

**Proposed Philadelphia School District Charter School Authorizing Policy
Comments and Recommendations from Public Citizens for Children and Youth
Submitted March 7, 2014**

The Philadelphia School Reform Commission released a proposed charter authorizing policy called the Accountability Quality Initiative. The policy can be found here:

<http://webgui.phila.k12.pa.us/uploads/oB/8s/oB8sYaoODuYvWnpksAQyRA/AQI-Final-Draft-Policies-Public-Comment.pdf>

What follows are the recommendations that Public Citizens for Children and Youth suggests would improve the policy :

Mission and Vision:

The District and SRC are to be commended for crafting a thoughtful and comprehensive draft set of policies for the Authorizing Quality Initiative. It's especially useful that the District has crafted an authorizing approach that reflects the Philadelphia School District's long experience as a charter authorizer and responds to the lessons learned over nearly 20 years of this work in Philadelphia. In many respects the draft is carefully calibrated to deploy District authority and resources in ways that put the needs of all students first, while recognizing the real organizational demands that both charters and the District face in their efforts to deliver a high quality learning environment for students.

Our comments to support or improve the draft follow.

The District's approach for reviewing the academic, as well as fiscal, implications of authorizing charters shows a maturing of the review process and demonstrates a strong commitment to all students and to the prudent management of public resources. We recommend that the document include explicit language that makes clear that the approval of new or renewed charters must be based on the needs of all students enrolled in public schools and that new charter seats will be identified from the pool of seats generated by non-renewal, revocation or termination of failing charters. It is from these seats only that new charter seats can be made available to meet the needs of students in buildings that are overcrowded, where the District is seeking a charter to meet the needs of a special population of students and/or where Renaissance charter schools are considered optimal.

The vision could be improved by explicitly defining "high quality." An option would be to include language that reads, "High quality charters offer students a rigorous academic program that has demonstrable impact on student learning gains for all students enrolled." Likewise, the vision should explicitly state that the SRC is committed to ensuring all charters are open and welcoming to all students. As such, the vision statement could be clearer by stating that, "Charters authorized by the SRC shall have student bodies that reflect the diversity of students enrolled in the Philadelphia School District and that no charter has illegal or inappropriate barriers to enrollment."

The mission would be more complete if it was made explicit that a clear, transparent and research-based approach to charter authorization is an ongoing process that will require continuous improvement and review on a periodic basis; we suggest this occur every three years.

Charter Schools Office:

The draft is unclear about the entity or person to whom the CSO will report. We strongly believe that the most stable and supportive location is within the Office of the Superintendent. While the District has many challenges and suffers from under-staffing, it is nevertheless an organization with a stable set of operating procedures that can permit a CSO to be launched quickly without spending unnecessary time creating basic operational systems or relationships. In addition, by placing the Office at this high level, it will be more likely that the innovations and promising practices that show results among charters will be brought to the attention of District administrative and academic leadership and disseminated to District schools.

The CSO description is silent with respect to the charge of the office to ensure public accountability and information about charter school authorizing activities and charter school performance. The Charter Office should be charged with the collection and release of data that provides the public with a clear accounting of charter performance and that permits easy comparison among charters and between charters and District-run schools.

The need for consistency in public reporting is another reason to locate the CSO within the District's organizational structure. The CSO needs to have clear organizational relationships with the District's research and assessment staff so that terms, definitions, periods of measurement and reporting formats are consistent across all public school reporting.

The CSO should also be charged with the development of charter student enrollment processes and it should be held accountable for working to ensure that all students and parents are fully apprised of District and charter options for enrollment. Further, the office should take an active role in removing barriers to applications and enrollment in charters, and in engaging with charters to ensure they are building a student body that reflects the demographic and economic composition of the District's student body. Section 408 speaks clearly to the policies regarding barriers to enrollment; however, the CSO must be clearly charged with ensuring this policy is put into practice. Likewise, the CSO should be expected to develop and regularly review metrics of access, enrollment and retention of students within charters.

Further, to support a fact-based discussion of charter performance, the CSO should be expected to track student transfer patterns between and among charters and from charters to District-run schools. The CSO should also identify positive trends and address negative ones when they are found, with respect to all students, including those who are special education students, English language learners, or students returning from placement.

Basic student supports are not in place in every charter. For instance, some charters do not offer their students access to federally subsidized free- or reduced-priced meals. The CSO should be expected to track the basic student supports that could, and should, be available to students and release data publicly detailing each charter's performance in making supports available. This data should be collected in a manner that compares charter access to the aforementioned supports to the District's traditional public schools. Moreover, the CSO should work directly with charters to increase access to these basic supports.

