SCHOOL CLOSURE GUIDE

Accountability in Action

A Comprehensive Guide to Charter School Closure

Edited by Kim Wechtenhiser, Andrew Wade, Margaret Lin, and Parker Baxter

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Introduction

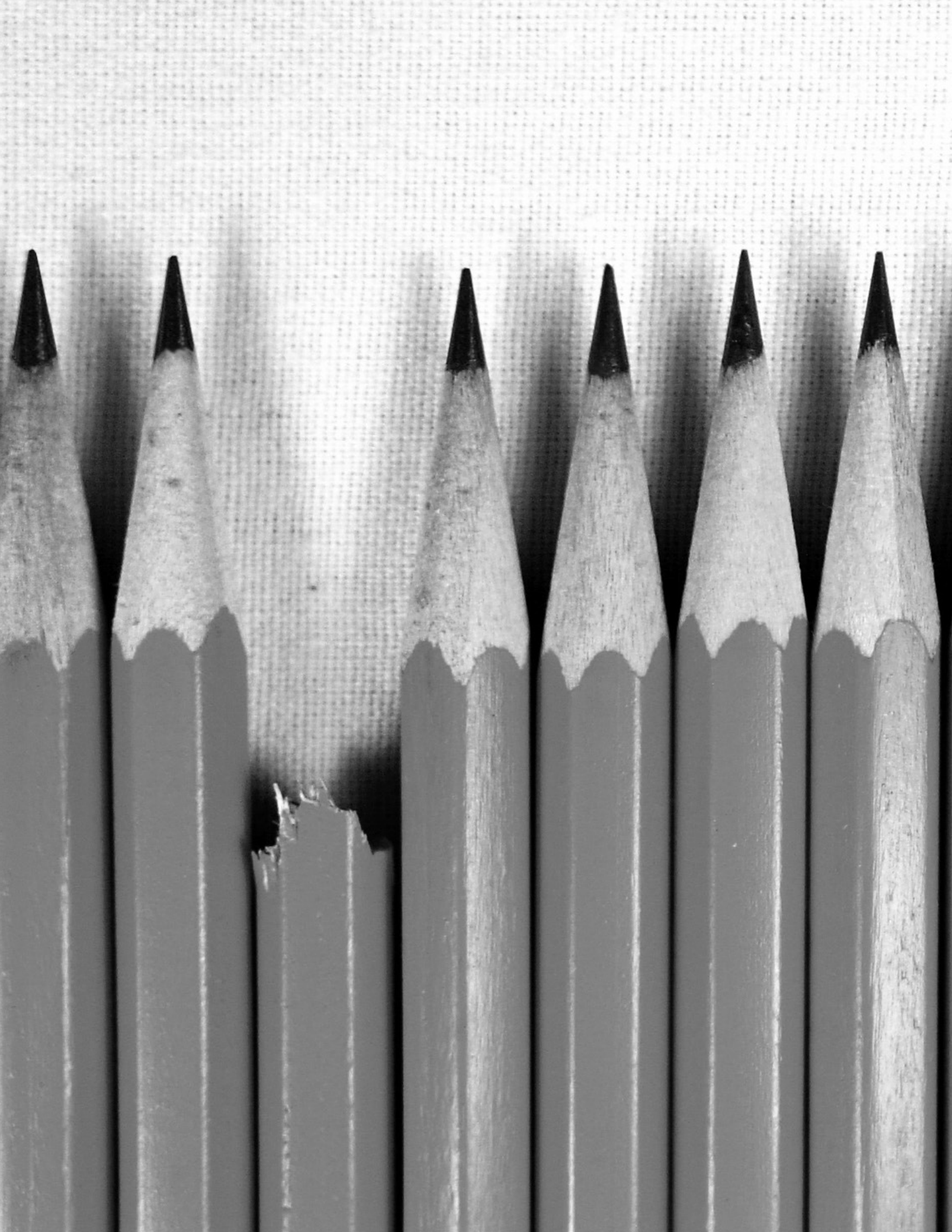
NACSA launched the One Million Lives campaign late in 2012 with an ambitious goal: to work to establish better schools for one million children. That means opening thousands of new great schools, but it also requires the closure of our sector's lowest performing schools.

Closing a failing charter school is difficult, but it can be done. In fact, it has been done hundreds of times across the country. However, if you are on the staff or the board of a charter school authorizing agency that is facing a closure decision, the fact that other authorizers have closed schools may be of little comfort. You are facing a daunting collection of academic, financial, compliance, legal, political, philosophical, and personal information. Some of that information will suggest that you take bold action to close the school; other information may suggest a more cautious approach. Many authorizing staff and board members end up feeling overwhelmed and frustrated. Those feelings themselves often lead authorizers to become cautious and to keep a failing school open.

Yet other authorizers have been in your situation. They have faced the same complexities and emotions and then successfully closed a failing school. This Comprehensive Guide to Charter School Closure is designed to assist the staff and board members of authorizing agencies as they address the wide array of challenges involved in any closure decision. It draws directly upon the successful experiences of other authorizers across the country. Yes, closing a failing charter school is difficult. It should be difficult. Yet that difficulty must not stop us from making the tough decisions in the best interests of children. Far too many children in America, especially low-income children and children of color, are attending schools that are failing them—both charter schools and traditional district schools. As the staff and board of an authorizing agency, you are entrusted by the public with unique and extraordinary powers to approve new good charter schools and to close those that fail. This guide provides you with information and tools to help you fulfill those responsibilities so that more children attend only high-quality schools that successfully prepare them for their futures.

As the One Million Lives campaign moves forward we will continue to engage authorizers and a broad coalition of school operators, lawmakers, funders, and others to get this work done. We hope this resource along with dozens of others available from NACSA will help you to continue to bring about the positive change that is so important in the lives of our nation's children.

Greg Richmond
President and CEO
National Association of Charter School Authorizers



chapter 1

Why Good Authorizers Should Close Bad Schools

James A. Peyser and Maura Marino

CHAPTER 1 GUIDANCE

- Define performance expectations up front.
- Identify red flags and build an evidence base.
- Make a strong case.
- Don't balk.

Charter schools serve a variety of purposes. They empower parents by giving them more educational options from which to choose; they provide opportunities for innovative educators to implement new approaches to teaching and learning; they create schools for specific student populations or neighborhoods that are underserved by local school systems; and they put competitive pressure on school districts to change and improve.

The charter sector is thus driven by diverse purposes, and authorizers have different reasons and motivations for chartering schools. Despite these differences, a bedrock principle of the movement is that charter schools must have the freedom to determine their own course within the broad parameters of their charters, and in return, they must be held accountable for their results.

This chapter provides an overview of charter school closure and the need for matching solid evidence with political will.

Reasons Bad Charters Remain Open

An explicit part of the autonomy-for-accountability bargain is that bad charter schools will be closed by their authorizers. While hundreds of low-performing charter schools have closed, many others are allowed to remain open year after year, from one charter renewal to the next. The reasons are complex and varied, and each case presents unique circumstances. Nevertheless, it is possible to generalize about why authorizers balk at revoking or not renewing charters.

Reason #1: The absence of clear or meaningful performance criteria

In some cases, authorizers have not established clear performance criteria for charter schools at all; in other cases, the standards are vague or ambiguous. This is particularly common for special-purpose or highly innovative schools that are often focused on hard-to-measure outcomes other than academic achievement on state or other standardized assessments. In other cases, charter school accountability agreements or contracts[1] have specific and measurable performance objectives, but they are aspirational rather than achievable (at least during the charter term), making it problematic at renewal time for authorizers to determine how much progress towards the goal is enough.

Reason #2: The absence of a strong body of evidence gathered over the charter term

Often even when authorizers have established clear renewal criteria, they fail to gather a strong body of performance data and evidence over the charter term. Insufficient monitoring and inadequate evidence render authorizers unable to build a solid, publicly defensible case for closure even when schools are on shaky ground.

Reason #3: The absence of better alternatives in the surrounding neighborhood

Closing a low-performing charter school often means that displaced students will have to enroll in an equally weak (or even worse) district school. Compounding the problem is the troubling reality that former charter students may be forced to attend schools that are not only educationally unsound, but downright unsafe.

Reason #4: Community and political support for the failing school

Even bad charter schools tend to have devoted parents, students, and staff members who, in turn, are supported by local community leaders and public officials. This presents authorizers with two challenges. First, closing a well-loved school is contrary to the goal of parent empowerment, which most authorizers value highly. Second, bucking a mobilized group of parents and politicians is a tough assignment, especially when there is little or no countervailing public pressure in favor of closure. When it comes time to decide, authorizers are inevitably left alone to take the heat and can find themselves evaluating political costs and benefits, rather than the educational and organizational merits of the case or the best interests of the students affected.

These reasons for inaction are real and powerful. Some of them can be addressed directly by authorizers themselves. For example, authorizers should establish clear and achievable performance goals in each school's charter contract. Similarly, authorizers should develop clear closure protocols and policies that ensure options and an orderly transition for affected students and families, such as providing admission preferences at quality charter or district schools. Other reasons for inaction, including the poor quality of local district schools, may be beyond the immediate control of authorizers. But no matter how difficult it is to close bad schools, authorizers have an obligation to fulfill the promise of charter accountability by ensuring that all their schools meet basic standards of performance. In the face of powerful forces that favor keeping persistently low-performing schools open, what are the most compelling and defensible reasons for shutting them down?

Identifying a "Bad" School: Red Flags and Evidence Basis

Before examining several policy arguments for closing bad charter schools, we first have to define what "bad" means, as well as how to know a bad school when you see one. While it is impossible to reach consensus on exactly where to set the bar, it is possible to identify several red flags that should at least trigger consideration of school closure:

- *Academic Underperformance.* The inability to deliver the student outcomes promised by a school's charter is cause for serious concern and careful scrutiny. Minimum performance expectations for all charter schools should include reliable measures of academic achievement and attainment, including rigorous measures of student learning growth over time. A school's promised outcomes may also include valid non-academic measures, provided that the authorizer approves their quality and reliability. Defining high-quality, multidimensional measures of success is especially important for schools serving specialized populations (such as former dropouts or students with disabilities) or schools with a particular mission (such as an arts or environmental focus) whose breadth of accomplishment may be only partially measured by state assessments. Authorizers need to ensure that rigorous, well-constructed performance measures and clearly defined targets or thresholds for acceptable performance form the basis for charter school performance contracts. In no case should authorizers use other failing schools as their benchmark; better than the worst is not good enough.
- *Financial Mismanagement.* Often, the most obvious indicator of a troubled school is financial mismanagement. A charter school that is teetering on the brink of insolvency can certainly be characterized as bad, whether its condition is the result of misfeasance or malfeasance. Regardless of the strength of its academic program, a charter school that cannot pay its bills is a failure waiting to happen, whether or not an authorizer intervenes to administer the last rites.
- *Organizational Incompetence.* Struggling charter schools that are in organizational disarray or that lack the will and capacity to change and improve should also be candidates for closure—even if they are nominally meeting other minimum performance standards. These characteristics would disqualify a founding team from receiving a charter in the first place; they should also give an authorizer pause when evaluating an application for renewal.
- *Non-compliance.* Finally, any school that is consistently or seriously out of compliance with applicable state or federal

regulations governing public schools must be placed in jeopardy by its authorizer. Some compliance issues can be addressed short of school closure, but others—including those involving student safety or access to mandated special education services—may reflect either a disregard for public accountability or a level of incompetence that could justify non-renewal or revocation.

Analyzing such data over the charter term is essential for authorizers to make well-informed judgments, including closure decisions, that stand up to the scrutiny of a skeptical public.

Making the Case for Closure: Key Policy Rationales

To determine which schools are too weak to justify continued operation, authorizers should collect and analyze data over the full charter term (except in cases of mismanagement so egregious as to merit mid-term revocation). Assuming the authorizer has sufficient data to support a case for closure, it still needs to justify a closure verdict and avoid yielding to public or political pressure to give the school another chance. There are several broad policy rationales that support closure decisions when authorizers might otherwise be tempted to take the path of least resistance. Depending on the specific facts of a situation and the authorizer's approach, the arguments for closing bad charter schools fall into three basic categories: 1) safeguarding students and parents; 2) creating leverage for broader reform; and 3) protecting the public interest.

