & Standards*.

Approaching Well-Developed

Fundamentally sound in that it contains most aspects of a well-developed practice but requires one or more material modifications to meet NACSA's *Principles & Standards*.

Partially Developed

Incomplete in that it contains some aspects of a well-developed practice but is missing key components, is limited in its execution, or otherwise falls short of satisfying NACSA's *Principles & Standards*.

Minimally Developed

Inadequate in that the authorizer has minimally undertaken the practice or is carrying it out in a way that falls far short of satisfying NACSA's *Principles & Standards*.

Undeveloped

Wholly inadequate in that the authorizer has not undertaken the practice at all or is carrying it out in a way that is not recognizably connected to NACSA's *Principles & Standards*.

About the Authorizer

Charter schools have a two-decade history in Oregon. After almost passing charter school legislation in 1993, 1995, and 1997, the Oregon legislature enacted ORS Chapter 338 in May 1999 “to create new, innovative, and more flexible ways of educating children within the public school system.” The law passed with the approval of 62% of the legislature.

The Oregon Board of Education has six members – five district representatives and one at-large consultant. The current secretary of state and a former state treasurer serve as ex officio members. A three-person staff handles authorizing duties, one with primary responsibilities and the other two in supportive roles. Two members of the deputy superintendent’s office and one from student services are out-of-office personnel.

The principle of local control of education has particularly strong roots in Oregon, and even has a place in the state constitution. This local control orientation is reflected in the charter school law, which restricts authorizing primarily to local school boards. The state board of education is the only other active authorizer and can approve schools only through an appeals process that can include multiple rounds of appeal and remand prior to a state board decision. Institutions of higher education are permitted to authorize; however, none have elected to do so.

The board has exercised its chartering authority sparingly. It has authorized a total of five schools since 2003, four of which are currently in operation. In 2006, the state board decided not to renew the charter of one school. Since 2011, thirteen charter schools have appealed adverse district application decisions to the state board; all but one have been recommended for denial, and the one recommended for approval by Oregon Department of Education (ODE) staff was nevertheless denied by the state board. The state has one denial of a charter application pending currently.

Each of the four schools chartered by the state has a distinctive educational program. The first authorized school, Four Rivers Community School, was opened in 2003; it is a K-8 dual language Spanish immersion school in the Ontario school district. The Southwest Charter School, approved in 2007, is a K-8 place-based/science-focused school in Portland. The Ivy School serves grades 1-8 in a Montessori school in Portland. The EAGLE/ Bennett Pearson Academy is a Microsociety school founded in 2011. Four Rivers and Southwest are set to renew every five years. Ivy School and EAGLE Academy renewal depends on second-term performance. The state board closed one school in 2006.

Once approved, charter schools in Oregon receive substantial operational autonomy with a presumption of waiver from general education code provisions, as well as an opportunity to apply for additional waivers. However, charter schools also operate in a challenging fiscal environment. Per-pupil public education funding is relatively low in Oregon, and the administrative withholding from charters is substantial. Districts may withhold up to 20% of the per-pupil allocation for schools they authorize. State board-chartered schools receive 90% of the per pupil allocation with five percent going to ODE for administration of authorizing responsibilities and five percent going to the district in which the school is located.

Executive Summary

Ratings Summary

	Established	Applied
1 Application Decision-Making	 Minimally Developed	 Partially Developed
2 Performance Management Systems	 Partially Developed	 Partially Developed
3 Performance-Based Accountability	 Partially Developed	 Approaching Well- Developed
4 Autonomy	 Partially Developed	 Approaching Well- Developed
5 Organizational Capacity	 Partially Developed	 Partially Developed

Identified Strengths

- State board and ODE staff have raised their expectations for applicant quality and readiness.
- Basic terms of the charter contract are sound.
- ODE has developed a thorough, rigorous site visit protocol.
- Schools have substantial, appropriate autonomy over operational decisions, particularly with respect to financial management and educational program implementation.
- There is strong staff capacity and adequate authority for authorizing work within the ODE.

Recommended Actions

- Develop a model application with criteria for approval and disseminate for use by local school districts to increase the quality and consistency of applications across the state.
- Strengthen financial monitoring by implementing a system for ongoing review of school financials.
- Develop performance frameworks to more clearly articulate academic, organizational, and financial performance expectations.
- Clarify waiver criteria and process to guide board decisions and provide guidance to schools.
- Incorporate charter schools into the state's strategic plan for improving public education.

Application Decision-Making

Does the authorizer approve applications based on applicants' demonstrated preparation and capacity to open and operate a quality charter school?

Established:

● Minimally Developed

Applied:

● Partially Developed

Summary Assessment

Given that the Oregon State Board of Education is an authorizer exclusively on appeal, its application decision-making practices are significantly constrained. All applications must first go to the local school board of the district in which the school will be located. At several points in the process, beginning with a completeness review, a charter applicant may appeal an adverse decision of the local board to the state board. From a practical standpoint, the exclusively appellate role means that the state board has limited opportunity to influence either the form or the types of applications it receives. With respect to the form, the local school boards control the application requirements consistent with applicable law, which only identifies the topics to be covered in some detail. Local boards have the authority to supplement the statutory requirements. The state board is thus subject to receiving applications in very different forms and with different requirements on appeal from different districts. The state board has authority to request additional information when an application comes up on appeal, but that would add time to an already lengthy process, and is far inferior to having the application form and content remain consistent throughout the process. The most promising way for the state to add consistency and rigor to the application process is to develop a model application and criteria and to disseminate this model as a recommended practice for districts throughout the state.

With respect to the applicant types, the state board has not identified strategic goals or priorities for chartering. The absence of such goals and priorities is notable in light of the state board's overall strategic plan, which is silent on charters. In fact, there are several strategic initiatives, such as "40-40-20," to which many charter operators could explicitly seek to contribute if given the opportunity. Even without having the opportunity to charter directly, it would benefit operators to know what lenses the state board will use to review appeals. Such priorities clearly exist individually, and perhaps collectively, in the minds of state board members.

Recommended Actions

- Develop a model application with criteria for approval and disseminate for use by local school districts to increase the quality and consistency of applications across the state.
- Articulate clear, rigorous criteria for approval that align with the high expectations that the board would like to set for applicants.
- Incorporate a capacity interview into the application review process.

1.1 Application Materials and Process

The authorizer provides clear guidance and requirements regarding application materials and submission requirements and runs a clear and well-structured application process with realistic timelines.

Established:

 Minimally Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

As established, the authorizer’s application materials and process are minimally developed. They are partially developed as applied.