The ethics policy could be strengthened by barring subsequent employment by any member of the CSO staff with a charter, charter foundation, and charter management organization for 24 months. Expanding the time horizon will increase public confidence in the independence of the staff and the integrity of their work, intentions, and recommendations.

As it appears, this section bars the receipt of public funds to support the CSO operational costs. We believe that state or federal funds available to support the CSO should be employed for these purposes. As such, we recommend that the language be revised to read, "The District will not accept private funding to implement core regulatory functions." However, we also urge the consideration of the formation of a blind trust to which interested philanthropists could contribute to support the CSO,

as long as such support came with expectations limited explicitly to the smooth and efficient operation of the CSO.

New Charter Applications:

We strongly support the language that reads, "Consistent with its mission to allocate limited financial resources to all schools in Philadelphia, the SRC shall consider the financial impact of any application to create a new charter." We also strongly support the language that reads, "The SRC may establish a preference for applicants proposing new charter schools that have a limited financial impact on the district through the applicant's proposed use of district resources, proposed recruitment of students from a District defined catchment area or other proposed cost savings to the District."

We are pleased that under the section for new charters, reference is made to "competitive preferences." While this sort of transparency is welcome, to ensure high quality charters are created to meet the preferences, it may be more prudent to establish the competitive preferences every two years so that external providers have time to put quality plans together to respond to those preferences and to ensure that there is thoughtful, long-range planning within the District to craft preferences in ways that respond to real student needs.

Further, we recommend that in subsection 3, the document describe the parameters of competitive preferences and insert clarifying language that stipulates that these preferences must be made based on objective data that shows the need for additional Renaissance Charters, charters that address overcrowding in district-run schools or to meet the needs of special student populations. While these parameters are stated in other sections of the draft, restating them in this section would increase the document's overall clarity.

We commend the language in subsection 7 that requires the District's CFO to prepare a five year financial projection and alternative cost effective scenarios for SRC review.

Given the attributes of modern technology, we recommend that the CSO post charter school applications within 48 hours of receipt.

In addition to the items delineated, charter applications proposed by existing charters should include a summary memo of all lawsuits and investigations against the charter and its staff. The charter should be required to provide tax records and evidence of no federal, state or local tax delinquencies. If a charter is expecting to enter into a management agreement for charter operations, the terms of the contract

should be provided and the costs of the contract should be explicit. Further, the charters should provide fully disaggregated student performance statistics for all years of operation.

Requirement of Signed Charter:

We strongly support the useful approach and all text as written in this section. We believe this section will ensure that binding partnerships are created between the School District and charter operators. We recommend that the signed charter also have explicit expectations of the District so that charters have clear, reasonable and enforceable expectations. We would suggest the inclusion of language such as timely release of school district payments to charters, a commitment to maintain consistent reporting requirements of the life of the charter, timely review of problems with the charter and reasonably quick decisions on the part of the district to solve charter payment and enrollment issues.

We recommend that charter agreements include language that permit third party evaluators approved by the district to have access to observe charter operations during the school day, free access to interview charter staff and appropriate access to charter data files and records. These same expectations should be explicit with regard to third party evaluators given access to District-run schools as well.

Further, to ensure maximum transparency, charter agreements should specify that any and all required regular reports submitted to the Commonwealth of Pennsylvania shall also be submitted to the District on the same day that such information is transmitted to the state.

Charter School Monitoring:

The clarity of process described in this section is a useful step forward in ensuring that all charters are reviewed in a consistent manner and that the District is more actively creating a predictable environment for charter operators.

We note in subsection 4 that the draft does not describe interim measures that can be imposed on charters where there is evidence of low performance. We recommend that the final policy include interim actions that can be taken to ensure that low performing charters improve so that revocation or termination can be avoided. One option for an interim measure could be the withholding of charter payments until the charter operator demonstrates that corrective measure(s) are in place. We would suggest that any interim consequences for low performance be explicitly described in the signed

charter agreement and be described in Section 403, so that all parties are clear about expectations and consequences for failing to meet those expectations.

We also recommend that the CSO's monitoring protocols be developed in a manner that permits charter operators and the public to comment on the approach. Furthermore, the SRC should formally adopt the approach and agree to adhere to the protocol for at least three years so that charter operators have predictability and clarity about the District's monitoring system.

Likewise, we strongly support the annual posting of the assessment of each charter. We believe that the format of this assessment should be carefully crafted based on input from charter operators and the public and be subject to revision at three year intervals, as well. Here again, we make this recommendation with the goal of stabilizing the current system and ensuring operators and the public can understand the assessments.