1. *Safeguarding students and parents from schools that fail to meet basic standards*

   Protecting the interests of students and their families is a primary responsibility of authorizers. This obviously includes ensuring a safe learning environment in which students are protected from physical or emotional harm. It equally applies to ensuring that students are receiving the educational services they were promised and have a right to expect. Schools are not daycare centers; they are not simply charged with safely warehousing children between the hours of 8 a.m. and 3 p.m. Schools exist to prepare young people for higher levels of education, to open doors of opportunity in the workplace, to develop informed and engaged citizens, and to cultivate in each student an understanding and appreciation of themselves and the world around them. Schools that fail in this great mission—notwithstanding the good intentions of their leaders and staff—are not just wasting taxpayers' money, they are profoundly degrading the life chances of a generation and limiting the potential of America's future. This must not be brushed aside in an attempt to protect adults from embarrassment or unemployment.

   Given that students' futures are at stake, charter schools must be able to demonstrate that they are at least meeting the same minimum performance standards applicable to all public schools in their respective states and localities, even if any district schools fail to meet those standards.

2. *Creating leverage for broader reform by raising the bar*

   For those authorizers who see charter schools as a vehicle for closing the achievement gap or driving system-wide reform, simply fulfilling the existing expectations for public education will not get the job done. If charter schools are providing a level of education that is only comparable to or even slightly better than the average district school, how will they ever catalyze the kind of transformational change that so many low-performing districts and low-income communities desperately need? Given the scarcity of human, financial, and political capital needed to support charter school development, authorizers must set a high yet attainable bar and be prepared to close schools that cannot meet it, so that others can come forward to take their place. In this way, an authorizer's portfolio of schools can strengthen over time, even if its growth is constrained by caps on the number of charter schools or by limited resources. The opportunity cost of sustaining a mediocre school is arguably far greater than the temporary dislocation caused by its closure.

3. *Protecting the public interest from poor governance or mismanagement*

   As publicly funded institutions, charter schools must be held accountable as reliable and productive stewards of tax dollars. That means the management and board must behave in a competent fashion to assure the public and its representatives that the school will continue to function in accordance with all applicable laws and regulations. Equally important is that the financial affairs of each school are in order, both in terms of fiscal health and internal controls over the use of resources. Basic standards for effective governance are rightly applied to all public agencies, even if they do not always live up to them. As public schools operating on tax dollars, charter schools must adhere to those same standards. Those that do not or cannot justify the public's trust should be closed.

If charter schools are to have any hope of transforming public education, they cannot settle for simply being pretty good or just above average—especially when that average is well below what students need to succeed in the world. From this perspective, charter schools need to be about excellence. Specifically, they need to prove that excellence is possible and achievable at scale and under difficult circumstances, even with students whom others may have written off.

A few recent real-world examples bring to life these arguments for charter school closure. In each of these cases, the authorizer's decision was difficult and controversial, though there was little doubt that the school in question was struggling operationally and falling short of its performance goals.

Case Study

ROXBURY CHARTER HIGH SCHOOL

Reasons for Closure: Protecting the Public Interest, Safeguarding Students and Parents

Roxbury Charter High School for Business, Finance, and Entrepreneurship (RCHS) received a charter in 2002 from the Massachusetts Board of Education and opened its doors to 75 ninth-grade students in the fall of 2003. It was intended to grow to serve eventually 400 Boston students in grades 9 through 12 and prepare students both for college and vocational paths, with a strong grounding in business education.

While RCHS presented a strong charter proposal, it struggled to develop systems that could deliver on its performance commitments. RCHS's charter agreement detailed several distinctive features of the school, including a curricular focus on business, finance, and entrepreneurship; a longer school year and school day; and individual learning plans for all students. In practice, the curricular emphasis was not fully developed, nor did the individual learning plans come to fruition. RCHS was open for a longer school day, but not a longer school year.

Operationally, RCHS was unable to meet many of its goals. Though plans called for 100 ninth-grade students, RCHS had only 63 its first year. In its second year, RCHS had filled only 59% of its available spaces. Low enrollment strained RCHS's financial position, and it ended its first year of operations with an $84,000 deficit. Cash-flow problems continued during RCHS's second year, though the school made attempts to cut costs and stem its financial decline.[2]

School governance was weak, and the organization was in "deep turmoil and paralysis" by the fall of 2004.[3] The Board of Trustees was not able to effectively oversee school finances, nor manage the CEO or School Director.

While the Massachusetts Department of Education considered interventions and support to help the school improve, Commissioner of Education David Driscoll ultimately recommended revocation of the charter on the basis of organizational disarray and financial mismanagement. The commissioner's findings included the following:

- Significant cash-flow problems, largely stemming from under-enrollment
- Lack of facilities plan
- Ineffective oversight by the school's Board of Trustees
- Failure to implement educational programs related to special education and English language immersion
- Non-compliance with state and federal requirements for recordkeeping and documentation of Title I eligibility[4]

In December 2004, the Massachusetts Board of Education voted unanimously to revoke RCHS's charter, effective at the close of its second school year.

In May 2005, the RCHS board asked that the decision be reconsidered, in light of increased organizational stability, the hiring of a new principal, and a donor who agreed to keep RHCS financially solvent. The State Board of Education decided not to reverse its decision, explaining that "a charter is a public trust that cannot be granted—or restored—lightly. And the decision must be grounded in evidence, not hope or wishful thinking."[5]

Case Study

INTERNATIONAL CHARTER SCHOOL OF SCHENECTADY

Reasons for Closure: Protecting the Public Interest, Safeguarding Students and Parents

International Charter School of Schenectady (ICSS) opened in September 2002 with 267 students in kindergarten through 4th grade and a management contract with SABIS Educational Systems. The school was authorized by the Charter Schools Institute at the State University of New York (the Institute), with the following mission:

> **International Charter School of Schenectady will be recognized as a provider of top-quality education for a highly diverse student body. It will prepare all students for success in college, equip them with the ability and desire for life-long learning, and strengthen their civic, ethical, and moral values. The School will maintain high standards of efficiency and accountability throughout its operation.**

When ICSS came up for renewal in the spring of 2007, the Institute planned to recommend short-term renewal for a term of three years based on "the conclusion that the school has a varied or mixed record of educational achievement and now has in place an academic program of sufficient strength and effectiveness that will likely result in the school's meeting…those goals at the end of the three-year period."[6]

However, as the State University of New York's Board of Trustees was preparing to consider the staff's renewal recommendation, ICSS decided to terminate its school management contract with SABIS. As a result, ICSS was granted only a one-year renewal, with an option for an extension pending implementation of its transition plan from SABIS to self-management.[7]

When ICSS returned in the spring of 2008, the Institute found that "the personnel, programs, and structures in place are not sufficient in terms of quantity or quality…to make it likely that the school would meet or come close to meeting its Accountability Plan goals." ICSS had again fallen short of its goals on New York's state assessments, with its students performing on par or slightly below their peers in the Schenectady City School District. The school had not implemented many components of its transition plan, and the school board was "unprepared" to make critical decisions to support high-quality self-management. The "lack of rigorous oversight and organizational planning" resulted in under-enrollment and a weakened, albeit stable, financial condition.

In looking at the prospects for ICSS's future, the Institute found that "to the extent International Charter School of Schenectady has not achieved its key academic goals, continues to implement an educational program that does not support achieving those goals, operates as an ineffective organization, and its financial condition has weakened, its plans to continue to implement the educational program as currently constituted for the next charter period do not appear to be reasonable, feasible, or achievable."[8] In sum, the Institute argued that ICSS had failed in its governance responsibilities and in its obligation to provide students with an educationally sound program.

While some parents of ICSS students expressed concern about the non-renewal decision because it meant sending students back to the Schenectady City School District and its many "failing" schools,[9] ultimately the State University board concurred with the Institute's recommendation and voted to close ICSS.

Case Study

FREDERICK DOUGLASS CHARTER SCHOOL

Reasons for Closure: Safeguarding Students and Parents, Creating Leverage for Broader Reform

Frederick Douglass Charter School (FDCS) in Boston, Massachusetts, opened in 2000 and was designed to serve grades 6 through 12. Its mission focused on college preparation through research, writing, and public speaking, as well as on emulating Frederick Douglass's values of justice, integrity, and personal responsibility.

By its fifth year of operation, FDCS served 349 students in grades 6-10 and had 93 students on its waiting list. It planned to reach full capacity by the fall of 2006. Founder Ben Anderson described FDCS as "an environment for children who had had unsuccessful, unsatisfactory experiences in other schools…our children were behind and really put off by education." Ninety percent of students were African-American, and 60 percent qualified for free or reduced-price lunch.[10]

Academically, FDCS students performed similarly or slightly below most other Boston public schools, which was well below the state average. In 2003, FDCS made Adequate Yearly Progress (AYP) in English/Language Arts (ELA) and Math; in 2004, it made AYP in ELA only. National norm-referenced exams showed few significant gains or declines during the school's charter term.

By January 2005, FDCS was in an "unsound and unstable" financial position, according to the Massachusetts Department of Education. The school ran a deficit of more than $250,000 in fiscal year 2004, which management attributed largely to relocation expenses. While FDCS had met a majority of its organizational performance goals, it fell short on its targets for student and teacher retention. Although retention rates were improving, they still remained high enough to create instability.[11]

When FDCS came up for renewal, parents and students fought to keep the school open. Although state Commissioner of Education David Driscoll empathized with the FDCS families, he concluded that "the school clearly has not met the standards for renewal of a charter." In February 2005, Commissioner Driscoll recommended non-renewal based on "low academic performance, high teacher turnover, the financial situation, and other issues." The Board of Education voted unanimously not to renew the FDCS charter.[12]

While state officials certainly had concerns about the organizational capacity of FDCS, their decision was based primarily on their unwillingness to accept weak academic performance, even though other schools in the district were worse. Underlying this position was the belief that the power of charters to drive broader change depended on their ability to rise above the prevailing mediocrity: "If charter schools serve only to expand parental choice without significantly raising the bar of student achievement, this innovative and ambitious reform will have little or no impact on the wider landscape of public education."[13]

Starting and running a charter school are hard work. It requires an around-the-clock commitment and a willingness to do anything and everything—from painting walls to raising money to recruiting new students—all within an often uncertain and contentious environment, and in some states, hamstrung by threatening lawsuits and unfriendly legislation.

All of those who embark on this perilous journey of hope deserve our deepest gratitude and respect for embracing this challenge with courage, persistence, and good faith. But these virtues alone are not enough. Charter schools are not supposed to rest on good intentions and earnest effort; they are supposed to achieve meaningful results demonstrated by a sound body of evidence over the charter term. Charter schools that cannot deliver on that promise, either to their students or the broader public, need to be closed. This is the unpleasant but imperative responsibility of authorizers.

About the Authors

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ENDNOTES

1 Different authorizers and jurisdictions may use such terms as "charter contract," "performance contract," "charter," "memorandum of understanding," "accountability plan," and "accountability agreement" for similar purposes.

2 2004-2005 Site Visit Report, Massachusetts Department of Education, Charter School Office, http://www.doe.mass.edu/charter/reports/default.html.

3 Hearing Officer's Initial Decision, Docket No.CSO-05-01, Massachusetts Department of Education, 2005.

4 "BOE Votes to Close Roxbury Charter High School in June," Massachusetts Department of Education, December 21, 2004, http://www.doe.mass.edu/news/news.asp?id=2173.

5 "Statement on Roxbury Charter High School," Massachusetts Department of Education, May 24, 2005, http://www.doe.mass.edu/boe/chairman/05_0524rcs.html.

6 Renewal Report: International Charter School of Schenectady, Charter Schools Institute at the State University of New York, March 9, 2007, http://www.newyorkcharters.org/documents/ICSSFINALReport.3-07withAddendum.pdf.

7 Addendum Regarding the Renewal Report of the International Charter School of Schenectady, Charter Schools Institute at SUNY, March 20, 2007, http://www.newyorkcharters.org/documents/ICSSFINALReport.3-07withAddendum.pdf.

8 Renewal Report: International Charter School of Schenectady, Charter Schools Institute at SUNY, February 27, 2008, http://www.newyorkcharters.org/ICSSFINALRenewalreport2-08.pdf.

9 "State Recommends Closing Schenectady Charter School," Schenectady Daily Gazette, February 12, 2008.

10 Frederick Douglass Charter School: The Renewal Decision, by Childress, S. & Kozer, D. Harvard Business School case study, March 20, 2006, http://hbr.org/product/frederick-douglass-charter-school-the-renewal-deci/an/806063-HCB-ENG.