The state board is an appellate body for charter school authorizing (“sponsoring” in Oregon statutory parlance). Authorizing decisions come to the state board via a multistage process that may include as many as three remands to the local school board prior to a state board decision to approve an application. The basic application contents are enumerated in the charter schools act. On the whole, these requirements are sound in terms of the areas an application must address, but are bound to be variable as implemented from district to district. In addition, the statute fails to establish clear and rigorous criteria for approval. Thus, the application materials are reasonably comprehensive in terms of what information they require, but are wholly inadequate with respect to establishing the criteria by which they should be evaluated. Another process limitation is the lack of a separate interview by which to evaluate capacity of the proposed school founders.

By law, when hearing an appeal, the state board may “require any additional information” it considers “relevant to starting and operating a charter school.” OAR 581-020-0331. However, the state board has chosen to follow a judicial model by deciding appeals through a review that is limited to the materials as originally presented to the district. This approach means that the quality of information the state board receives is subject entirely to the quality of the local school board’s approach. ODE could improve the consistency and content of applications most efficiently by encouraging district authorizers to establish consistent requirements and expectations.

APPLIED

In practice, ODE has provided rigorous evaluation by engaging a team of external reviewers that includes both school operator and local authorizer perspectives to assess and debrief on each application. The team that ODE has currently assembled for evaluations is rigorous; the reviews are thorough, as evidenced by detailed and thoughtful evaluator comments presented in the application evaluation debrief meeting. However, the process lacks a formal capacity interview, leaving state board members to treat the public hearing as an interview opportunity – a setting that is less than ideal for candid questions and discussion.

RECOMMENDATIONS

Develop a model application and evaluation criteria, and encourage their adoption and use by local districts.

Incorporate into ODE’s review process a formal capacity interview conducted by evaluators familiar with the application.

1.2 Educational Program

The authorizer has thorough requirements and rigorous evaluation criteria for the proposed educational program including the vision and mission statements, educational philosophy, curriculum and instruction, teaching skills and experience, calendar and daily schedule, target population, enrollment, and plans for educating students with special needs.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are partially developed. State law provides a reasonably comprehensive set of requirements for the education program-related components of the charter school application, including mission/philosophy, curriculum, distinctive teaching/learning methods, special education plan, and expected results. ORS § 338.045(2). ODE's policy is to evaluate proposals according to the same criteria that district boards must use. (Guide to State Board of Education Charter School Sponsorship at 2) Although labeled 'criteria,' the statutory requirements are actually a set of topics to be addressed. The law does not provide guidance regarding the quality of the response.

APPLIED

As applied, the authorizer's practices are partially developed. Based on observation of the debriefing of an application evaluation, independent reviewers engaged by ODE have strong educational program experience and demonstrate capacity to evaluate the program effectively. However, the standard for what constitutes meeting versus not meeting the standard for approval is ambiguous; it seems to rely primarily on individual judgment and experience.

RECOMMENDATION

Promote evaluation rigor and consistency by developing and articulating criteria for evaluating the quality of the educational program as part of the model application.

1.3 Organizational Plan

The authorizer has thorough requirements and rigorous evaluation criteria for the proposed organizational plan including the effective governance and management structures and systems (including staffing); founding team members demonstrating diverse and necessary capabilities; and understanding of legal requirements related to opening and operating a charter school.

Established:

 Minimally Developed

Applied:

 Minimally Developed

Analysis

ESTABLISHED

As established, the organizational plan requirements are minimally developed. The law provides for the application to articulate, among other things, the governance structure; key policies, including application and admission for students; and engagement of community groups. ORS § 338.045(2). These are all appropriate requirements, but the list notably omits key elements that are critical to a full evaluation of the organizational plan. For example, the law does not require applicants to identify and provide professional information such as resumes for proposed governing board members and school leadership. Nor does it require detail about the staffing structure, roles and responsibilities needed to enable the authorizer to evaluate alignment of the budget with expected staffing needs. Another important omission from the statutory requirements is a preopening plan that shows authorizers how well applicants understand what is required to prepare to open a school and their readiness to execute that process successfully.

APPLIED

As applied, the authorizer's practices are minimally developed. Because local school board application requirements generally track the law, and because the state board does not request supplemental information during the appeals process, the authorizer is generally constrained to making application decisions without information about the organizational plan – information that is critical to a full assessment of the thoroughness and viability of the plan.

RECOMMENDATION

Develop a model application and clear, rigorous criteria to evaluate key elements of the organizational plan that are not adequately articulated in the statute.

1.4 Business/Financial Plan

The authorizer has thorough requirements and rigorous evaluation criteria for the proposed business plan including financial viability of the plan demonstrated through budget projections that are aligned with the proposed educational program.

Established:

 Minimally Developed

Applied:

 Minimally Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are minimally developed. The charter schools law requires applicants to present "the proposed budget and financial plan" along with evidence that the plan is "financially sound." ORS § 338.045(2)(m). The law does not specify the number of years for the budget, or require a financial plan for the startup year (which is also an important consideration). Unless a local school board specifies such requirements, the state board is bound to be evaluating proposals with inconsistent, and often incomplete, information.

APPLIED

As applied, the authorizer's practices are minimally developed. ODE's review of an applicant's business and financial plan continues to be limited by the quality of information requested and received by the local school board. For example, the application from Josephine County Charter School included a five-year budget, while one from Sequoia Montessori School in the Salem-Keizer school district included only a two-year budget. In both cases, the detail about budget assumptions is fairly limited, and without an interview there is not a meaningful way for the application evaluators to probe the assumptions underlying the numbers.

RECOMMENDATION

Use the model application as a mechanism for requiring applicants to address key aspects of the Business/Financial Plan that are not adequately articulated in the statute, including parameters for the budget and budget narrative.

1.5 Capacity

The authorizer has thorough requirements and rigorous criteria for evaluating the applicants' capacity to implement the school plan effectively, including but not limited to a substantive in-person capacity interview with all qualified applicants.

Established:

 Undeveloped

Applied:

 Minimally Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are undeveloped. The charter schools act does not require applicants to present information related to successfully implementing the proposed program, neither in the form of educational program and leadership capacity nor in the form of governing board composition or financial management capacity. Without supplemental requirements, the state board must consider applications without this critical information.

APPLIED

As applied, the authorizer's practices are minimally developed. The most effective means for evaluating capacity are to require professional information about the proposed governance and leadership team and to conduct capacity interviews with those teams to assess readiness to implement the proposed plan effectively; the law does not require either of these things, and the state board process does not provide for it. In the independent evaluators' debrief of a pending appeal, there was no opportunity to assess applicant capacity. For example, the Albany Community Charter School report notes that the application does not identify founding group roles and that the expertise of the proposed governing board is not described; nevertheless, the section on "identification of the applicant" is found to meet expectations.

The state board does have minimal opportunity to assess capacity when they engage with applicants during the public hearing that is part of the appeals process. This opportunity is limited and far from ideal, however, because of the public setting, and because the people most familiar with the contents of the application are not involved in the questioning.