We believe that, to the extent possible, all district-run and charter schools should be subject to the same assessment, with the same definitions, standards, measures and metrics.

Charter School Renewal:

To strengthen this section, we recommend that the data provided by charters must be carefully defined by the CSO to ensure that the information is both appropriately disaggregated and presents a comprehensive picture of the charter's operation including all relevant lawsuits, investigations and tax liabilities.

Non-renewal and Revocation:

We commend the District for making the basis of non-renewal or revocation clear and for establishing clear timelines for the decisions.

We believe that the District must make the decision about conversion to another charter or a district-run school based in part on the capacity of district-run or other charters schools that serve the same grade span, as well as by considering the closing charter's location. Given that there are many factors to consider, and each case will be different, we strongly urge the CSO to create a standardized decision making matrix that guides how to handle the transfer of students enrolled in a closing charter. We recommend that the office also create a clear and publicly released decision making matrix that will

guide the decision making, with respect to what do to with seats that become available as a result of closing a charter.

Charter School Modifications:

We believe that this section could be improved by shifting to a deeper review and a long-term planning paradigm.

With respect to review, we believe that for any charter expansion requests, the CFO prepare a five year financial projection of the costs and present alternative cost effective scenarios for consideration by the SRC.

As such, we recommend that to the degree the District believes it is fiscally prudent to expand charter enrollment, it should make that decision every two years so that charter operators can be responsive and carefully plan for such expansion. We also believe that a two year process can ensure a more thorough review of applicants and expansion of the monitoring capacity needed to oversee charters.

We strongly object to the inclusion of the top two tiers of charter performance for the determination of which charters are eligible for modifications that involve expansion. Instead, we recommend that only those charters that are in the top tier – Exceeds Standards – be permitted to modify their charter for expansion. We make this recommendation because research has shown that these charter operators have the greatest demonstrable capacity to expand without undermining the quality of their performance. We note, however, that some charters with the strongest results have significantly fewer at-risk students than do district schools. . As such, the data on their performance may not predict success if expansion is granted. For this reason we believe that it is urgent that the CSO work with charters to ensure greater access to at-risk students so that performance can be considered predictive and meaningful for review when a case is made for expansion or replication.

We suggest that the SRC and CSO consider the adoption of a policy that ensures that when expansion requests are being considered and are fiscally possible, priority consideration be given to requests by charters that are seeking to expand their grade spans, if they are high performing and have a student body reflective of the concentration of at-risk students in the District. We recommend this approach because consistency of educational approach and relationships, where they are working, is in the best interest of students. Research shows that most students do not handle transitions well, so efforts to decrease transitions and shifts in educational approaches can have a positive effect on students and

should be considered an important system improvement in the overall operation of the District/Charter partnership.

We also suggest that charters be offered only one chance to request an expansion in their seats in the term of their charter. We offer this suggestion to help build stability in the overall charter enrollment system and to ensure that the CSO can operate efficiently and meet its expectations for being thorough, accountable and responsive. For the same reasons, with respect to subsection 5, we recommend that material modifications to charters be limited to one revision per the term of the charter.

Renaissance Charter Policy:

We commend the District for being explicit about the urgent need to improve performance in under-performing District-run schools. We believe the Renaissance Charter model may be an effective model to employ in these circumstances; however, not every Renaissance Charter has shown the rate of desired or needed improvement. Meanwhile, research also demonstrates that the original Promise Academies model made impressive gains in student achievement in the early years of implementation when the model was fully supported and funded. As such, we believe that the preamble in this section should explicitly state that both charter and District-run models can be employed to turn around failing District schools. We make this recommendation not only because of the evidence that suggests the positive impact of the original Promise Academy model, but because the premise of the charter school model is that it is intended to cause the public school system to innovate. As such to be true to the premise of the charter school model, the District should be required to identify the successful practices found in turn around or other charter models and annually report to the SRC what those practices are and how the District will replicate them in struggling District-run schools. The goal for any Renaissance policy should be to ensure widespread adoption of best practices across the District so that the need for turn around models is eliminated. Any agreements with Renaissance Charters must include explicit language that District staff and District approved third party evaluators shall have free access to observe school activities, review charter files and interview charter staff and students when these activities are in service of an evaluation of the charter's activities or performance.

Barriers to Entry:

We commend the approach taken in this section and strongly support its language. We believe this section could be strengthened by directing the CSO to identify charters with student bodies that are significantly more advantaged than the overall District, and charge the CSO to develop a corrective

action plan with each charter that needs one. Over a reasonable period of time, this should result in every charter having a student body that appropriately reflects the district's.