

Q&A: Public Call for Non-Renewal December 15, 2011

What is a “public call for non-renewal”?

The California Charter Schools Association (CCSA) is calling today for the non-renewal of ten charter schools from across California that are below CCSA’s Minimum Criteria for Renewal. This public call for non-renewal represents a significant step towards advancing accountability and fulfilling our collective promise of quality education for children across the state.

The Charter Schools Act approved in California in 1992 opened the door to education reform and school choice, allowing charter schools to operate with autonomy and flexibility in exchange for higher accountability.

In conjunction with CCSA’s Member Council (which consists of charter school leaders from across California), and in consultation with technical experts, CCSA developed an Accountability Framework that is a three-dimensional model that hones in on the value added by schools, as well as measures of academic status and growth. The Framework is the basis of CCSA’s Minimum Criteria for Renewal, a minimum performance standard that CCSA developed and uses as part of its advocacy efforts for charter schools seeking a renewal of their petition. Under California law, charter school petitions are authorized for up to a five-year term, and may be renewed by the authorizer for five more years. To inform schools, authorizers and the public on school performance, every fall CCSA publishes Academic Accountability Report Cards that show the results of every charter school on the Accountability Framework and CCSA’s Minimum Criteria for Renewal. CCSA encourages authorizers to use this data in making their decisions about whether to renew a school’s petition.

Upon the publication of the 2011 Academic Performance Index (API) results, CCSA identified thirty-one (31) charter schools from across California that are Below CCSA’s Minimum Criteria for Renewal.” Of those 31, 11 schools’ charters expire before June 2012, and thus are in the process of petition renewal. CCSA provided all schools above and below criteria an opportunity to provide demographic data corrections and for those schools below criteria, an opportunity to submit additional student level, longitudinal data, starting on October 17. CCSA analyzed the data provided and determined that of the 11 schools in renewal, 10 schools still do not meet CCSA’s Minimum Criteria for Renewal and CCSA has informed these schools of this circumstance, and will take steps toward informing the authorizer and encouraging it to exercise their authority not to renew the charter petition and close the school. In order to meet CCSA’s Minimum Criteria for Renewal, charter schools must have operated for a minimum of four years and meet *at least one* of the following:

- Academic Performance Index (API) score of at least 700 in most recent year
- 3-year cumulative API growth of at least 50 points (2010-11 growth + 2009-10 growth + 2008-09 growth)

- Within range of or exceeding predicted performance based on similar student populations statewide, for at least two out of the last three years, based on CCSA’s metric, the Similar Students Measure.

In all, the ten charter schools who do not meet CCSA’s standard for renewal represent slightly more than 1% of the 982 charter schools currently in operation in California, and represent all school types and regions of the state.

Why is CCSA continuing to pursue accountability strategies based on a system (Academic Performance Index, or API) that will likely change in the future?

CCSA has held accountability as a key initiative for many years and has focused relentlessly on the pursuit of *quality* as a constant priority through many political shifts and changing legislative cycles. As we continue to evolve with the system, it is clear that our work requires an urgency that supersedes the impulse to ‘wait to see what will happen next’. Our measures and criteria are designed to evolve if and when the system changes, while also remaining focused on addressing chronic underperformance.

While the political landscape is re-forming and taking shape, we want our members, and the families who rely on us, to provide strong choices for kids, to know that we are steadfast in our commitment to address chronic underperformance, and take bold steps toward fulfilling the promise of charter accountability, not just in concept, not just in theory, but where the hardest decisions meet reality – the call for non-renewal.

Thanks to the dedicated effort of CCSA’s Member Council, our charter leaders and our CCSA team, we have a reliable framework upon which *we can act now*. We can set the standard, we can lead by example, and we can demonstrate that we are serious about ‘policing our own’ rather than taking a ‘wait and see’ approach and sit by the sidelines of reform.

Aren’t the API measures in place right now fatally flawed? Why pursue them?

There’s a difference between asserting that California’s accountability system is perfect or addresses questions of quality holistically, and saying that it is useless for ANY use, or that it tells us nothing about performance.