RECOMMENDATION

Conduct a rigorous capacity interview led by a strong team of internal and external evaluators as part of ODE's assessment of applications.

1.6 Priorities and Application Adaptations

The authorizer adapts the 'basic' application as necessary based on identified needs including specialized applicant types that are commonly received and/or desired program types.

Established:

 Minimally Developed

Applied:

Not Applicable

Analysis

ESTABLISHED

As established, the authorizer's practices are minimally developed. The only application adaptation provided for in law relates to conversion charter schools.

APPLIED

As applied, this area is not applicable because the authorizer has not had sufficient volume of applications or variation in types to warrant development of distinct application types.

1.7 Decision Alignment

The authorizer makes application decisions that are informed by and align with documented evidence and analysis of the extent to which the plan satisfies approval criteria and the extent to which applicants demonstrate strong preparation and capacity to establish and operate a quality charter school.

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are partially developed. ODE provides written reports on each applicant. These reports clearly document the extent to which the proposal meets the criteria for approval based on the independent review and staff assessments. The reports are thorough and aligned with the statute; they are limited, however, by the lack of established and consistently applied criteria that should guide analysis of the quality of the application.

APPLIED

As applied, the authorizer's practices are approaching well-developed. The reports provided to the state board are limited in that they provide a baseline assessment of responsiveness to the application requirements. Both staff and the state board express a common interest in establishing more rigorous expectations for applicants and for charter schools; in this way, they are well aligned. The next step is to formalize and execute this common vision for higher standards through more rigorous application requirements that reflect the intentions of both ODE and the state board more clearly.

RECOMMENDATION

Develop clear, rigorous criteria for evaluation to guide application analysis and recommendations.

1.8 Transparency

The authorizer has transparent processes for both application evaluation and application decision-making.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are partially developed. The state board's Sponsorship Guide provides clear documentation of the statutory process, and of the state board's expectations for applicants. The evaluation forms used by ODE align with the statutory expectations. The primary way to improve transparency for the process is to articulate the criteria more clearly.

APPLIED

As applied, the authorizer's practices are partially developed. ODE and the state board generally follow the established process consistently and faithfully. In the state board's most recent appeal, the decision diverged from ODE recommendation. This lack of alignment is more a reflection of the gap between the baseline requirements and the more substantive expectations that staff and board members alike want to implement. The task now is to articulate those substantive requirements more explicitly.

RECOMMENDATION

Develop and disseminate a model application and accompanying criteria that make clear to applicants and the public the rigorous expectations that the state board has for approval of charter applications.

Performance Management Systems

Does the authorizer have effective systems for establishing and monitoring school performance expectations and for holding schools accountable as necessary to protect student and public interests?

Established:

 Partially Developed

Applied:

 Partially Developed

Summary Assessment

ODE has a detailed contract and charter oversight processes with basic expectations that are largely drawn directly from state charter law. In order to continually improve the performance of its portfolio, ODE should build upon charter law to establish its own policies of high expectations in order to create a true “gold standard” portfolio of charter schools. ODE should also build upon the strengths of its monitoring program to ensure there is clear guidance for the other parts of the charter school life cycle.

Recommended Actions

- Grant a five-year term to all newly authorized charters to give schools enough time to get firmly established and to amass a performance record beyond the startup years.
- Add explicit financial and academic performance standards to the contract in order to measure success over time.
- Report annually to schools and the public on individual school and portfolio performance.

2.1 Contracting

The authorizer executes a charter contract for each school that clearly articulates the rights and responsibilities of each party.

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

ODE has a comprehensive charter contract for each school, which covers most of the critical overarching rights and responsibilities of both the school and the authorizer. The contract has evolved over time, but is a relatively standard and consistent contract for all charters, which is in line with NACSA's *Principles & Standards*. The contract adheres to state law to protect the charter schools' autonomy sufficiently.

In ODE's most recent charter contract, the original application is no longer an attached exhibit, which is an improvement from previous contracts and should continue in subsequent contracts. State law allows the initial contract term to be as long as five years. State law also allows the contract to be amended, though the authorizer should define a process for this in board policy or in the contract. The contract also includes some student and financial performance standards, but these are vague and should be better defined to be enforceable and actionable.

The contract requires the charter school to submit a number of plans after contract execution, including updated policies (i.e., enrollment policy), a plan for handling complaints, and a plan for providing training on identifying child abuse. These plans should be submitted prior to contract execution so board members have this information prior to voting for approval. Some board members and program staff commented that charter schools do not always reflect the demographics of the local school district. If this is a concern that board members and staff would like to address, ODE should outline explicit student demographic expectations in the contract.

APPLIED

Survey respondents only moderately agreed with the statement, "We work collaboratively with ODE to define and revise the terms and commitments of our charter as needed." When pressed, school leaders interviewed agreed that the contract process was collaborative and involved some back and forth.

In practice, initial charter terms have been as short as three years, which is challenging for schools when first getting established, and forces a renewal decision based on only two years of data during a school's startup years. Though performance standards are described in the contract, they are not specific enough to take action if needed for termination, nor ambitious enough to lead to a high-performing portfolio of charters.

RECOMMENDATIONS

Grant a five-year term to all newly authorized charters in order to give schools enough time to get firmly established and to build a performance record beyond the startup years.

Require policies and plans to be submitted prior to contract execution, particularly for policies that serve as exhibits to the contract.

2.2 School Opening

The authorizer ensures that approved schools are prepared adequately for opening.

Established:

 Partially Developed

Applied:

 Minimally Developed

Analysis

ESTABLISHED

The charter contract requires certain policies and conditions to be developed after the contract is executed, but prior to the opening of the school. Other than these requirements, there is no comprehensive preopening checklist for newly authorized schools. The “conditions precedent” outlined in Section Four of the most recent contract template is a strong requirement for the continual updating of policy in order to reflect changes in state law; however, policies referenced – especially those governing the retention of records, student enrollment, academic program, instructional time, and nondiscrimination – should be established during the preopening period, and should be explicitly outlined before the contract is approved/signed by the state board.

APPLIED

Although there was only one survey respondent, he/she responded with a resounding STRONGLY DISAGREE when asked whether ODE did a good job making sure they were on track to open their school. School leaders echoed this sentiment in the interview, though their openings predated the current ODE staff. ODE staff did provide some support in the opening of one charter by assisting in the negotiations between the charter and the local school district.

Within the last three years, no new school has opened under the oversight of ODE. Therefore, there has not been an immediate need for a comprehensive preopening process.

RECOMMENDATION

Develop a clear and concise preopening process and checklist that newly authorized charters must meet prior to the opening of the school.