11 Summary of Review: Frederick Douglass Charter School, Massachusetts Board of Education, January 14, 2005.

12 "Commissioner to Make Multiple Charter School Recommendations to Board of Education," Massachusetts Board of Education, February 10, 2005, http://www.doe.mass.edu/news/news.asp?id=2269.

13 Statement by Chairman James A. Peyser, Massachusetts Board of Education, February 15, 2005, http://www.doe.mass.edu/boe/minutes.html?yr=2005.


excellent
good
average
poor

chapter 2

Using Performance Frameworks for Strong Accountability

Parker Baxter and Margaret Lin

CHAPTER 2 GUIDANCE

- » Develop strong performance frameworks setting forth expectations (academic, financial, and organizational).
- » Use common core of indicators, measures, and metrics for quality performance.
- » Incorporate performance expectations into the contract.
- » Build evidence throughout the charter term.

A central tenet of the charter school movement is that "bad schools will be closed." When taken seriously, this accountability linchpin is pivotal to the fates of individual charter schools, as well as the students who attend them. Since the charter movement's earliest days, however, there has been almost as much variation in how states and individual authorizers define "low-performing," "bad," or "failing" schools as there has been in charter school names and designs. The movement that has sometimes been characterized, for better or worse, as "letting a thousand flowers bloom" has grown in the midst of almost as many different types of accountability systems and definitions of failure, created by authorizers as well as states. For any authorizer, identifying a bad school–and defending that decision–is usually far more complex, and certainly more politically fraught, than Justice Potter Stewart's famous approach to identifying obscenity: "I know it when I see it."[1] Indeed, authorizers often identify bad schools differently because they are looking at different evidence–or even the same evidence in different ways.

Despite the variation in approaches to defining school quality, deciding whether a charter school has earned the right to continue educating students or whether the school should close is among an authorizer's weightiest responsibilities. Authorizing requires sound decision making and decisive action. Authorizers must regularly make high-stakes determinations about school quality. They must make well-founded judgments of "good" or "bad" using a body of performance evidence built over time.

Although different authorizers will no doubt continue to define school quality differently, all authorizers should have (or develop) three critical tools:

1. **A clear performance contract**[2]—a formal agreement, executed before the school begins operating, that sets forth (a) the essential academic, financial, and organizational performance standards and expectations the school must meet to earn charter renewal, and (b) the types of data that will inform the authorizer's judgment
2. **A comprehensive performance framework**—an evaluation instrument that sets forth the essential indicators, measures, metrics, and standards for academic, financial, and organizational performance, along with related data requirements

3. **A strong body of evidence**–reliable, multidimensional data as specified in the contract and collected, analyzed, and reported at least annually by the authorizer over the school's charter term

Together, these three tools will help authorizers and schools establish mutual agreement about the expectations for performance, the data used to measure it, and the system used for evaluation. The performance contract sets forth the expectations that schools must meet to earn renewal. The performance framework defines those expectations in detail across a wide variety of school quality indicators. The body of evidence provides the information necessary to determine whether expectations have been met.

The more that these three tools are aligned and interconnected, the easier it will be for authorizers to make rigorous and defensible high-stakes judgments—including closure decisions—and the better schools will understand what they must achieve to earn renewal. For this reason, the performance contract should establish expectations for performance and data collection by referencing and incorporating the performance framework and the body of evidence needed to produce school ratings. By joining these three tools in this way and using them to define the terms of their relationship, authorizers and schools can ensure mutual clarity about the performance that is expected, the evidence used to measure it, and the system used for evaluation.

This chapter focuses on one of these three essential tools: **a framework for academic, financial, and organizational performance**. It explains the benefits of a performance framework and offers strategies for developing one and using it effectively as a tool for maintaining high standards and strong accountability. It also introduces NACSA's Core Performance Framework–and the academic, financial, and organizational frameworks that comprise it–which authorizers can customize to meet their local needs and context.

The Importance of a Performance Framework

NACSA's *Principles & Standards for Quality Charter School Authorizing* emphasizes that a quality authorizer establishes standards for school performance that are clear, quantifiable, rigorous, and attainable. NACSA also recommends that authorizers develop and formally adopt a performance framework that includes academic, financial, and organizational performance measures for use by schools and authorizers to establish expectations, guide practice, assess progress, and inform decision making over the course of the charter term and at renewal or revocation. In addition, some states have enacted policies mandating that authorizers develop and use performance frameworks, and additional states are considering similar policies.[4]

A quality authorizer

- bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract;
- grants renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.

NACSA's *Principles & Standards for Quality Charter School Authorizing* (2012)

A strong performance framework covers three critical areas, with a framework for each area. The three areas of performance covered by the frameworks—academic, financial, and organizational—correspond directly to the three components of a strong charter school application, the three key areas of responsibility outlined in strong state charter laws and strong charter school contracts, and are the three broad areas in which a charter school's performance should be evaluated.

In each of these three areas, the frameworks ask a fundamental question:

Academic Performance:
Is the educational program a success?

Financial Performance:
Is the school financially viable?

Organizational Performance:
Is the organization effective and well-run?

The answers to these three questions are essential to a comprehensive evaluation of charter school performance. A "no" to any of these questions could constitute grounds for school closure, depending on the seriousness of the deficiency, the strength of the evidence of failure, and the clarity of expectations set forth in the charter contract.

Once developed and incorporated into each school's contract, a performance framework should be the backbone of an authorizer's accountability system. It makes clear at the outset to both authorizers and schools the performance expectations that the school must meet to earn charter

renewal and the evidence that will inform high-stakes decisions, including whether to close a school. Well-designed frameworks enable effective performance management and promote school success by establishing and communicating performance expectations for all schools in an authorizer's portfolio in a way that is objective, transparent, and directly related to school quality.

A strong performance framework benefits both authorizers and schools and is in the interest of both parties to develop. A framework promotes transparency, objectivity, and consistency in authorizing and protects school autonomy. It enables charter school performance contracting to function as intended by providing both charter schools and authorizers clarity about expected outcomes, objective evidence of achievement, and a comprehensive tool for evaluating results.

A framework promotes transparency, objectivity, and consistency by putting the authorizer on record and schools, parents, stakeholders, and the public on notice about the performance standards that will be used to evaluate whether or not a school is successful and is fulfilling its end-of-the-charter bargain. A framework helps to establish expectations at the beginning of each school's operation so there will be no surprises when schools are held accountable for meeting them during the charter term and at renewal.

A framework protects school autonomy by clarifying through mutual agreement, and in objective terms, the performance data the authorizer will collect and the outcomes that it expects and will evaluate.

And ultimately, a performance framework can play a critical role in helping an authorizer hold schools accountable for their performance. It establishes a common system for evaluating school quality within an authorizer's portfolio, for assessing whether schools are meeting expectations, and for comparing them to similarly situated schools. It also offers decision makers, school leadership and staff, families, and the public an easy-to-understand snapshot of each school's performance by distilling and summarizing a variety of indicators and a broad body of information into a single set of ratings. Stakeholders can quickly see whether a school is meeting expectations or falling below them and see areas of particular strength or weakness.

When it comes to closing schools for failure to meet expectations, there is nothing more valuable to an authorizer than a comprehensive, reliable, and respected performance framework. Closing a school—even one that has consistently failed to perform over the course of its contract term—is incredibly difficult. Trying to do so without the essential advantages of a performance framework—clearly established expectations, a comprehensive body of evidence, and rigorous evaluation—only makes the process more difficult and vulnerable to dispute, less certain, and more costly and time-consuming.

Development and Implementation

In its work with leading authorizers across the country who are developing and implementing performance frameworks, NACSA has learned several key lessons about how best to develop and implement them.

Engaging Stakeholders

A key benefit of a school performance framework is that it creates clarity about expectations for both authorizers and schools. At the same time, there is significant risk in attempting to use the framework to manage performance, especially when using it to make high-stakes decisions such as renewal or revocation, if the school or other key stakeholders refuse to endorse the objectivity or appropriateness of its content. It is, therefore, critical that authorizers engage with school leaders, board members, and community groups as they are developing their frameworks so they can hear a variety of perspectives, share their vision about the importance of rigorous standards, and achieve broad buy-in from the beginning. In designing an engagement strategy, authorizers should consider

- who has a stake in ensuring school quality;
- whom the framework will impact;
- who could influence how the framework is used;
- who holds the authority to make decisions based on the ratings its produces.

While authorizers should consider feedback from stakeholders in the development of their performance framework, they ultimately must ensure that the framework maintains rigor and holds schools to high standards.

Contractual Issues

A strong charter contract includes clearly defined performance standards and makes clear the roles and responsibilities of both the school and the authorizer. Ideally, an authorizer's performance framework should be formally adopted in policy, incorporated by reference, and included as an exhibit in the charter contract. Formal adoption and incorporation are the best way to establish mutual agreement about the legitimacy and enforceability of the framework.

Once developed through stakeholder engagement and adopted in policy, the framework should be included in each new school contract and each existing school's contract at renewal, if not before. To avoid inconsistency of performance standards among their portfolios of schools, authorizers should consider whether it is appropriate and feasible to apply the framework to all schools at the same time, either through a contract amendment process or memorandum of understanding. Involving schools in the development of the framework and getting buy-in throughout the process will make early adoption easier. Authorizers may also find that existing schools, especially high performers, will welcome the transparency and predictability that a performance framework provides and can be convinced that it is in their interests to support common standards.

Monitoring, Intervention, Reporting, and Decision Making

As the framework is being developed and before adoption and implementation, authorizers need to consider

- how they will collect data and other evidence to feed into the framework;
- what aspects of the framework will require ongoing monitoring;
- the protocols for any necessary intervention;
- when and how reporting will occur;
- how the framework will be used by the authorizer's governing board to inform its decision making about renewal and revocation.

It is especially important to consider how to reduce reporting burdens for schools to make collection of critical information as easy and efficient as possible. Many data functions can be automated and simplified using effective communication, consistent and transparent reporting requirements, and readily available or easily developed tracking tools. It is also important for authorizers to recognize and plan for the reality that no matter how strong their performance framework is, it will not remove the need for authorizer judgment nor will the framework enforce itself. Authorizers must have the agency capacity and political will to use the framework as it is intended to reap its benefits.

NACSA's **Core Academic Performance Framework**

To help authorizers develop high-quality frameworks for academic, financial, and organizational performance, NACSA has created the ***Core Performance Framework.*** The Core Framework includes three component frameworks, one for each critical area of performance:

Academic Performance:
Is the educational program a success?
The academic framework includes five indicators of performance, among them student academic growth, proficiency, and career and college readiness.

Financial Performance:
Is the school financially viable?
The financial framework focuses on two indicators: near-term financial health and longer-term financial stability.

Organizational Performance:
Is the organization effective and well-run?
The organizational framework includes six indicators of performance, among them fidelity to the approved educational program, governance and reporting, and student and employee rights.

The frameworks are aligned with and designed to support the three core principles of charter school authorizing—maintaining high standards, upholding school autonomy, and protecting student and public interests. NACSA encourages authorizers to adapt the Core Framework to their local needs and contexts but also to ensure that any modifications serve only to strengthen and promote these principles. By following the guidance that accompanies the Core Framework, authorizers can customize the components to meet their local needs and context without compromising rigor or utility.

Each component framework covers a distinct area of performance, but the three components are intended to be used together as a single evaluation tool. When joined together, the academic, financial, and organizational performance frameworks form a single, comprehensive school performance framework.

For more information about NACSA's ***Core Performance Framework*** and to view the framework and accompanying guidance, visit www.qualitycharters.org.

Considerations for High-Stakes Decision Making

A performance framework does not operate by itself. Developing a strong framework, while critical, is only the beginning of the work. To reap its rewards, authorizers must use their framework effectively and actively to manage performance and inform decision making. Using a performance framework well is not a mechanical process. Effective use requires careful analysis and significant authorizer discretion. For schools that are either clearly exceeding or falling far below their performance expectations, a performance framework can streamline high-stakes decision making and reduce uncertainty. But for schools that have a mixed record of performance, authorizers must pay close attention to nuance and use their judgment to decide whether a school should be renewed for another term or closed.