We agree that the API system – in order to serve as a true performance management system that encompasses definitions of quality as well as underperformance – is not there yet. However, we do believe that for purposes of setting minimum benchmarks of what students ought to know and be able to do (the California Standards), meeting minimum benchmarks—as measured by minimum levels of performance—is a useful way to define, set, and enforce a floor below which a public school is no longer keeping faith with its fundamental educative function. That’s why we were supportive of Senator Darrell Steinberg’s effort for broader criteria this past Legislative session (SB 547), and look forward to working with the Senator, as well as the authors of our sponsored measure, SB 645, to ensure we continue to make progress in advancing California’s assessment system for all schools – both charters and traditional public schools.

Is CCSA setting itself up as a regulatory agency to make renewal decisions?

Absolutely not. What we are providing is a stronger, more reliable set of criteria and use of publicly available data to aid districts in making the appropriate renewal decision. Local districts – if schools are chartered by them – have the jurisdiction to make renewal decisions, based upon the current provisions of law, which provide guidance regarding criteria for renewal. What we have found over years of analysis and testing of the criteria, is that there are some significant shortcomings to the current provisions, which make it quite difficult for districts to make sound, timely decisions at the time of a charter’s renewal. Further, the application of these criteria is extremely uneven across the state, which has allowed for the re-authorization of charters that depart significantly from the statewide distribution of academic performance that would be considered acceptable.

How CCSA’s Minimum Criteria are for Renewal better than what exists in current law?

Current law (Ed Code Section 47607(b), provides for minimum renewal standards, such as meeting the API growth target in the prior year or in two of the last three years, or ranked in deciles 4 to 10, inclusive on the API in the prior year or in two of the last three years. But because API rankings are released nearly a year after testing, this data does not provide a current picture of a school’s academic performance. Some of the benefits of CCSA’s Metrics include:

- Using elements of both academic status and growth
- Using multiple years of data to mitigate yearly fluctuations
- Using the most recently available data on for renewal decisions
- Allowing schools to demonstrate additional value through the SSM
- Aligning better with other cutting edge accountability and performance management approaches, such as value added measures and the use of status and growth measures to track an individual school’s record over time both statewide and nationally, even within the limitations of California’s dated data system, does not yet track individual student level data for reporting purposes

How do the schools you have identified perform on the current criteria in law, and aren’t the authorizers *obligated* to use those criteria only? Charter renewals must meet the standards and criteria under Education Code section 47605.”. In addition, authorizers must also assess whether a charter is providing a sound educational program, consistent with the criteria under Ed Code Section 47607(b). The use of State Ranks and the Similar Schools Rank for renewal determinations a more volatile set of measures that fluctuate significantly from year to year, and have limited use in assessing the soundness of the charter school’s educational program for authorizers. For example, a charter school’s SSR can change from SSR 8 to SSR 2 from one year to the next without a dramatic change in API.

That said, of the 10 schools that CCSA identified Below Criteria, 7 also do not meet the current guidelines in law. We encourage authorizers to review school results very carefully and review the complete record of performance existing for each school, for which our Accountability Framework provides a proven, research-based method for assessment.

What's at stake in pushing forward with accountability measures now rather than waiting?

All charter schools serving children in California must be held accountable for educating them; and while we can debate endlessly about defining perfect measures--under which circumstances and impacting which schools--we know we cannot tarry. Our framework has been pressure tested, analyzed and deliberated thoroughly. The time to act is now – because our children require the urgency of our deliberate response. By having a clear and honest analysis, charters can learn from the best, and we can take a closer look at the charters that are not delivering results to their students and families.

We cannot have an honest discussion about education reform and increasing accountability without closing the charters that have demonstrated an inability to meet the challenge of excellence, and chronically underperform.

Having the support of our members is essential, and we are deeply grateful for the leadership and thought partnership of our Member Council and the literally hundreds of charter leaders who have shared their best thinking with us, have piloted our Accountability Report Cards and results, and have given us useful feedback on our framework and its measures. We are also encouraged by the many statements of support as we implement this framework, as well as the positive support for our initiative, as indicated by the results of our member survey, administered late this past summer. Your courage and leadership is deeply appreciated.