2.3 Ongoing Monitoring

The authorizer has an effective process for monitoring education, financial, and organizational performance of the schools it authorizes.

Established:

 Approaching Well-Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

ODE's contract with its charter schools requires one official site visit per year, and allows for additional site visits if necessary. The site visit is coupled with a comprehensive desk audit of policies and other documents required by the charter contract.

The annual site visit is impressively detailed in ODE's *2013-14 Site Visit Protocol* manual. The purpose of the visit is "to gather and document evidence about the school's performance, implementation of the educational and organizational program outlined in its charter, and compliance with laws and regulations." The visit is typically conducted over the course of one day by three to five team members, and is followed up by a site visit report given to the school.

The protocol manual is extremely thorough, and outlines both the school's and reviewers' responsibilities and code of conduct for the visit; documents required both before, after, and during the visit; guiding questions for the focus groups; and a workflow and timeline for the visit.

Along with the site visit report, the primary instrument regarding school performance is an annual report produced by each school and delivered to the state board. Although this information is important, it means that there is no independent report from the authorizer regarding school outcomes.

APPLIED

The site visit reports are very detailed and are evidence that reviewers carefully follow the established protocol. Independent reviewers are contracted to conduct the reviews, and the Charter Schools Program Analyst chooses reviewers who have particular expertise in the model or grade configuration of the school they are reviewing. The Program Analyst attends each of these school visits.

RECOMMENDATIONS

Provide an annual report to each school that assesses the school's performance on the state board's established performance expectations and compliance requirements, and identifies strengths and areas needing improvement.

Publish ODE's annual performance report for each school, along with an annual report on the performance of ODE's entire charter school portfolio.

2.4 School Intervention/Revocation

The authorizer has effective policies and practices for school intervention and revocation and conducts merit-based interventions, including revocation where appropriate, in response to clearly identified deficiencies in the school's record of educational, organizational and/or financial performance.

Established:

 Approaching Well-Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

Consistent with the charter school law, ODE's charter contract allows for termination in the cases when the school does not follow state law; fails to meet outlined student performance requirements; fails to correct a violation in state or federal law; fails to maintain insurance described in the contract; fails to maintain financial stability; fails to enroll the minimum number of students; or endangers the health or safety of its students.

Two of ODE's four charter contracts explicitly outline expectations for school improvement when the school does not meet its student performance goals. Financial health benchmarks are not clearly defined, and the expectation seems to be simply for the schools to "maintain financial stability."

The school improvement interventions or consequences outlined in the contract are: 1) after one year missing the student performance benchmarks, the charter must submit a school improvement plan and aligned budget; 2) after two consecutive years missing the student performance benchmarks, the charter will receive professional development from ODE; 3) after three consecutive years missing the student performance benchmarks, the charter must hire an external school improvement coach. Although the actual performance benchmarks should be more ambitious, outlining performance ramifications is strong practice. The ramifications should be less prescribed, giving the responsibility and autonomy to the charter to develop and propose a remedy. ODE should serve as a partner in this process, and should retain ultimate authority over whether the proposed remedy is acceptable.

APPLIED

In 2005, at the end of a two-year charter term, ODE renewed Victory Middle School's charter for one year, with conditions. During the one-year renewal period, ODE conducted monthly on-site visits, monitored monthly reports and attendance, and attended board meetings. In 2006, citing a lack of progress against the renewal conditions, ODE decided against a subsequent renewal of the school's charter. ODE's and the state board's action in this case is admirable, as the nonrenewal of a charter school is often a difficult decision to make.

Student performance was also a large part of the state board's discussion and decision making for EAGLE charter school's recent renewal, a sign that the state board takes student performance seriously when it comes to charter authorization.

There have not been any cases of ODE exercising the intervention clauses in the current charters' contracts.

RECOMMENDATION

Devise an intervention plan tied to a performance framework that identifies what the school must remedy but preserves school autonomy and responsibility for proposing a solution.

2.5 Renewal

The authorizer runs a well-structured renewal process including clear requirements; a meaningful opportunity for the school to present information and respond to the authorizer's findings; clear communication; and prompt notification of decisions.

Established:

 Approaching Well-Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

The Oregon state charter law describes very specific stipulations for charter school renewals. The initial contract period may not be for more than five years, and the first renewal must be the same length as the initial term. Subsequent renewals must be for a term of five to 10 years. NACSA recommends granting an initial contract period of five years, which, according to state law, would require a first renewal period of five years (unless the law is waived by the state board). State law also outlines review criteria that includes whether the school is in compliance with state and federal laws; whether it is in compliance with its original charter contract; whether it is meeting student performance goals; whether it is fiscally stable; and whether it is in compliance with any prior renewal criteria.

The charter school board must submit a written renewal request to the authorizer at least 180 days prior to the expiration of the charter. The authorizer must hold a public hearing regarding the request within 45 days after receiving it. Within 10 days after the public hearing, the authorizer must notify the charter board of its intent about renewal. These requirements are good practice, though the authorizer should provide a cumulative performance report to each school during the final year of the contract term.

The renewal process is lean and efficient. Charters are not required to submit much additional information beyond state requirements, as the decision is made based on the information collected by ODE up to that point in time.

APPLIED

Charter leaders responding to the survey expressed some disagreement with the statement, "I have a good understanding of where we stand with respect to performance expectations and our status for renewal." Charter leaders interviewed generally have a good understanding as to whether they will be renewed once they reach the third charter term; however, they feel that the term of the third renewal is arbitrary. In the most recent two cases, ODE staff recommended a 10-year renewal term, but the state board voted to grant a five-year term without giving the charters a rationale for the term length. This does not meet NACSA's standards for transparency.

The board makes the renewal decision before the school year is over, but the final contract is not voted upon until June. This timing is problematic, as it does not give school staff much time to make choices for the following year, particularly in the event conditions for school improvement are an integral part of the contract. The board should finalize and approve the contract prior to the end of the school year.

RECOMMENDATIONS

Adopt board policy for the third charter term that ties the length of the renewal term to specific performance metrics, in order to prevent it from being an arbitrary or unpredictable decision.

Provide to each school, in advance of the renewal decision, a cumulative performance report that 1) summarizes the school's performance record over the charter term, and 2) states the authorizer's summative findings concerning the school's performance and its prospects for renewal.

2.6 Closure

Following nonrenewal, revocation or voluntary return of the charter, the authorizer has an effective plan for and ensures orderly closure of schools.

Established:

 Undeveloped

Applied:

 Minimally Developed

Analysis

ESTABLISHED

ODE has no established plan for the orderly closure of schools.

APPLIED

In 2006, the state board voted not to renew the charter for Victory Middle School, which is the only school closure ODE has undertaken. In this case, there is some evidence, in the form of a letter sent to the charter school's board outlining some specific closure requests, which points to a very basic process envisioned for the closure of schools.