A quality authorizer

- revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds;
- does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

NACSA's *Principles & Standards for Quality Charter School Authorizing* (2012)

When interpreting performance framework results for the schools in their portfolios and when using those results to inform high-stakes decisions, authorizers must determine how to weigh each component and how to place each school's performance into a larger context. Each year and especially at renewal, authorizers should use their framework to analyze both year-by-year and trend data related to academic, financial, and organizational performance. It is important to analyze whether the school's performance in any area is trending upward or downward, as this may impact both intervention and renewal decisions. It is also important to analyze variability among indicators. For example, a school may show a pattern of sporadic unsatisfactory performance over the charter term and in the most recent year, particularly in financial or organizational performance. In this case, the authorizer must evaluate the school's financial and organizational effectiveness and determine whether the issues are systemic and whether the school is likely to remain unstable in the next charter term. Or a school may not be meeting expectations for overall proficiency, but might be showing strong performance on measures of student growth. Alternatively, a school may be "barely failing" to meet expectations but never improving, or on a trajectory of consistent decline. Similarly, if a school is high-performing academically but does not meet all standards for financial performance, the authorizer might determine that the school should be monitored closely

Evaluating the Performance of Alternative Schools

Authorizers may need to modify their standard frameworks to better fit schools that serve highly specialized populations or schools that are defined as alternative schools/programs. In such cases, authorizers should modify frameworks only for schools that are officially designated or clearly identifiable as alternative (e.g., state laws define alternative schools/programs as schools that serve a specific threshold of special populations, such as drop-out recovery youth, adjudicated youth, or students who qualify for special-education services). If a state definition does not exist, authorizers should develop a definition and adopt it as policy to ensure that only truly alternative schools are eligible for a modified performance framework. The definition should not include socioeconomic status or minority students, as these are not appropriate categories for defining alternative schools or programs.

Authorizers may choose to modify the framework for alternative schools in the following ways:

- Add additional rigorous, measurable, mission-specific goals.
- Adjust the weighting structure.
- Add measures of nationally normed assessments to provide additional information on student academic growth.

For more information about accountability for alternative schools, see "Anecdotes Aren't Enough: An Evidence-Based Approach to Accountability for Alternative Charter Schools" at www.qualitycharters.org.

for signs of more serious distress but otherwise allowed to continue operations. In such cases, a performance framework can be especially helpful, but the authorizer's thoughtful judgment must still apply.while requiring thoughtful judgment to apply.

Developing and adopting a performance framework are only the first steps in creating and implementing a high-quality charter school accountability system. Authorizers must also develop policies and practices for

- ongoing monitoring, data collection, and evaluation using the framework;
- reporting to schools and the public annually;
- intervening in schools, if necessary;
- making high-stakes decisions including the possibility of closure.

Establishing the Evidence

The quality of an authorizer's performance framework depends on the availability of reliable, comparable, and up-to-date academic, financial, and organizational data. Authorizers need to ensure that they have the data necessary to support a comprehensive, multi-indicator framework and that they can gather and process the data in an efficient and timely manner. Collecting, organizing, and analyzing performance data for use in the framework require diligence and significant capacity. Here are a few key practical considerations that will help authorizers implement a quality framework:

- **High-stakes judgments require several years of disaggregated, rigorously analyzed data.** High-stakes decisions based primarily on academic performance call for a rich body of multidimensional data gathered and carefully analyzed over the entire charter term. At least five years of data are preferable to enable the authorizer to assess trends within the school beyond the start-up years. In states where charter terms are limited to fewer years, authorizers should collect the maximum years of data possible before drawing conclusions. Analysis of all student performance data should be disaggregated to the greatest extent possible (by grade, class, and major student groups and subgroups) to clarify student achievement and school successes, as well as areas which need improvement.
- **Authorizers are responsible for collecting and analyzing data.** To ensure the accuracy, validity, and reliability of school performance data used to evaluate charter schools, authorizers should maintain responsibility for collecting, analyzing, and reporting all charter school data from state or other required external assessments. The importance of authorizer "quality control" over such data is perhaps nowhere more evident than in the area of longitudinal growth data and analysis, where analysis is necessarily technical and must be performed with consistent, rigorous methodology across schools. As part of ongoing oversight and evaluation, the authorizer should give schools adequate opportunity to review the authorizer's annual as well as culminating (renewal) analyses and reports and to submit corrections, clarifications, or supplemental information for the record. Of course, some performance data, such as school-developed assessment data, will be self-reported by schools. In such cases, the authorizer should verify that schools have appropriate protocols in place to ensure the validity, reliability, and general credibility of school-reported data that may be incorporated in the authorizer's evaluations. At the same time, authorizers should maintain responsibility for collecting and analyzing the external assessment data that form the core evidence base for each school.
- **Every campus is individually accountable.** In cases where multiple campuses operate under a single charter, campuses should be individually accountable for performance, with their academic and financial data reported and analyzed independently of other campuses. Multi-campus charter contracts should be structured to reflect such individual-campus accountability for ongoing as well as renewal evaluation. Authorizers should prepare a separate framework for each school so that each school can be evaluated independently.

Conclusion

Building the body of evidence to support the ultimate decision on a school's fate is a critical ongoing task for authorizers, starting from the school's first day of operation. To support a closure decision—and defend it before the school community and the broader public—authorizers must have amassed a strong body of data over the school's charter term. The evidence must stack up to show that the school has failed to meet the standards and expectations agreed to in its contract. NACSA's Core Performance Framework guides authorizers in constructing a solid, comprehensive foundation of academic, financial, and organizational evidence needed to inform and support a high-stakes charter judgment. In cases of school closure, the greatest reason for an authorizer's painstaking data collection and analysis over the charter term is not to be

able to stand up to shouting parents or media scrutiny or a school's powerful patrons. It is to be able to look students in the eye and know, without question, that the decision to close their school is based on clear and strong evidence of the school's failings and ultimately will best serve those students.

About the Authors

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ENDNOTES

1 *Jacobellis v. Ohio,* 378 U.S. 184, at 197 (1964).

2 Different authorizers and jurisdictions may use terms such as "performance contract," "charter," "charter contract," "accountability plan," and "accountability agreement" for similar purposes. This chapter uses the term "performance contract" to signify the contract, agreement, or plan that sets forth the performance terms and expectations that guide how an authorizer will judge a charter school.

3 See *Principles & Standards for Quality Charter School Authorizing* (NACSA, 2012 edition), at 15, 23. http://www.qualitycharters.org/publications-resources/principles-standards.html

4 See, e.g., Texas Education Code Section 12.1181.

chapter 3

Planning and Managing School Closure: Timing, Process, and Appeals

Ralph A. Rossi II

CHAPTER 3 GUIDANCE

- » Expected and unexpected closures differ in timing and process.
- » Authorizers need to balance practical concerns with political realities.
- » Expect wildcards.
- » Transparency is key.

Making school closure decisions is the ultimate responsibility of authorizers, and managing the closure process is the ultimate test of the quality and the capacity of those authorizers. A poorly handled closure, or one that is reversed for reasons attributed to the authorizer, can have serious negative consequences for all parties, starting with the students whose educations are disrupted and certainly including the authorizer.

The timing, execution, and follow-through of a closure process—from the first staff discussion through the final appeal[1]—are vital to the authorizer's effectiveness and must be accompanied by thorough planning and careful attention throughout.

This chapter provides perspectives and advice for authorizers in planning and carrying out a strong, sound closure process, focusing on the following key topics:

- A Practical, Factual Approach to Timing
- Timing Wildcards
- Creating and Carrying Out a Transparent Process
- Making the Decision: The Authorizing Board and Opportunities for Internal Appeal
- Formal Appeals

From the authorizer's perspective, there are two types of charter school closures: expected and unexpected. These types largely dictate the planning and timing of a closure decision and its implementation. Some closures are planned and intended. These expected closures include the "normal" situation in which a charter contract comes to the end of its term[2], and the authorizer performs some type of high-stakes review associated with continuing the charter, which the school fails. As a result, the authorizer closes the school. Expected closures may also include the voluntary surrender of a charter, as well as a negotiated agreement in which the charter school realizes that its chances for charter renewal are slim and is therefore willing to relinquish its charter.

Some closures, however, are unexpected. They happen suddenly and without ample warning, due to some unforeseen event or circumstance. They may be largely beyond the control of the parties involved and occur when a school

experiences a financial, governance, facility, legal, or other crisis that destroys its ability to continue. Violations of state or federal law may be driving factors in these scenarios. For example, a school's inability to meet its payroll may cause it to close or face legal liability through the application of state labor law. Involuntary bankruptcy by school creditors may be included in this category as well.[3] An unexpected closure may also be triggered by the actions of a government official or agency, such as a state attorney general or the Internal Revenue Service, which has statutory authority to revoke a charter school's tax-exempt status or corporate existence.

The distinction between expected and unexpected closure is important for both timing and process.

Furthermore, within the category of expected closures, the demands on the authorizer will vary depending on whether the closure is voluntary (mutually agreed to) or not. In cases of involuntary yet expected closure—almost certainly to be opposed by the school—the authorizer must be proactive to ensure that it carefully follows due process and that appropriate policies and procedures are in place to guide the authorizer to a correct resolution. The authorizer must also plan and allocate time for evidence-gathering, reporting, decision making, and internal and external appeals (both of which this chapter will discuss). In contrast, the timing of a voluntary closure may be less hurried, allowing authorizer policies and efforts to focus more directly on securing the surrender of the charter and a smooth transition for students. On the other hand, an unexpected closure puts the authorizer in a reactive mode that no existing policy can completely anticipate. In this situation, the authorizer must rely on experience and its general preparedness for expected closures to adapt to the exigencies of the unexpected closure.

Shades of gray surround these broad categories, but to the authorizer, the differences are real. The authorizer must have the capacity to handle both expected and unexpected closures, including resources to effectively monitor school performance, fiscal health, and governance. Given that authorizers can more effectively plan for the known than the unknown, this chapter largely focuses on expected closure situations in which the authorizer is exercising discretion to close a school for poor academic, fiscal, or other performance.

A Practical, Factual Approach to Timing

This chapter focuses on "high-stakes timing," or the time it takes to decide the closure issue through the exhaustion of all appeals. The authorizer must carefully consider the timing of its decision in the context of both the school year and where the school falls in its charter term, as every decision carries very real consequences.

At a minimum, an authorizer should possess a thorough understanding of the statutory, contractual, financial, educational, and practical guideposts along the road to closure. These include anticipating the school's reactions at each stage of the closure timeline, effectively handling the public debate, and convincing all involved that closure is in students' best interest. An authorizer should approach closure with a focus on planning, clear goals, comprehensive policies and procedures, appropriate allocations of resources, overall transparency, and the will and ability to make decisions (even if tough or politically unpopular). A few key principles will help authorizers organize and smoothly carry out the work of closure:

1. **Put Students First.** When taking steps that may lead to school closure, an authorizer must remember that the education of children is always the first priority—a simple fact that can be overlooked once a closure decision is under consideration. Where possible, the closure decision should be resolved by the end of the school year, so as to minimize disruption to children, parents, and school staff.
2. **Balance Practical Concerns with Political Realities.** Neat timing can soon unravel when the authorizer digs deeply into statutory obligations, its own policy duties, and the competing interests of the school leaders, the management company (if applicable), parents, students, community members, and politicians. To ensure that the authorizer fulfills its obligations and anticipates the demands of other stakeholders, it can be helpful to chart, at the outset, all closure-related events and considerations with appropriate "if/then" branches. This enables the authorizer to follow each potential path to its theoretical end, estimate extra time needed, and plan backwards to start the process accordingly.

Specifically, the closure timeline should take the following needs and milestones into account:

- The release and availability of relevant student achievement data
- The number of days an authorizer allows for a school to respond with factual corrections to its recommendations on renewal or closure

- The authorizing board's meeting schedule and other key decision points
- Applicable open-meeting rules or other notice provisions in the statute or contract
- The number of days allowed by statute or policy for a school to indicate its intent to file an appeal
- The school calendar and the schedule for parents to exercise other school choice options

3. **Stay Informed.** When carefully constructed plans go awry, it is the authorizer's command of facts and relevant information about the school that can put the process back on track. An authorizer must stay informed at all times of the status of a school facing closure to anticipate key concerns, such as whether the school has enough funds to make it to the end of the school year. An authorizer's monitoring systems should be strong enough to pick up indications of potential problems before they can undermine the school. If not, the authorizer should procure the needed capacity or institute mandatory self-reporting by the school to serve as an early-warning function. The authorizer should build an information-access provision into the charter agreement, if allowable. Equipped with proper information, the authorizer is better prepared to persuade, cajole, direct, arbitrate, or assume other roles as necessary to fulfill its responsibilities. These facts are also useful in constructing a wall between the authorizer and efforts to exert political influence on the closure process.