Do members support this initiative?

Our Accountability Framework represents more than two years of research work, deep engagement with members and sustained work with our Member Council. Following this exhaustive development work, Member Council recommended the Board adopt the Framework and minimum criteria in Fall 2010; the efforts toward increasing accountability continue to reflect the membership's desires, representing about 85% of all autonomous charter schools in California. In a member survey taken late in the summer of 2011, a majority of members indicated they were very satisfied with CCSA's emphasis on accountability, with a third believing this should be the top priority, indeed tracking higher levels of support for this work than the previous year.

Is CCSA saying all that matters is testing? Does it provide an incentive to cheat?

Testing and academic performance are very important components of every public school, and as public schools, charters have an obligation to measure our efforts against results, and to be held accountable against performance benchmarks that are recognized to be measureable and observable.

To be sure, as has been broadly discussed nationally, there is a vigorous and healthy conversation about the role and weight of testing in the past two decades, and whether one of the unintended consequences of the testing regime is an undesirable narrowing of the curriculum, or worse, encourage a facile and shortsighted strategy of 'teaching to the test.'

We agree that a high quality education is about much more than the 'basics.' High quality teaching and learning are not always ONLY reflected in high test scores. But it is ALSO not the

case that these are mutually exclusive.

More specifically, it is certainly not true that a measure of innovation and creativity, and teaching the whole child must, by necessity, result in low test scores. Quite the contrary. We see evidence of this in the many charters who are serving the most challenged students holistically, and still post impressive testing results. (See our Report on African American Performance <http://www.calcharters.org/understanding/research/africanamericanreport/>) for a full treatise on what we mean.

We want our kids to be strong leaders, good citizens, critical thinkers, and perform well in tests; the future generations of Latino and African American doctors, lawyers, social scientists, and political leaders will also need to do well in their other testing, such as:

- SATs
- Medical College Admissions Test (MCAT)
- Law School Admissions Test (LSAT),
- Graduate Record Examination (GRE)

Our framework – measured by testing – is the ‘bones’ of a sound structure. Without the ‘bones’, there is no foundation, no robustness, and nothing to hang all the other things we know to be important in a child’s education. But the ‘bones’ are also not the sum total of the body.

That is where other measures more appropriately defined as ‘quality’ come in, including:

- Student engagement;
- Retention;
- Post-secondary attainment and persistence;
- Teacher effectiveness;
- Access to challenging, advanced curriculum;
- Progression within proficiency bands toward excellence;
- A well-rounded curriculum;
- Life skills that will help students succeed in life, beyond school;
- Measures defined by the mission of the charter – like performative competence (if an arts school) or life skills (if a vocational school).

But those are not intended to replace the bones of the educative enterprise or be the only elements of the core mission of public schooling.

Our first step was to launch a framework that made a significant leap forward in defining the contours of those bones, and measured the charter movement’s performance against itself, and against the performance of traditional schools. What we learned has been invaluable - we know who is strong, who compares to who, who needs help, and who’s efforts, despite the best intentions and pouring of effort into the enterprise, are just too far below the mark, and should cede the way for a more successful effort.

Does this provide an incentive to cheat? We expect our schools to hold to the highest ethical and operational standards, and it is clear that cheating is not acceptable under any circumstances –

whether charter or traditional public schools are involved. To be sure, there will always be misguided individuals who will risk all – reputations, sanctions and fines, the livelihood of their staff and the integrity of their service to children – to pursue a short term gain. But we don't see that as proof that therefore testing should be abolished or dismissed. We have more faith in the Movement than that. Our leaders are uniquely mission-driven and passionate about serving students well. And their results are remarkable! That is where our faith lies.

How does the emphasis on accountability or performance management help facilitate conversations about teaching and learning?