RECOMMENDATION

Develop a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.

2.7 Transparency

The authorizer communicates to schools and the public clearly and consistently regarding expectations for and status of school performance including formal reporting on school performance and status at least annually.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

State laws govern transparency of public records, and as a state government authorizer ODE has rigorous transparency standards. All charter decisions and evaluative documents are either presented and/or approved by the state board.

ODE does not produce two types of annual public reports that NACSA recommends as strong practice: 1) an annual report on the performance of each individual charter school, summarizing its performance and compliance in accordance with the expectations of its charter contract, and 2) a comprehensive annual report on the performance of ODE's charter portfolio as a whole.

APPLIED

When items come before the state board they are placed on the board docket, which is publicly available on the state board's website. All evaluations and renewals are put before the state board for a vote. Charter schools present their annual reports directly to the state board in a public meeting.

ODE provides a site visit report to each school following its annual monitoring visit. While this is a good practice and sufficient for a site visit report, this report contains very little objective performance data tied to contract expectations (as opposed to comments and reflection on the school's performance). Thus, it is not a comprehensive annual performance report that would inform each school and the public clearly and concisely (preferably in an at-a-glance format) of the school's status in meeting the performance and compliance expectations of its charter contract, while identifying strengths and needed improvements.

RECOMMENDATIONS

Produce an annual public report for each school summarizing its performance and compliance to date on the expectations of its charter contract and identifying strengths and needed improvements.

Produce an annual public report that provides clear, accurate performance data for all the charter schools the state board oversees, reporting on individual school and overall portfolio performance according to the framework set forth in the charter contract.

Performance-Based Accountability

Does the authorizer have rigorous, appropriate standards by which it holds schools accountable for results? Are decisions made with the intent to maintain high standards and protect the students' and the public's interests?

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Summary Assessment

The underlying fundamentals and mindset for holding charter schools to high expectations exist among ODE staff and state board members, though much work needs to be done on the development of accountability frameworks that are dynamic and push charters to continually improve. The state board in particular has shown recent willingness to focus on performance in application and renewal decisions, a significant improvement from the past, when it was more concerned with whether the charters met minimum application requirements.

Recommended Actions

- Develop a dynamic performance framework that holds charters accountable, encourages continual growth and improvement, and can include expectations related to distinctive elements of a school's educational program and objectives.
- Establish a financial performance framework to clearly define financial health, and build financial performance benchmarks into the charter contract.
- Contract with an outside expert or leverage internal ODE financial expertise to monitor the financial health of the charters.

3.1 Educational Performance

The authorizer holds schools accountable for academic performance using objective and verifiable measures, established in the charter contract or performance framework, that address, at a minimum, student achievement, student growth, and post-secondary success as the primary measures of school quality.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

The contracts between ODE and its four charters are inconsistent with regard to student performance expectations. Each contract includes the expectation that the school make “adequate yearly progress (AYP) pursuant to the Elementary and Secondary Education Act (ESEA),” yet in two of the four contracts there are additional measures – either meeting/exceeding the local school district’s performance, or meeting/exceeding performance expectations outlined in the contract exhibit.

For the two schools required to simply meet AYP, failure to do so is grounds for termination. They must also follow the interventions outlined in ESEA.

For the two schools with more specific student performance expectations, in year one of not meeting expectations, each school must submit a budget and plan to the state showing the changes it will make; two consecutive years of not meeting expectations will trigger professional development provided by ODE; three consecutive years, and the school must hire a school improvement coach. For the other two schools, they must meet AYP and follow ESEA/State requirements if they do not.

APPLIED

In practice, surveyed charter leaders agreed that they are evaluated regularly; however, there was only moderate agreement with the statement, “We have a clear understanding of how our school is held accountable by ODE.” There was also some disagreement (an average rating of five out of 10) with the statement, “ODE evaluates our school based on the terms and commitments of our charter.”

The state board has exhibited strong resolve in using performance standards in its decision making, both in the nonrenewal of Victory Middle School and in the renewal of EAGLE charter school.

RECOMMENDATIONS

Ensure consistent expectations and consequences across all charter contracts.

Develop a dynamic performance framework that holds charters accountable, encourages continuous growth and improvement, and differentiates expectations based on schools’ educational programs.

3.2 Financial Performance

The authorizer holds schools accountable for financial performance using appropriate near term and sustainability measures, established in the charter contract or performance framework, as the primary indicators of a school's financial viability.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

The charter contract and state law provide strong guidance on the financial reporting requirements of charter schools. These include the requirement to “establish, maintain, and retain appropriate financial records for seven (7) years, or for such longer time as required by law, and to make such records available to the Superintendent within fifteen (15) business days upon written request.”

The law also requires the retention of a CPA to conduct an annual audit, and for that audit to be submitted to the superintendent. Additionally, quarterly financial reports are to be submitted to the superintendent.

Termination of a charter contract can occur for “failure to maintain financial stability or to meet generally accepted standards of fiscal management.” However, these standards are not defined, and there is no established framework to determine whether the charter school is financially healthy. This makes it difficult to effectively measure financial performance annually. Contract requirements are tracked, but they seem to be more for compliance than for performance.

APPLIED

In practice, the program analyst has started using a financial health tool that includes financial health indicators, but there are no performance standards linked to these indicators. Additionally, as a staff of one, the Program Analyst is limited in time and capacity to effectively analyze these financial indicators.

RECOMMENDATIONS

Establish a financial performance framework to clearly define financial health, and build financial performance benchmarks into the charter contract.

Contract with an outside expert, or leverage internal ODE financial expertise to monitor the financial health of the charters.

3.3 Organizational Performance

The authorizer holds schools accountable for compliance with organizational performance requirements established in the charter contract or the performance framework, including educational program requirements, governance and reporting, financial management and oversight, and operational requirements related to students, employees, and the school environment.

Established:

● Well-Developed

Applied:

● Well-Developed

Analysis

ESTABLISHED

The *Site Visit Protocol*, including both the in-person visit and the desk audit, comprehensively assesses organizational performance. The ODE program analyst and two to four peer reviewers conduct visits annually that include interviews, classroom observations, and a review of school policies and procedures.

APPLIED

The ODE program analyst uses a contract requirement tracker to keep tabs on whether the compliance-oriented aspects of the charter contract are being met according to established deadlines.

The results of the desk audit and site visit are compiled into a detailed report given to the school upon completion.

3.4 Decision Alignment

Authorizer makes accountability decisions that are informed by and align with documented evidence and analysis of the extent to which the school satisfies performance expectations. The analysis presented to decision-makers is of high quality and the merits of the decisions themselves show decision-making is based on thoughtful analysis ensuring that only the charter schools that meet or exceed expectations are in operation. (Note: this section focuses on decisions by the authorizer other than the application, which is addressed in 2.7.)