Timing Wildcards

Admittedly, it is easier to write about closure than to execute it, especially if the authorizer is carrying out a closure for the first time. Unexpected variables can arise that make reasonable planning difficult if not impossible. Considering these potential wildcards reinforces the wisdom of planning authorizer closure practices far in advance of an actual closure situation. Following are general practices that can help authorizers minimize common wildcards and manage them when they do arise:

1. **Build in More Time to Listen.** Lack of cooperation from an understandably upset school is only one factor that can stretch a closure decision longer than anticipated. Unexpected delays and issues also may arise from within the walls of the authorizer's shop. Some staff may not believe closure is the right decision based on their understanding of the facts, law, or policy. Philosophically, some authorizer employees may be of the "let a thousand flowers bloom" mindset in their personal vision of the charter movement or may simply always want to give the benefit of the doubt to the school. Ensuring that staffs have the opportunity to voice their opinions fully helps to alleviate frustration and complications that can result from staff discord. Another option may be to employ outside consultants to lend objectivity and detachment to the evidence-gathering and decision-making process.

   An authorizer will also need time to brief its governing body or chief executive on its closure recommendation and then gather more evidence to satisfy their questions and concerns. Authorizers should not expect the final decision makers to be as familiar as staff with the closure situation, facts, and policy nuances and so should come prepared with a logical but succinct presentation of the case. Such work will not be wasted and may well be the basis for a subsequent public presentation of the closure case or a response to an appeal.

2. **Consult with Legal Counsel.** An authorizer may want to consult with its counsel or labor or bankruptcy attorneys to be certain applicable state and federal legal requirements related to worker notice and other matters are followed and incorporated into the authorizer's timeline. While some of these notification requirements may be an obligation of the school's governing body, an authorizer should take care to avoid creating a situation where the school could violate the law or the terms of any collective bargaining agreement by following the authorizer's timeline. Counsel can also highlight liability and administrative procedure issues that need accommodation.

3. **Communicate with the School's Governing Board, School Leader, and Lawyers.** Charter schools facing potential closure often feel overwhelmed by the perceived vast resources of their authorizer and thus turn to lawyers to communicate with the authorizer and represent their case. School lawyers are the norm in today's litigious society and can be helpful to the authorizer as well as its client. Lawyers who are not extreme advocates may be far more rational than their clients in assessing the school's odds of overturning the authorizer's closure decision. This may make them easier to reason with regarding closure procedures, appeals, and ground rules than a school staff whose positions may have hardened. As professionals, lawyers are expected to follow ethical rules even when flying a "Save Our School" flag and usually will not want to engage in the scorched-earth tactics that may seem appropriate to school personnel

who are fighting for survival. Lawyers tend to focus on the big picture, and this is exactly what the authorizer must do as well—dispassionately communicate the facts and policy that comprise the case for closure.

Working in the interest of their client, a charter school's lawyer may delay and derail timing and procedures in an effort to gain a perceived advantage. The authorizer must convince the school that sticking to the closure timeline is in everyone's best interest, compare the opinions of the school's lawyer against that of its own legal counsel, and keep all involved focused on the ultimate determination rather than be derailed by an errant piece of data or other extraneous details. Authorizers must also understand that if a school lawyer exercises the option of engaging in litigation specifically designed to prevent the authorizer from closing a school, such as filing an injunction against the authorizer, then all bets regarding the timing of school closure are off until the litigation is decided.

4. **Anticipate the Politics of the Situation and Educate Political Stakeholders.** Politics are the true timing wildcard of school closure. The politics of a school closure are often predictable. For example, in a voluntary closure situation, politicians who are typically opposed to charter schools may have heard from parents in their district and then seek to keep the school open. Conversely, politicians and organizations that generally support charter schools may oppose the authorizer because they disagree with a particular closure decision. Both opponents and proponents of school closure may come from the highest levels of the legislative and executive branches of government. To successfully weather this storm, the authorizer must have a strong policy in place that allows the closure decision to stand, as justified by solid supporting evidence. It may be tempting for an authorizer to adopt the arguments of a traditional political opponent that supports the closure at hand, such as a school district that opposes charter schools and wants the school at issue to be closed. To the extent possible, the authorizer should resist engaging in the individual or situational politics of the many stakeholders who will weigh in and should seek help from other authorizers, if needed.

   One goal of the authorizer must be to educate the various politicians, advocates, and the school itself on the fact that delaying action on the closure decision will not serve the interests of the children and could jeopardize the availability of other school choice options. Given the level of competition for good school options, the parties opposing the closure are not likely to be successful in extending deadlines or reserving seats for charter school children who miss the normal admissions deadlines. Even school districts should not bend the rules or set aside seats to accommodate charter school parents who intentionally miss deadlines to show support for a school faced with closure. Such accommodation penalizes noncharter parents who are exercising their own form of school choice. However, if a fair and equitable solution can be worked out, such as a uniform extension of a deadline to all parents within a district, an authorizer may support extending that courtesy.

   As both the closing school and its authorizer have in some sense failed the school's students and parents, it is incumbent on authorizers to try to accommodate their needs, if at all possible. Sadly, many parents believe unrealistically that they or the school will be able to overturn the closure decision and do not exercise their choice options, ultimately winding up in schools of last resort. That is why good authorizers maintain communication with parents, and if the school is not cooperative in this regard, take action to directly communicate with them (see Chapter 6).

5. **Build in Time for Reasonable Delays.** Authorizers must know which deadlines are more important than others and which may be waived or modified. For example, if the authorizer's governing board is meeting on a certain date that cannot be changed and moving a decision to a later meeting will throw off the closure timing completely, that must be made clear to the school up front. Similarly, if moving a less important deadline, such as allowing an extra week to respond to a draft non-renewal report, then the authorizer should give the extra time, perhaps earning a little goodwill in the process.

6. **Deal with Unexpected Closures When Necessary.** A relatively new closure phenomenon has emerged in which external government officials (such as a state auditor or an attorney general) try to bring about the closure of a charter school. An authorizer facing a closure situation triggered from the outside should ask itself fundamental questions about whether it is fulfilling its statutory oversight role for the charter schools in its charge. An authorizer that is proactive about monitoring all charter schools and closing failing ones reduces the likelihood of externally triggered closure attempts and invariably finds itself in a stronger position than an authorizer that takes no action until externally pushed.

The overall lesson of such worst-case scenarios is that closure is a necessary part of authorizing. While active planning for closure need not start the moment an authorizer approves a charter application, the potential for closure as a consequence of failure should be explicitly recognized from the beginning. Fleshed-out closure processes and protocols should certainly be in place by the time an authorizer is contemplating renewal or other reviews that could end in closure. Authorizers must have resources and practices in place to handle both expected and unexpected school closures, including capabilities to effectively monitor school performance, fiscal health, and governance. Lastly, authorizers are advised to plan accordingly and allot more time than anticipated for most tasks.

Creating and Carrying Out a Transparent Process

When dealing with any closure, an authorizer should maximize transparency in all aspects of the decision. Several actions and practices contribute to an effective and transparent process:

1. **Guide the Process with Clear, Strong, and Consistent Policy.** Authorizers need both internal and external written policies and procedures for renewal, revocation, and any other situation that may result in closing a school. These must explicitly detail the pitfalls schools should avoid and should be part of the authorizer's information flow to its schools. If a school learns that it is likely to be closed only when it is too late to do anything about it, then the authorizer has failed, even if it has met its strict legal obligations. Schools, their employees, parents, investors, and other stakeholders should not have to guess about the future—they should be able to read the proverbial writing on the wall to know where the school stands and take corrective action when needed. Just as schools need to know the academic, fiscal, legal, and other performance or compliance thresholds that result in closure, authorizers must know their roles and responsibilities thoroughly, even though some are not often exercised.

   Authorizer policies and procedures should be flexible enough to deal with a reasonable range of unusual situations that may arise. For example, if the authorizer needs to assemble a review team to make another visit to a school facing closure, it should have the discretion and resources to do so. Similarly, if a school's performance is abysmal and the authorizer has all the evidence it needs, its policies should not force it to conduct an unnecessary visit. When things do not go as planned (and they often do not), producing a situation not explicitly covered by the authorizer's policies, the authorizer should follow its mission statement. An authorizer that is visibly evenhanded and consistent will be more effective than one whose behavior appears aberrant.

2. **Be Consistent.** An authorizer's process should apply the same standards for closure to all its schools. This is true from a moral perspective, for public perception, and potentially as a defense to an appeal. If an authorizer treats schools with similar academic performance or financial problems in different ways, it can give credence to allegations of discrimination, placing the authorizer in the unenviable position of having to prove it is not biased. To keep such distractions to a minimum, the authorizer should review its past closure experiences each time it faces a new decision. If the authorizer's approach or policies have evolved, it should articulate the reasons for the changes.[4]

3. **Fully Document the Decision and Evidence.** Every closure decision should be accompanied by a clear, written explanation backed by a full array of current and historical evidence that justifies closing the school. Every aspect of the closure decision, including the rationale, details of evidence gathering, and how the consideration for closure arose, may be called into question during an appeal or in litigation. An authorizer should be prepared for such scrutiny from the onset, fully justify its decision, and not hesitate to cite evidence of school academic or operational failures or persistent internal problems. Lastly, if the authorizer must satisfy any statutory requirements to justify a closure, its report should detail how it fulfilled them.

   In keeping with the mandate for transparency, authorizer policies should make public all reports supporting closure, including the details of the final decision, even if this disclosure is not required by law. The educational, emotional, and political ramifications of closure actions demand it. This documentation also adds value to future closure decisions by showing other schools a precedent of high standards and the consequences for not meeting them. In addition, transparency reinforces consistency by allowing the authorizer to easily access its decisions and the logic behind them for future reference.

4. **Play the Devil's Advocate.** Internally reviewing and critiquing the evidence prior to making a closure decision only strengthen the process. If staff members raise counterarguments, the authorizer will be better prepared to address them when they are raised by the

school in its initial response, on appeal, or in court. This internal exercise may be structured as a presentation to the authorizer's chief executive or as a defense by the staff team responsible for renewal or closure. As with other parts of the process, time must be budgeted for this work. The authorizer should strive for consensus while allowing its policies to override minor sympathetic arguments to keep a failing school open.

A quality authorizer has nothing to fear from a transparent process. No authorizer should close a school based on invalid evidence, a flawed or unfair process, or for the wrong reasons. By exposing the authorizer's decision-making process to scrutiny, facts are clarified, mistakes corrected, misconceptions corrected, and gaps in logic or evidence closed. It is easier to correct the record early in the process than to do so during the appeal phase (if there is one), when mistakes can mean waiting a school year or more before the authorizer can take action. Transparency also builds confidence among the authorizer's other schools—and within the public—that the process is fair and designed with the best interests of students in mind.

Making the Decision: The Authorizing Board and Opportunities for Internal Appeal

When the authorizer has multiple tiers within its organization or is a legal entity staffed by a distinct but subordinate organization,[5] there are typically opportunities for the authorizing board to hear the case for school closure from the staff. These exchanges provide an additional level of oversight and scrutiny by allowing a fresh look at the evidence by the ultimate decision makers who have not been immersed in day-to-day oversight of the school. Following are key steps for authorizers to take at this stage to ensure a thorough review, including an opportunity for the school to present its case directly to the authorizing board:

1. **Present the Evidence.** The authorizing board should receive the staff's recommendation and a written report in advance, followed by a summary presentation of the evidence at a meeting of the authorizing board. After the presentation of evidence, board members may actively question staff regarding the recommendation. Such a system, whether structured as an internal appeal or as general due diligence, affords a rare opportunity for staff to educate the decision makers about its closure practices and the overall benefits of taking action to stop the perpetuation of school failure. The staff may have to summarize and refute novel arguments made by a school to stay open, or address aspects of the closure decision questioned by a member of the authorizing board, all of which are likely to be raised on appeal or in litigation. If defects in the process or evidence are discovered, they may be remedied at a subsequent meeting by gathering more evidence or presenting the same evidence more clearly.

2. **Provide an Opportunity for Internal Appeal.** A school should have the opportunity to present the final decision makers with facts, explanations, or legal arguments that make the school's case. Assuming the staff has used sound reasoning supported by a deep fact base, it should have nothing to fear from parent, community, or school district input. Regardless of whether it is required by statute, an open and transparent process will give the public a window into the authorizer's high standards and the rigor and judiciousness of its decision making.