The Accountability Report Cards issued in mid-October for a second year in a row, and our upcoming second annual Portrait of the Movement report– to be published in February 2012, provide an important window to understand the distribution of performance across the charter spectrum itself and in comparison to traditional public schools. We believe our framework and the transparency of results it provides can help guide schools to find each other in the constellation of performance and find great examples of similar schools that are serving similar students and doing an amazing job with their results. We will also be introducing new Web-based reports and tools to help schools make a strong data case for comparison with other public schools—charter and non-charter—and understand where they are excelling and where they may be falling short.

This should be but the first step in matching high and low performers within an affinity group and facilitate the conversation about WHY those results are observed. Without clarity, transparency and access to that information, what we see is mostly a sense of isolation and an underlying sense that the outcomes for individual schools are ‘the best they can do.’ When we compare records, however, we can see the distribution of performance clearly and begin to explore the following ‘Why? What are they doing that I can replicate?’ ‘Where are my strengths and weaknesses?’ We see these conversations already taking place across the state and are encouraged by the caliber of thinking these issues are provoking.

What is the scale of the problem? How many schools are likely to be closed as a result of the accountability initiative?

Only the schools that have consistently failed to meet academic and growth targets and that are in renewal (whose charters expire by 6/30/12) are the subject of CCSA's public call for nonrenewal. Numerically speaking, we are talking about approximately 1% of the charters in California. Only authorizers have the authority to decide not to renew a charter school's petition. We urge authorizers to review the information we provide as they make their decisions. At this time, we do not know how many of these 10 schools' charters will not be renewed.

What criteria are established in the Revocation Regulations, adopted by the State Board of Education in November 2010?

The regulations set standards for the SBE to identify for potential revocation schools that have shown “substantial and sustained departure from measurably successful practices” (EC 11968.5 (e)) and their district has failed to act. A school is identified if it has an API Statewide Rank of 1 over the past two years and 3-year cumulative API growth under 50 points.

What is the timeline for the Revocation Regulations?

The SBE approved the regulations and issued notice to schools to submit additional data for a deeper review of their performance data; the schools anticipate a response from CDE sometime in February of 2012.

What is CCSA's position on the Revocation Regulations?

CCSA supports the SBE's efforts to address sustained charter school academic underperformance that hasn't been adequately addressed by local authorizers. We believe the regulations provide a reasonable first pass for identifying low performing schools. While no system will always be perfect, the regulations reflect our principles for a fair definition of minimal performance and allow for a deeper assessment of school value-add, potentially including the SSM, as part of the revocation hearing. Therefore, we believe this reflects a step in the right direction toward clear and enforceable minimal standards of performance. We will continue to monitor how the CDE and SBE will address notification and assessment of schools and will continue to support our members to make their best data case.

Does CCSA's Accountability Report Card fulfill charter school's federal School Accountability Report Cards (SARC) requirements?

No, it does not. SARC cards are a federal requirement intended for specific dissemination on specific measures required by law. Our accountability report cards *only* address the state accountability system measures against CCSA's own performance framework. Of course, schools can and should share them with their own stakeholders, but they do not fulfill the federal requirements set forth in No Child Left Behind (NCLB). For additional information on SARC requirements and assistance, please visit our CCSA Resource Library or contact our Help Desk.

Does CCSA's accountability initiative hurt charter schools that are not in renewal this year by labeling them 'underperforming'?

We did not publish Accountability Report Cards publicly for schools below CCSA Criteria (32 statewide) until today, because we wanted to ensure that the schools identified have an opportunity to correct potential demographic data errors (like all other schools) and/or work with us to identify individual student level longitudinal analysis that may be even more precise than our Similar Students Measure (SSM).

Schools that do not meet CCSA's minimum criteria but are not in renewal should take this information as an early warning tool that can help them identify new strategies to address not just their renewal in the upcoming years, but also assess how long they have and how far they have to go to meet criteria, to ensure the full support of CCSA.

This early warning system should inspire vigorous deliberation at the school site about how best to accelerate performance where they can, in the time they have left before a renewal.

For more information, please visit www.calcharters.org.

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