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

In the recent charter contracts, student performance expectations are more clearly defined than in years past. Charters are expected to meet those requirements or face corrective action or, in severe cases, termination. The expectations are very basic, however, and are not designed to encourage significant growth over time.

APPLIED

According to a survey of charter school leaders, there is some disagreement (an average rating of six out of 10) with the statement, "We get clear feedback from ODE about how we are performing." There is also disagreement with the statement, "ODE makes decisions that align with how our school is performing."

In its most recent renewal decision, the state board placed a strong emphasis on the student performance of the charter up for renewal. There was a lot of negotiation on the expectations of the school going forward; board members admitted, however, that the lack of specificity in the original charter contract left them doubting whether they could legally terminate the school for its low performance.

In 2006, the state board voted not to renew a low-performing and financially struggling charter school.

RECOMMENDATIONS

Develop clear board policy outlining the academic and financial performance necessary for renewal.

Give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.

Autonomy

Do schools have the autonomy to which they are entitled?

Established:

⊕ Partially Developed

Applied:

⊕ Approaching Well-Developed

Summary Assessment

The state board and department of education's practices are partially developed, as established, and approaching well-developed, as applied. The law and the charter contract provide clear guidance regarding the applicability – or not – of charter school law to schools. The legislative intent is for schools to have substantial operational and educational flexibility, as exemplified by the presumption of waivers from the general education code, followed by the specification within the charter law of non-waivable education code provisions.

Recommended Actions

- Clarify waiver criteria and process to guide board decisions and provide guidance to schools.

Detailed Analysis

4.1 Autonomy

The authorizer defines and respects the autonomies to which the schools are entitled based on statute, waiver, or authorizer policy. The authorizer does not reduce school autonomy unless there is a compelling reason to do so.

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

The authorizer's practices are partially developed, as established. The charter schools act provides for charter schools to have significant autonomy. It establishes a presumption of waiver from general education provisions, followed by a clear, generally appropriate list of exceptions that apply to charter schools, including but not limited to public meetings and record; health and safety; and employee criminal background checks. ORS § 338.115. In addition, the law allows charter schools to request waivers from "any provision" of the charter school law. ORS § 338.025. ODE's charter contract aligns with the law and articulates the intent to give operators broad operational autonomy consistent with the law (e.g., Ivy Charter School Contract, paragraph 7). The statute provides some guidance regarding the intent for when the authorizer should grant waivers, but the state board has not had clear criteria for responding to waiver requests. The state board should develop guidance that informs how they will assess such requests.

APPLIED

As applied, the authorizer's practices are approaching well-developed. Schools report having substantial and appropriate autonomy in making decisions in the best interests of their schools. In particular, they have discretion to adapt or modify the educational program as they deem necessary to serve the best interests of their students. The primary area for improvement is in considering waiver requests; as noted above, the state board lacks formal guidance for how they will consider such requests. Although explicit standards are lacking, ODE does provide the state board with analysis of waiver requests that imply appropriate criteria. For example, a recent request from a Waldorf school to give enrollment preference to children with prior Waldorf experience was assessed, with appropriate consideration of the importance of the request to effective implementation of the educational program. ODE ultimately made a well-grounded recommendation to deny the requested waiver because of the potentially and predictably negative impact on historically underserved students. ODE's assessment of this issue was thorough and well documented (Madrone Trail Charter School Waiver Request, Topic Summary, August 2014).

RECOMMENDATION

Develop written guidance for schools and the state board on the criteria the state board will apply in considering waiver requests.

4.2 Educational Program

The authorizer defines and respects school autonomy over the educational program.

Established:

 Approaching Well-Developed

Applied:

 Well-Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are approaching well-developed with respect to educational program autonomy. The charter schools act clearly states a presumption that general education laws do not apply to charters unless specifically referenced in the statute, followed by a clear articulation of the statutes and rules that do apply. ORS § 338.115. For the schools that the state board oversees directly, ODE has established a fairly lean charter contract that respects school autonomy by adhering closely to the statute (i.e., by specifying the non-waivable program terms). The authorizer has also begun to articulate key elements of the educational program for which it will hold the schools accountable. Nevertheless, the contract continues to incorporate the full charter application by reference. This means that there are numerous aspects of the educational program that the authorizer intends to give schools discretion to change, but which remain technically binding on the schools based on their original applications. ODE can remedy this by using the educational program exhibits to replace – rather than supplement – the program as detailed in the application.

APPLIED

As applied, the authorizer's practices are well-developed. There is strong alignment between the charter schools office and school operators regarding the scope of school discretion and autonomy over the educational program. Each of the four schools has a distinctive educational model and philosophy. The distinctiveness of the program was an explicit consideration in state board approval of each school. For example, one school follows the "microsociety" model, while another is a Montessori school. The schools understand that they have the freedom to adjust textbooks, curriculum and other aspects of the educational program, provided that they remain true to the educational model. Similarly, ODE expresses an intent to give schools broad discretion to manage educational programming decisions as they see fit, within the parameters of the law provided that the programs remain aligned with the mission and educational philosophy. The site visit protocol and site visit schedule are structured to provide ODE a good understanding of what is actually happening in the schools with respect to the educational program, and none of the schools has made programmatic changes that would test the boundaries of the school's autonomy.

RECOMMENDATION

Clarify the established educational program requirements by further refining the educational program exhibit to the charter contract and no longer incorporating the entire application.

4.3 Financial Management

The authorizer defines and respects school autonomy over financial operations.

Established:

● Well-Developed

Applied:

● Well-Developed

Analysis

ESTABLISHED

The authorizer's established practices are well-developed with respect to autonomy for financial management. The contract specifies the funds to which the school is entitled, as well as the per-pupil revenue (PPR) withholding that goes to ODE and to the home district. The contract also adequately articulates the general financial authority of the charter school's board (such as to contract for services) and the expectation that the school submit a balanced budget and maintain fiscal stability. Within those parameters, schools have clear, appropriate authority to allocate resources as they deem necessary to meet their educational and organizational objectives.

APPLIED

As applied, the authorizer's practices are well-developed. Schools report that they have full authority to make financial management decisions consistent with the law and sound financial practice. They report uniformly that ODE respects their decision-making authority and that they have the autonomy needed to take responsibility for the schools' financial choices and viability.

4.4 Differentiated Oversight

The authorizer periodically reviews compliance requirements and evaluates the potential to differentiate school oversight based on flexibility in the law, demonstrated school performance, and other considerations.