   Another advantage of an internal appeal is that it may satisfy the school that the authorizing board—a relative third party in such situations—has heard its arguments and weighed them fairly against recommendations by the staff that conducted the closure review. This may help dissipate the school's desire to press the appeal further or resort to litigation. If preceded by adequate notice, the internal review may also satisfy some due process requirements.

3. **Document Each Step of the Review.** The authorizer should keep a record of all closure decisions, proceedings, and related material received by the authorizing body and its staff, including meeting minutes and any internal appeals. Any final public report on the closure decision should explain the review process and any internal appeal proceedings, including a summary of the arguments made in defense of the school.

Implicit in allowing for such extensive proceedings is the reality that the authorizer can reverse course after any of these points. Thus, the authorizer's policies must allow for such flexibility or discretion without having to restart the entire closure review or wait another school year. Whatever the layers of internal review or appeal, an authorizer's policies on closure should make clear when the authorizer has issued its final report and made its final decision, which typically triggers any right to a formal or statutory appeal.

To ensure that valuable lessons are forgotten, after each significant stage of the process the authorizer must debrief, document its learning, shore up weaknesses, and adjust budgets accordingly to remedy any resource issues. Like any other authorizer process, school closure should not be static—it should evolve and improve every time an authorizer has to close a school.

Formal Appeals

Formal external appeals of closure decisions or charter revocations exist only because a state statute permits them, making them an intended part of the authorizing process. Preparing for such appeals will prepare the authorizer for any other legal wrangling. This section provides some perspectives and advice on formal appeals for authorizers in states that allow them.

As with informal reviews, appeals to a neutral third party (administrative appeals) or a court (judicial appeals) serve important purposes, not the least of which is providing a check on the power of an authorizer. Even the threat of an appeal can be a useful check on the authorizer's work. It makes the authorizer rigorously prepare to defend its closure decision and should, over time, improve the quality of all closure decisions. For the authorizer that has done its homework in the earlier stages of the closure process and throughout the school's charter term, the hard work is done and there is nothing to fear from an appeal.

Appeals should not be a deterrent to undertaking a school closure; rather, they can be viewed as an opportunity to validate the authorizer's work. The appeal may serve as a forum to review any issues that may have been overlooked. It may provide both sides with an opportunity to address the closure more publicly. Appeals also reinforce the concept of transparency. While it is not possible in this chapter to completely prepare an authorizer for even the non-legal aspects of an appeal, the following overview may be helpful in preparing for an appeal:

1. **Types of Appeals.** Initial appeals, whether administrative or judicial, generally fall into two categories: a) appeals as of right, or automatic appeals; and b) permissive appeals that require an application to the court or body that will hear the appeal and which may be granted or denied. In some states, before an appeal will be heard the school must exhaust its internal administrative remedies, which may involve the authorizer or another entity. Most later-stage judicial appeals are permissive.

2. **Characteristics of Appeals.** All appeals should share similar characteristics. The authorizer should give specific notice to the school of its right to appeal, including any related time restrictions. The authorizer should keep a public record (which may consist of minutes, electronic recording, or stenography) of all appeal proceedings and the submissions of both the school and the authorizer. These records can facilitate later appeals, provide source material for other schools facing closure, and provide transparency for the public.

   As part of an appeal, the school facing closure has an opportunity to be heard and present evidence. The appeal authority may reasonably limit the presentation in terms of time, page limits, or other restrictions, such as not allowing oral testimony. Facts, judgments, and arguments presented by the authorizer during the appeal should be consistent with those used for the initial decision, but may be augmented. For example, an authorizer should not base closure on poor academic performance initially and then, when faced with spruced-up data by the school, shift its argument to financial difficulty. Rather, an authorizer should either make both arguments in the initial decision and supplement later as needed or stick with one strong argument throughout.

3. **Staff Input on Appeals.** As with its other functions, the authorizer's staff should have input into the substance of the appeal. However, to set consistent practice or standards for other potential closures, it may be important that arguments or evidence be presented in a certain way or that there be no internal negotiation on certain topics. Such parameters must be made clear to those handling the appeal.

4. **Formal Appeals Signal Finality.** For a school facing closure, the administrative appeal is likely the school's last best chance of surviving. Schools may more readily accept the loss of an administrative appeal because they have tried everything and exhausted their options. Having had their day in court, the governing body of the school may now be ready to both stop fighting and wind up affairs in an orderly fashion.

   Moreover, political constituents of the school may now be satisfied that the school has done all it can to challenge the judgment of an authorizer that thought it knew better than parents and the community. Given this, an authorizer should not dread an appeal; rather, it should prepare for it and view it as an opportunity to wrap up a thorough and fair process.

5. **Formal Appeals May Mislead School Communities.** Unfortunately, some schools facing closure can and will waste time and resources on an appeal that has little chance of success, to the detriment of students and the broader constituency. Instead of focusing on the realities of closure, they may be misled by their supporters into believing the school will not close. The authorizer is then challenged to counter this perception without appearing biased against the school or the appellate process.

An authorizer need not trade blow for blow with the school at any stage of the process. Once the authorizer has amassed the evidence and made the case for closure, it should focus on closing the school (or keeping it closed)—avoiding distraction from the merits of the case. The authorizer must also continually reinforce to the school's board, administration, or attorney those items that must be handled properly to avoid jeopardizing students if the appeal fails. These may include gathering student records and providing information about other school options for the students.

6. **Gain Knowledge of the Appellate Process from Counsel.** Most appeals are won or lost before they are ever submitted to a hearing officer, court, or other appellate body. The authorizer must know the appellate process thoroughly, including the rules of evidence and the standards that the appellate body will apply to its work. For example, the authorizer's decision may be automatically upheld unless it is determined to be "arbitrary and capricious," unsupported by the evidence, or discriminatory according to a legal definition. The authorizer must have some idea of how these terms translate into actual practice. The burden of proof is usually on the school requesting the appeal, but the authorizer must ascertain this. Explanation of these matters is the role of the authorizer's lawyer, who may be in-house, outside counsel, or assigned by the state, such as the state attorney general.

   Most important, the authorizer must know whether the appellate review will take in original evidence that the authorizer must prepare, draw solely upon the previous record of the closure decision, or follow other rules. These procedures determine what and how evidence is introduced or excluded, and the authorizer must build such consideration into its planning from the beginning of the closure process. An authorizer should consult its lawyer about appellate issues when it first believes it will undertake a school closure; this will help chart a course for all subsequent steps, including appeals.

7. **Educate Your Lawyer About Closure.** The authorizer may also need to educate its lawyer about charter schools, the authorizing role, the state charter statute, and relevant federal laws. This is especially true if the lawyer is not in-house, such as when the authorizer is defended by a state attorney general. An authorizer should not expect its attorney to know as much about authorizing and closing as it does.

   While many appeals are decided on arcane points of law or procedure, an authorizer's attorney must be versed in the facts of the closure, the authorizer's processes, and the claims and actions of the school at issue. The authorizer's staff, even if not attorneys, should read any appellate briefs and question anything that strikes them as factually inaccurate. Not all attorneys will expect such input and should be told in advance and advised to build it into their briefing schedule. Remember, the authorizer is the client, even if it is not directly paying the legal fee.

   A few important points on educating the lawyer about closure:

   a) It will take time, which the authorizer will need to build into its internal timeline.

   b) The authorizer may need to retain an attorney sooner than normal or demand one with experience in the matter.

   c) The authorizer needs to think about which internal staff will manage this work.

   Last, if there has been a mistake by a member of the authorizer's team or if the school does have a valid argument against closure, an authorizer must promptly bring that to the attention of its attorney. It may not be as bad as the authorizer believes, and the attorney will be able to better prepare the appeal if all the weak spots are known.

Conclusion

Schools facing closure can feel trapped and are not likely to easily give up a cause they are committed to. Their lawyers can turn to risky or untried maneuvers to keep the schools open. They may challenge the constitutionality of the statute that established the authorizer or attack the authorizer as prejudiced or acting unconstitutionally. A school's lawyers may try to procedurally outflank the authorizer by filing preliminary injunctions to prevent the closure, attempt to get the school into court sooner to avoid administrative proceedings that will not likely go the school's way, or even turn to the legislative branch to keep the school open. At a certain level, such legal devices are simply distractions that must be endured. The defense is simple—hire an experienced lawyer, stick to the facts, rely on the mission, and remain focused on the best interests of students. The hard work of gathering evidence and building the case for school closure is done.

If this chapter has given the impression that timing, process, and appeals related to charter school closure are difficult and take considerable effort, it has done its job. However, if an authorizer chooses not to invest in these

steps to properly close a failing school, it will jeopardize the ultimate goal of protecting students' best interests. There is no substitute for careful planning, diligent execution, and follow-through.

About the Author

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ENDNOTES

1 The types of formal appeals (if any) available to charter schools facing closure are dictated by state law. This chapter discusses both a) informal, internal appeals that an authorizer may allow at its discretion; and b) formal, external appeals that may be provided for in state law.

2 If legally allowable, it may be possible for an authorizer to use the charter contract to shorten a school's charter term (if the maximum statutory term could potentially permit too many years of poor performance).

3 Bankruptcy, whether voluntary or involuntary, is a highly specialized area of law (and school closure) and is beyond the scope of this publication. Legal counsel is always needed when dealing with a school bankruptcy situation or to determine whether a school can declare bankruptcy at all.

4 Changes in policy may intersect with contract law or state statutes. For example, if a school's accountability plan is part of its charter, and the authorizer would like to increase minimum performance expectations mid-term, the authorizer may not be able to do so without the assent of the school, or it may have to wait until renewal when another charter contract is executed. While proposed adjustments may be requested for reasons unique to the school in question, without a clear explanation of those reasons, observers unfamiliar with the circumstances may perceive them as evidence of different standards for similar schools.

5 Examples of the latter include the Center for Charter Schools at Central Michigan University and the Charter Schools Institute of the State University of New York.

chapter 4

Preventing Midyear Closure

Parker Baxter and Cliff Chuang

CHAPTER 4 GUIDANCE

- » Approve only strong, ready applicants.
- » Require new schools to demonstrate readiness to open.
- » Conduct rigorous and differentiated ongoing oversight.
- » Watch for red flags.
- » Take decisive action.

Closing a school is disruptive for everyone involved. The hopes and dreams of the school's founders are extinguished. Teachers and administrators lose their jobs. Children are uprooted from their classrooms. Families must find a new option.

The disruption caused by closure increases exponentially when schools close abruptly in the middle of a school year. In these circumstances, everything is worse. It is hard enough for children to find a new school when their school closes in an orderly way at the end of the school year after months of notice. But when closure comes without little notice in October or March, the task is much more difficult.

Considering the consequences, one might think that the closure of schools in the middle of a school year is rare. But unfortunately, it's not.

Far too often, brand-new schools close immediately after opening or never really open fully at all. Even some schools that have existed for years try to begin a new year but cannot and collapse midyear. In Florida in 2012, three schools closed in Broward County less than a month into the school year.[1] Five more schools closed midyear during the same school year, and 12 schools closed in Broward between 2012 and 2014. According to press reports, "In some cases, those closures were a complete surprise, leaving the district and parents scrambling to find a replacement school for hundreds of students."[2] In North Carolina in 2013, a charter school that had been in operation for a decade closed 10 days into the school year. The school had been in financial trouble since 2010, and state officials had urged the school to relinquish its charter before beginning the school year but nonetheless allowed it to open when it refused. Another North Carolina charter school closed in 2014 when its board relinquished its charter in April, leaving its 270 students to find schools for the remaining two months of the school year. In Massachusetts, a board relinquished its charter at the end of October 2013, saying that the school had simply run out of money two months into the school year.[3] In Columbus, Ohio, 12 schools—most of them brand-new—closed midyear in 2013.[4]

The vast majority of **midyear** charter school closures are **preventable**.

Midyear closure is by no means the norm, but it does happen far more often than it should. The vast majority of midyear closures are preventable. Except for rare, truly exceptional cases, the closure of a charter school during the school year can be avoided through responsible governance and active authorizing. When schools close midyear, it is usually because the people responsible for managing and governing the school or for approving, overseeing it and holding it accountable, failed to see the writing on the wall when they should have, or worse, saw it and still failed to act.

When schools close midyear, it is usually because the people responsible for managing and governing the school or for approving, overseeing it and holding it accountable, failed to see the writing on the wall when they should have, or worse, saw it and still failed to act.