Established:

 Minimally Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

When it comes to differentiating oversight, the authorizer's practices are minimally developed as established. There are four schools in operation that ODE generally treats similarly with respect to compliance and flexibility. That said, with only four schools under direct authorization and with none of them being particularly high-performing, there has not been a particular urgency or need for ODE to differentiate oversight practices, or to expand autonomy. To the extent that such an opportunity exists, it probably resides in the state board's authority to grant or deny waiver requests for all charter schools. ODE has established and communicates a clear process for requesting a waiver "Process to Request a Waiver of Charter School Law".

APPLIED

Through its intervention practices, ODE has begun to exercise differentiated oversight of schools, making its practices partially developed as applied. In recent years, ODE has engaged in heightened monitoring and reporting for schools that have proven to be at risk organizationally and/or academically. Given that the baseline for autonomy is high, this reduction in autonomy to stabilize operations and to minimize the possibility of school closure has been entirely appropriate.

RECOMMENDATIONS

Clarify the criteria for granting waiver requests.

Establish criteria that link waiver requests from existing schools to demonstrated performance.

Organizational Capacity

To what extent do the organizational structure and systems support quality authorizing practices and forward the authorizer's mission?

Established:

 Partially Developed

Applied:

 Partially Developed

Summary Assessment

On the whole, the state board has developed significant strengths with respect to organizational capacity as an authorizer. There has been notable progress over the last year or more in terms of the state board's understanding and embracing of its role as a charter school authorizer. This progress has been reflected in expanded capacity, engagement of strong personnel that have authority to take initiative, and prioritizing charter school performance. State board members express interest in the potential for charter schools to contribute to improving public education. At the same time, they express some impatience with the performance of charter schools that do not serve as exemplars for others.

Despite the progress, there is substantial work remaining to make the state board a quality authorizer. To start, charter schools remain peripheral to the core activities of the state board and ODE; they are not reflected in the state's strategic plan for improving public education, and there is not a stated mission or vision for the state's authorizing work. Though the charter office budget and basic staffing are sound, there is additional work to be done to articulate an explicit mission, vision, and strategic planning or prioritization for authorizing. In addition, ODE needs substantive expertise to support ODE's developing work in charter school authorizing.

Recommended Actions

- Make charters part of the state board's strategic plan by articulating a 'mission' and specific objectives for charter schools.
- Add substantive capacity related to financial performance monitoring, as well as for data collection and analysis.

5.1 Strategic Planning

The authorizer plans well for the future in a way that aligns with NACSA's *Principles and Standards*. The authorizer uses quality authorizing to forward its mission.

Established:

 Minimally Developed

Applied:

 Minimally Developed

Analysis

ESTABLISHED

The authorizer's practices with respect to strategic planning are minimally developed, as established. The legislative intent articulated in the charter schools act provides some foundation for a strategic approach to chartering in Oregon, with emphasis on flexibility and innovation as mechanisms for improving other public schools and the system as a whole. ORS § 338.015. Nevertheless, the state board's strategic plan makes no mention of charter schools, and ODE has not established a mission, a vision, or strategic priorities for its charter school authorizing. NACSA considers the establishment of a defined purpose, in the form of a mission statement, to be an essential practice for quality authorizing. Some of the state board's strategic objectives that are clearly driving ODE's overall work, such as the "40-40-20" goal focused on improving post-secondary readiness and attainment, might readily be applied to charter school authorizing priorities and decision making.

APPLIED

In practice, the state's authorizing is partially developed with respect to strategic planning. There is no formal reference to strategic goals or objectives in the state's authorizing practices. Nevertheless, both ODE staff and state board members refer consistently to the legislative intent of the charter schools act as guidance for their recommendations and decisions. Most commonly, state board members articulated the desire to see state-chartered schools offer distinctive educational programs and to provide exemplars of innovative, effective educational strategies. The state board's current portfolio fulfills part of this vision. Each of the four operating charters has a distinct educational program and philosophy – ranging from Montessori, to "microsociety," to dual language immersion – that would support the informally stated objectives. On the whole, the schools are not currently demonstrating the educational outcomes that could be said to fulfill the state board's interest in having exemplars.

Despite their being clear opportunities for the state board to be more strategic in its approach to authorizing, it is important to recognize the policy constraints on all of the state board's charter school work. The state board's role as an authorizer exclusively on appeal (and only after multiple appeals) inherently limits its ability to use authorizing proactively to achieve strategic objectives.

RECOMMENDATION

Articulate a mission and strategic priorities for charter school authorizing that are clearly aligned with the state board's overall strategic plan for improving K-12 education in the state.

5.2 Organizational Structure

The authorizer purposefully and economically staffs its office to effectively carry out its authorizing duties. Staff positions are clearly defined both in policy and in practice.

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

As established, the organizational structure for charter school authorizing is partially developed. Authorizing work is led by a program analyst who reports to the director of educational effectiveness, who in turn reports to an assistant superintendent. This structure reflects a modest prioritization of charter schools consistent with the limited role that charter schools play at ODE. The office is staffed by two positions, one programmatic and one administrative. The programmatic responsibilities are reasonably well defined, and the total allocation of two staff is generally appropriate to handle the core responsibilities given the small scale of the authorizer portfolio; however, this core staff must be supplemented and supported with specialized expertise in key areas such as financial monitoring.

The primary limitation of this organizational structure is that authorizing inherently depends on a range of expertise that is highly unlikely to be found in a single person. Specifically, quality authorizing requires the ability to assess and regularly monitor financial, academic, and organizational performance. No matter how few schools, these three distinct areas of expertise are required. As established, ODE's organizational structure does not provide the full range of expertise needed for quality charter oversight.

APPLIED

As applied, the authorizer's practices are approaching well-developed. Having just four schools under direct authorization, it is reasonable to expect that one person can shoulder the primary responsibility of oversight and accountability, provided that there is sufficient authority and support. At ODE, the charter school program analyst has sufficient authority; for example, she has had authority to develop and implement a protocol for conducting site visits, and she presents information and analysis about applications for new schools and renewals directly to the state board.

The primary needs for substantive expertise in charter school oversight are legal, financial, and academic. The charter school program analyst has excellent legal and policy guidance from the governmental and legal affairs manager. On the other hand, she does not appear to have comparable access and support when it comes to financial or academic data expertise. ODE is generally encouraging more communication and collaboration across departments, but ODE should not rely on informal relationships to establish this support.

RECOMMENDATION

Assess internal ODE capacity to provide academic and financial performance analysis, and dedicate sufficient internal resources or engage external consultants to provide this support.

Develop staffing plans that anticipate the possibility of growth in the number of charter schools that ODE oversees.

5.3 Human Capital Processes and Systems

The authorizer has systems necessary for building and maintaining a strong workforce and implements them with fidelity.

Established:

 Partially Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

A comprehensive assessment of ODE human capital processes and systems is beyond the scope of this evaluation. With respect to the charter school program in particular, the limited staffing requirements make it unrealistic to expect the authorizer to have “systems” in place. That said, whether or not there need to be systems, the fact that charter schools appear to be a low strategic and organizational priority will make it challenging to sustain the quality of staffing that currently exists.

APPLIED

As applied, the quality of charter school accountability will for the foreseeable future continue to depend primarily on one person, the charter school program analyst. This position has some responsibility for, and direct or indirect influence over, 5% of the state’s public school population; therefore, the recruitment, selection and retention of capable personnel for this position should be taken seriously.

5.4 Conflict of Interest

The authorizer operates free from conflicts of interest.

Established:

 Partially Developed

Applied:

 Approaching Well-Developed

Analysis

ESTABLISHED

As an authorizer of charter schools, ODE staff and state board members are subject to general state provisions governing conflicts of interest. In addition, the charter law places appropriate restrictions on sponsor relationships with boards of charter schools and third-party service providers. However, the most proximate source of potential conflicts for ODE as an authorizer is financial interest in high-stakes decisions, due to the simple fact that the authorizing work is funded by per-pupil withholding from operating schools. Potential conflicts in this area have not been addressed in policy.

APPLIED

As applied, the authorizer's practices are approaching well-developed. There is no indication that the financial impact of a charter school application or renewal decision has affected ODE's analysis or the state board's decision making. Nevertheless, the relatively high (5%) withholding of per-pupil funds for authorizing combined with the small number of schools means that any individual decision to approve a new school, or not renew or revoke an existing charter, can potentially have a significant impact on the charter school program budget. By extension, there is potential for financial considerations to intrude, whether consciously or not, on authorizer decision making. This risk can be mitigated through, among other things, transparent policies and independent external guidance on key decisions, like those ODE already solicits through independent evaluators for charter application reviews.

RECOMMENDATION

Minimize the opportunities for potential conflicts to influence decision making by developing clear policies, and by soliciting independent analysis and judgment to inform high-stakes decisions in which ODE might have an actual or perceived financial interest.

5.5 Organizational Budget

The authorizer's budget allows for organizational effectiveness and stability. The budget is aligned with the strategic goals and supports quality authorizing practice.

Established:

● Well-Developed

Applied:

⊕ Approaching Well-Developed

Analysis

ESTABLISHED

The charter schools law provides for withholding of up to 10% of per-pupil revenue from state approved charter schools, and one-half (5%) of the withholding goes to local school boards as an administrative fee. ORS § 338.155(3); ODE thus retains 5% of the per-pupil amount from each charter school. The revenues from the per-pupil withholding are designated for the execution of authorizing responsibilities.

APPLIED

In practice, the charter school authorizing budget supports ODE's efforts to be an effective authorizer. The charter schools program currently runs a surplus on its charter school work. This is not to say that the office is making all expenditures needed for its authorizing work; as noted above, the charter school program requires additional capacity for financial and academic performance analysis. ODE is giving the charter school staff authority to manage the designated funds and allocate them appropriately to execute the department's authorizing responsibilities. In other words, the funds retained for authorizing are available for their intended purpose.

RECOMMENDATION

Assess and make decisions about ODE's budget concerning projections for new school openings and potential closures. Those projections should also anticipate and make recommendations for potential surplus revenues.

5.6 Leadership and Decision-Making Body

The authorizer leadership and decision-making body understand their roles and responsibilities; are invested in the mission, vision, and strategic plan of authorizing; and have the expertise necessary to make well-informed decisions that support the tenets of a high quality authorizer.

Established:

 Minimally Developed

Applied:

 Partially Developed

Analysis

ESTABLISHED

As established, the authorizer's practices are minimally developed. The state board and ODE leadership have little in the way of documented commitment to the role and responsibilities of charter school authorizing. Authorizing policies are underdeveloped, and charter schools continue to be a relatively low priority both politically and practically.

APPLIED

As applied, the authorizer's practices are partially developed and are on the upswing. In particular, the state board's orientation on charters has shifted from one of disengagement and distancing (as reflected in active efforts to encourage approved charter schools to seek transfer back to their districts) to one that is increasingly oriented around demanding quality performance. Board members consistently articulate the expectation that charter schools contribute positively to the overall quality of public education in Oregon, and that the schools need to reflect well on the state's public system if their continued operation is to be warranted. The next step in this progression is for the state board to be explicit and transparent in stating its authorizing goals and objectives, as well as its expectations for charter school performance.

RECOMMENDATION

Fulfill the recommendations made throughout this report, particularly those pertaining to strategic priorities and to establishing clearer performance standards, in order to demonstrate leadership investment in quality authorizing.

Sources

Background and Organizational Capacity

Board Member Biographies
Organizational Chart
Job Descriptions
Organizational History
State Board of Education Policy and Procedure Manual
School Leader Survey Results
Self-Evaluation Survey Results

Application Decision Making

Three (3) Year Record of Application Decisions
Completed Charter Proposals
Charter School Proposal Review Materials and Recommendations
Guide to State Board of Education Charter School Sponsorship
Charter School Proposal Completeness Rubric

Monitoring Operations

Charter School Contract
Student Performance Targets
Conditions Precedent to Operation of Charter School
Site Visit Protocol
Process to Request Waiver of Charter School Law
Charter School Requirement Tracking Document
School-level Action Plan and Closure Materials

Performance-Based Accountability

Annual Reports
Site Visit Reports
Renewal Recommendations

School Histories

Applications
Charter School Contracts
Key Correspondence
Annual Reports
Student Performance Targets
Financial Audits
Parent Surveys
Charter School Portfolio History

Biographies

William Haft is NACSA's vice president for Authorizer Development and is responsible for improving authorizer practices through direct services and partnerships. NACSA's current authorizer development activities include managing the startup of the Washington State Charter School Commission during its first application cycle and improving the replication and closure practices of authorizers through our federal Performance Management Replication and Closure grant. William is a former school teacher and attorney and has served on the board of directors of Democracy Prep Charter School in New York City. William is a graduate of Carleton College (B.A., classical studies), and holds a J.D. from Harvard Law School and an M.Ed. (administration) from Arizona State University.

Jacob Landry is a consultant for the National Association of Charter School Authorizers. He has worked in public education for nine years as a classroom teacher in Hawaii, in teacher recruitment for a national nonprofit in the Pacific Northwest, and as a charter school authorizer. Jacob led the charter school office at the Louisiana Department of Education where he oversaw 70+ schools, and he served as chief strategy officer for Jefferson Parish Public Schools, Louisiana's largest school district. In that role he oversaw charter school authorizing, communications, data systems, and testing. Jacob holds bachelor degrees from Louisiana State University, a master's in education from the University of Hawaii, and an MBA from Tulane University.