When possible, charter authorizers, as the entities responsible for approving, overseeing and sometimes closing schools, and as protectors of student and public interests, have a responsibility to minimize the likelihood of midyear closure. Fortunately, there are a variety of strategies that authorizers can use. These strategies require authorizers to be proactive, assertive, and in some cases aggressive, but the difficulty that comes with taking action pales in comparison to the disruption caused by the abrupt and chaotic closure of a school.

Approve Only Strong, Ready Applicants

The first bulwark against midyear closure is a rigorous application process for new schools. Authorizers are the gatekeepers—and stewards of the public trust—who determine whether a proposed charter school should be permitted to open, enroll students, and receive millions of dollars in public funding. A comprehensive and rigorous charter application review process is the critical first step in ensuring that only charter schools that are likely to be successful are allowed to open. It is imperative that authorizers ensure high standards and rigor in the charter application review process so that only schools likely to succeed—academically, financially, and organizationally—are granted public funds and permitted to serve children.

The application process should prevent weak applicants from gaining approval and should give approved applicants sufficient time to open their school successfully. Absent some unforeseeable emergency, new schools that close during their first year likely should never have been approved in the first place. For even the most promising applicants, approval only a few months prior to the start of the school year presents an undue risk of failure. NACSA recommends ensuring that schools are approved no fewer than nine months, but ideally 12-18 months, prior to opening.[5]

Require New Schools to Demonstrate Readiness to Open

In addition to establishing a comprehensive and rigorous application process and granting charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school, it is critical that authorizers require newly approved schools to demonstrate their readiness to open prior to the first day of school. Opening a new school is a complex and arduous undertaking, and even the most qualified and well-prepared applicants can encounter trouble along the way. Authorizers have a responsibility to monitor newly approved schools as they prepare to open to ensure that each school is meeting reasonable pre-opening requirements established in the charter contract (see inset) and that nothing threatens a new school's ability to open successfully.

Reasonable pre-opening requirements related to the academics, governance, operations, and finance should be incorporated into each new school's charter contract. Authorizers should monitor readiness all the way up until the first day of school. Applicants that cannot demonstrate their complete readiness to open their school within the required timeframe should not be permitted to move forward. Depending on the circumstances, the authorizer must then determine whether the applicant's failure to demonstrate its readiness warrants withdrawing approval altogether or whether another year of planning is warranted.[6]

Conduct Rigorous and Differentiated Ongoing Oversight

The authorizer's role in preventing midyear closures doesn't end after new schools are approved and opened. It extends throughout the charter term. It is not enough for an authorizer to approve new schools, monitor their opening, and then check in with them five years later when it's time for renewal. Authorizers who take this approach are abdicating their responsibility to children and the public and are only inviting disaster.

School closure should never be a surprise. A quality authorizer knows how the schools in its portfolio are performing at all times and exercises differentiated oversight of schools based on their relative health and performance. To avoid surprises and to maintain high standards for academic,

Establishing Pre-Opening Requirements

Authorizers should develop and include in their charter contracts reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly. New charter schools that do not complete the necessary pre-opening requirements and cannot demonstrate their readiness to receive students should not be allowed to open. When developing conditions, authorizers should pay close attention to local and state requirements and may need to tailor conditions for individual schools. Although this list is not exhaustive, authorizers should at a minimum develop and monitor specific conditions relating to the following categories:

- Admissions and Enrollment
- Student Records and Information Management
- Board Governance and Legal Compliance
- Budget, Finance, and Internal Controls
- School Leadership and Staffing
- Special Education and English Language Learner Requirements
- Facility Capacity, Health, Safety, and Security

financial, and organizational performance, it is critical that authorizers develop and implement a comprehensive system for ongoing oversight and monitoring. The system should be established and agreed upon through the charter contract and should provide the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions throughout the course of the charter term.

The most effective way to hold schools accountable for their ongoing performance—the most effective way to avoid calamity—is to clearly articulate expectations and to actively and consistently enforce consequences for failing to meet them. Expectations and obligations–and the consequences for failing to meet them–should be clearly spelled out in the authorizer's academic, financial, and organizational performance framework and incorporated into each school's charter contract.

Authorizers need to be prepared for when closure does occur by developing and including in their contracts provisions relating to a school's responsibilities for wrapping up its affairs and the protocol for the closure process (See Appendix I).

Watch for Red Flags

Even when they have the most rigorous of application processes and the strongest systems for ongoing oversight and interventions, authorizers still need to maintain constant watch for the warning signs that serious trouble is ahead. While some charter school closures can't be predicted and are the result of extreme circumstances, the vast majority of them can be foreseen far in advance, planned for, and managed with care–or avoided entirely. Most of the situations that lead to chaotic mid-year closures share several common characteristics that can serve as red flags.

Under-Enrollment

As schools of choice, charter schools have no guarantee of steady enrollment and often have trouble predicting how many students will enroll in a given year. This is true for new schools without a proven track record or reputation for quality but can also be true for established schools that are struggling academically or that go through a period of organizational turbulence such as the loss of a founder or facility. Under-enrollment in even the highest-potential schools can also occur when there is significant political or community opposition or simply too few students in a particular neighborhood. It is not unusual for a new charter school to struggle with filling all of its seats when it first opens, but high-quality programs usually do not have any trouble attracting enough students to fill their

Watch for Red Flags

Long before closure becomes imminent, it is critical that charter school boards and authorizers take action to prevent midyear collapse. Authorizers should watch for red flags that may indicate that intervention is necessary to prevent an untimely collapse:

- Under-Enrollment
- Financial Distress
- Decreased Operational Capacity and Stability
- Early Academic Performance Struggles

seats in their second year. If a school remains significantly under-enrolled into its second or third year, this is a clear sign that the school may not be viable. Under-enrollment at a charter school in a low-performing urban district, especially at entry grades, is a particularly potent danger signal about the viability of the school, even in the first year of operation.

Enrollment drops in an established school or significant student turnover (even if the overall enrollment is not necessarily lower) should also raise significant concern. Healthy schools do not generally lose enrollment. When enrollment does drop or when there is a persistently low reenrollment rate, it is usually a sign of trouble. An enrollment drop can be especially problematic for a school that is already struggling and could easily trigger collapse. Authorizers need a strong understanding of each school's overall financial health, including short-term viability and long-term sustainability, so they can assess how threatening a particular drop may be.

Financial Distress

Financial distress is one of the most common reasons for charter school closure. Though often closely related to under-enrollment, financial distress can also be an independent issue, a result of poor financial management and planning, sudden increases in fixed operating costs (e.g., those related to facilities), or fluctuations in operating revenue or costs (e.g., per-pupil funding drop). The financial autonomy afforded to charters can facilitate innovation, but it can also make them more susceptible to financial decisions that may lead to distress since there is no safety net as with schools that are part of school districts. For new schools and even for smaller schools well into their operating years, there is often little financial cushion and little opportunity to take advantage of economies of scale, which make it difficult for these schools to adapt to changing financial conditions or to reallocate costs should revenue be lower than expected. Specific financial red flags include

- over-reliance on credit or grants to meet basic operational costs, especially payroll, without a long-range plan to operate on available revenue sources;
- inability to adjust budgets quickly and appropriately in light of new circumstances—e.g., tuition rate changes or enrollment decreases—to avoid cash-flow difficulties that threaten basic operations, especially payroll;
- excessive facilities cost;
- lack of regular and systematic board oversight of finances (e.g., no finance committee or no regular reporting to the board).

Decreased Operational Capacity and Stability

An authorizer should approve only schools that demonstrate the organizational capacity necessary to successfully govern a charter school, but there are circumstances where that capacity does not develop as expected or deteriorates over time. A circumstance that raises particular concern is if the group of founders interviewed by the authorizer during the application review stage and awarded the charter changes substantially—especially when a founding school leader or key founding board members depart. Other red flags include

- out-of-touch board with insufficient expertise;
- lack of strategic planning by board and school leadership;
- inadequate facilities or inadequate facilities planning;
- weak leadership pipeline, leadership vacuum, and/or founder syndrome;
- high levels of board, staff, or student turnover

Early Academic Performance Struggles

Charter schools are given a set period of time—often five years—to demonstrate academic success for a reason: building a brand-new institution with a track record of strong performance takes time. However, early academic performance struggles are a clear warning signal of organizational vulnerability and often foretell continued difficulties ahead. Research by Stanford University's Center for Research on Education Outcomes (CREDO) has highlighted the fallacy of thinking that weak performance in a school's early years is to be expected and "that schools eventually 'grow out of it' into higher performance levels." CREDO finds that the initial signals of performance are predictive of later performance and urges authorizes not to overlook or excuse poor first-year performance.

Take Decisive Action

If an authorizer is watching for red flags and sees the telltale signs that a school is likely to collapse, the authorizer must take decisive action immediately. An authorizer should monitor schools closely enough that the signs of distress become evident long before closure is imminent. Once midyear closure is imminent, it is already too late. The goal of watching schools closely for signs of distress is to prevent schools from beginning a school year that they will be unable to complete. To prevent schools from collapsing midyear, it is essential that schools that are in distress and demonstrably unable to complete a new school year not be allowed to begin the year. This means closing schools in

distress at the end of the year when distress is apparent (or as soon thereafter as possible), before the new school year, in an orderly and responsible way. This will prevent problems from spiraling out of control, allowing the school and the authorizer to fulfill their responsibilities to families, school staff, and the public.

Charter school governing boards have a role to play in responding to signs of distress and in preventing schools from beginning a school year they know the school cannot complete (See inset). Although facing this reality is never easy, it ultimately saves students, families, and staff from the upheaval and harm of a midyear collapse. If a school is going to close, it is much better for everyone that the closure takes place in an orderly, responsible manner at the end of a school year in accordance with a well-planned protocol that is part of the charter contract. But if a charter school's board is unwilling or unable to make the tough decision to close when a school is no longer viable, the authorizer must act. When the viability of a school is clearly threatened, the authorizer must take the following steps:

To prevent schools from collapsing midyear, **it is essential that schools that are in distress and demonstrably unable to complete a new school year not be allowed to begin the year.**

- **Set clear expectations for performance and give feedback early and often.**

An authorizer should flag any performance problems well before they threaten sudden school closure. A regular system of monitoring that identifies red flags early is essential to ensure that the school receives timely notice and an opportunity to remedy problems, while the authorizer will likewise monitor the problems closely and be prepared to intervene, if necessary. The charter contract and oversight protocols can require increased reporting by the school to the authorizer until the school corrects flagged problems.

- **Levy formal sanctions early.**

Though charter schools are designed to be independent and autonomous, authorizers must not be shy about formally sanctioning schools quickly should any of the red flags become serious concerns. An authorizer's accountability system should include an escalating system of formal warnings and sanctions (e.g., notices of deficiencies or conditions imposed on the school) that can be levied quickly to notify the school of concerns without delay. While the authorizer should certainly issue written notices and document sanctions formally in writing, documentation is not enough. The authorizer should also conduct a frank meeting with the school's board and leadership team to emphasize the seriousness of concern and the expected consequences for failing to remedy the deficiencies, and to lay the groundwork for a subsequent revocation or closure decision, if necessary. Authorizers should also consider requiring the school to make concrete, measurable progress in correcting identified problems before being allowed to serve students for another school year. Finally, to ensure that a sanctioned school does not open for another school year without a full review of all the relevant facts, authorizers should consider requiring a summer site visit or meeting with the sanctioned school before the school is permitted to open. These types of safeguards can also be embedded in the charter contract or oversight protocols.

- **If necessary, intervene decisively and early.**

When signs of such obvious crises as significant staff departures or missed payroll are known to families, an authorizer's case for closure is usually not as difficult to make. However, by this point, it is almost always too late to avert a chaotic closure. Hope springs eternal when parents are desperate for other school options, and school founders are often willing to do whatever it takes to avoid breaking their promises to families, even in the face of the fact that continued successful operation would require a miracle. The authorizer should closely monitor identified problems for progress. If progress is not sufficient to bring the school out of jeopardy, the authorizer must safeguard public funds and students' educational progress. When a school's board is unable or unwilling to decide proactively to close the school when the data show that closure is likely, the authorizer must step in, even if this means facing the school community's ire. The authorizer should facilitate a decision that will minimize disruption and, if possible, avoid an adversarial relationship with the school, where both the school and the authorizer's resources and energy are diverted from dealing with the substantive issues threatening the school's viability. It is important that the authorizer clearly communicate the rationale for any such decision directly to families, but the authorizer should be prepared for intense pressure and pushback, regardless of the factual basis of the decision.

Seeing the Writing on the Wall

Midyear closures don't just happen. They are foreseeable and preventable. To avoid the harm such closures cause, authorizers and charter schools must be willing to be proactive, to pay prompt attention to the warning signs, and to take timely, decisive action when a school cannot

What About the Responsibilities of Charter School Boards?

In situations where closure of a charter school is possible, most often the school's governing board has already failed in its basic oversight responsibilities. The board may not have the appropriate expertise or capacity, but when the survival of a school is at stake, the board has an obligation to students, families, and the public to ensure that the best decisions are made. When trouble is on the horizon, the board must decide whether it makes sense to begin another school year and risk midyear closure or whether it would better serve student and public interests to close gracefully and responsibly at the end of the current year. When making this decision, board members should take the following steps:

- **Take a cold, hard look at the data, setting aside pride and ego; obtain an objective, third-party opinion, if possible.**

  When a board becomes aware of the precariousness of its school's situation, it is important that members closely examine the data, focusing on the best interests of the students and families affected.

- **Notify and work collaboratively with the authorizer.**

  When a school's survival is threatened, there may be an initial instinct to hide concerns from its authorizer. However, even if the school may harbor hope that survival is possible, proactively notifying the school's authorizer is a must. This is especially critical if the school is in financial distress or lacks the expertise or capacity to resolve its challenges quickly.

- **Communicate with parents, staff, and appropriate authorities, early and often.**

  The stakes are highest for families and staff, for their lives are most severely impacted by the possible closure of the school. They deserve to know the realities of the situation so that they can plan accordingly.

- **Do not delay in making the tough decisions.**

  The board's ultimate responsibility is to make the tough decisions with the best interests of families and the public in mind. And in some cases, this may be a decision to voluntarily close at a time that makes transition the easiest for families. The pressure from families who are satisfied with the school's program (or dissatisfied with the other options available to them) may be enormous, but the board is responsible not only to the families, but also to the public.

fulfill its promises and obligations. Closing a school is never easy, but sometimes it is necessary. When the writing is on the wall, it is far better to plan the timing and orderly closure of a school–including appropriately notifying and transitioning students and families–than to delay the inevitable and allow a chaotic midyear collapse. Refusing to act when action is required threatens the public interest and ultimately fails students.

About the Authors

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ENDNOTES

1 Sara Gonzalez, "3 Florida Charter Schools Voluntarily Close 20 Days Into the School Year," State Impact Florida, September 14, 2012. http://stateimpact.npr.org/florida/2012/09/14/3-florida-charter-schools-voluntarily-close-20-days-into-the-school-year

2 Michael Vasquez, "Broward moves to close 2 charter schools," *Miami Herald*, March 17, 2014. http://www.miamiherald.com/2014/03/17/4001498/broward-moves-to-close-2-charter.html

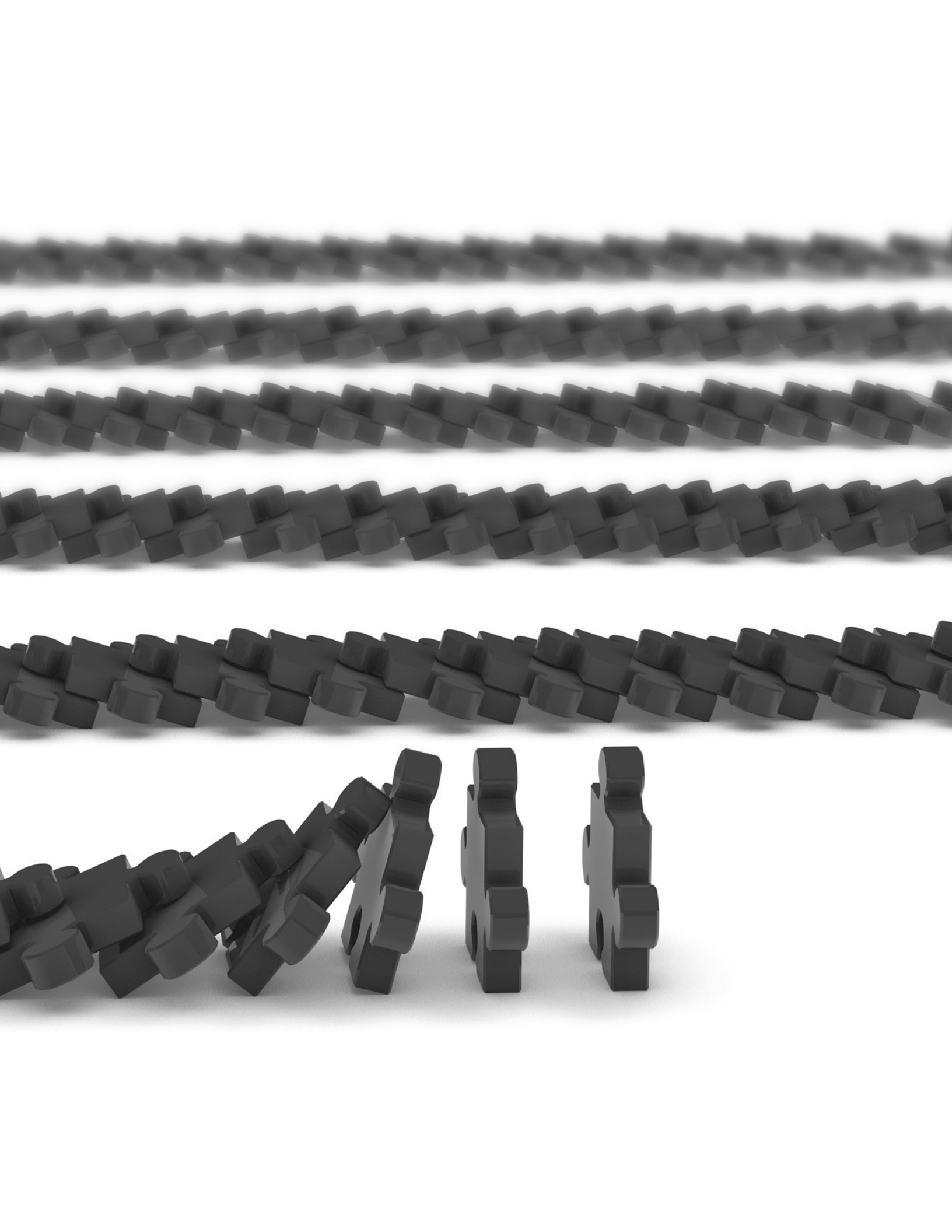
3 Jacqueline Reis, "Spirit of Knowledge school closing for good: charter school can't make payroll," *Worcester Telegram and Gazette*, October 29, 2013. http://www.telegram.com/article/20131029/NEWS/310299635/0

4 Jennifer Smith Richards and Bill Bush, "Columbus has 17 charter school failures in one year," January 12, 2014. http://www.dispatch.com//content/stories/local/2014/01/12/charter-failure.html

5 *Principles & Standards for Quality Charter School Authorizing*, National Association of Charter School Authorizers, 2012. http://www.pageturnpro.com/Publications/201310/3251/53567/pdf/130253615313136063_NACSA%20Core%20Performance%20Framework%20Guidance_10-3-2013.pdf

6 See e.g. "Opening Procedures Handbook: A Guide for Boards of Trustees and Leaders of New Charter Schools," Massachusetts Department of Elementary and Secondary Education. http://www.doe.mass.edu/charter/new/?section=handbook

7 "Charter School Growth and Replication: Executive Summary," Center for Research on Education Outcomes, 2013. https://credo.stanford.edu/pdfs/CGAR%20Growth%20Executive%20Summary.pdf



chapter 5

Reaching Closure Decisions: The Roles of Authorizing Boards and Staff

Edward F. Cox and Randy A. Daniels

CHAPTER 5 GUIDANCE

- » Boards should have a clear renewal policy and process.
- » Anticipate lobbying efforts.
- » Allow for additional input following staff recommendations.
- » Base decision on a body of evidence.

In a nation where the demand for quality public education far exceeds available supply, the success of every charter school matters. Recognizing this, charter authorizing boards are giving greater attention to their most fundamental accountability role: closing failing schools.

At the end of each closure, the strongest authorizing boards and executives *know* their decision to close a charter school was sound, based on the evidence they heard, the policies that guided them, and a focus on the best interests of children. This knowledge does not always come easily, yet it is essential to discuss and ultimately reach closure decisions in public. Doing so underscores an authorizing board's commitment to transparency and ensures that members of the school community can hear decisions first hand.

This chapter focuses on the role of authorizing board members and the importance of professional staff work in preparing them for making charter closure decisions.

Effective Policy and Transparent Process

If the best interests of children are the focal point for closure, a comprehensive renewal policy and transparent process are the tools of the trade. With so much at stake and so many stakeholders involved, renewal decisions cannot be handled by any authorizer in an ad-hoc fashion. A consistent, comprehensive, and transparent approach is essential for authorizing boards, particularly when it comes to making a recommendation of non-renewal.

Multiple factors figure into a renewal policy. Renewal must align with the fundamental promise of charter schools—independence and autonomy in exchange for performance accountability. Renewal actions must reflect the priority to put the best interests of children first. Expectations must be clear and consistently communicated to all stakeholders.

The State University of New York (SUNY) is one of the nation's largest authorizers and one of two statewide authorizers in New York. As of 2009, SUNY voted not to renew the charters of 7 out of its 56 authorized schools opened to date, leading to their closure. A quick overview of the renewal policy followed by SUNY provides a reference point for exploring the roles of authorizing boards and the staff that supports and informs them:

Building Blocks of SUNY's Renewal Policy[1]

- Formalized process by which schools set goals and measures for academic progress[2]
- Specific renewal criteria benchmarked to practices in successful schools[3]
- Regular reporting on the school's progress to the school and community[4]
- Distinct criteria are set for initial renewal term, recognizing that new schools often have limited or ambiguous data available. (Data clarity is expected to improve as the school establishes a performance record.)
- Clear communication at every step of the review process—from the receipt of the renewal application to the final decision by the authorizing board

An authorizer's renewal policy sets the framework within which each authorizing board and staff operates. It is important for each authorizer to present this policy and framework clearly in a document and distribute it widely in order to convey to its schools and the community the authorizer's expectations of high standards and meaningful accountability. For example, the SUNY renewal policy is featured in a comprehensive Renewal Handbook and posted online. For the policy to be clearly understood and fairly applied, it must be well-documented, highly visible, and provided to all charter schools as early as possible. This means that new authorizers should make it a priority to develop and publicize their renewal policy as soon as the outset of a charter term. Authorizers that have been operating longer should automatically provide their renewal policy to all charter applicants and newly chartered schools, so that all schools are fully informed as to the charter renewal criteria and process from the day they begin operating.

Structuring the Renewal Evaluation Process

The diverse authorizers across the country have widely varying capacities and resources, ranging from a small charter office in a school district or state education agency to a robust authorizing board supported by a full professional staff led by a chief executive. Regardless of these organizational differences, all authorizing boards should develop ways to build multiple tiers into the charter renewal evaluation process in order to engage multiple participants and provide broad expertise in the evaluation of data and other factors to be considered.

An authorizer's renewal policy and framework should ensure that no school is ever surprised by a non-renewal recommendation. For example, the SUNY Charter School Institute staff conducts periodic inspection visits at each school over its initial five-year charter term, with the inspection protocols and the resulting school evaluation reports guided by the authorizer's renewal decision-making criteria.[5]

Through these site visits and annual performance data, the Institute can identify any schools in danger of non-renewal prior to the final year of their charter term. The Institute then notifies any schools in this category of their status and offers to make a special presentation to the school's board detailing issues that are endangering the school. Some schools in danger of non-renewal receive an additional school visit in the fourth (second-to-last) year of their charter. Finally, at the end of the renewal visit conducted near the end of a school's initial charter, Institute staff directly share their preliminary observations with the school's leaders and board chair.[6] All of these actions precede the submission of a renewal recommendation to the board.

Responding to Lobbying in the Renewal Process

Despite such efforts to give schools plenty of notice about problems and plenty of opportunity to improve, many charter schools are still stunned when they see the words "non-renewal" in a draft report at renewal time. The response is in many ways akin to the seven stages of grief: first shock, then denial, and so on. The prospective closure of a school is almost always dismaying to the school community. Upon hearing of the non-renewal recommendation, the school community will likely begin a lobbying effort to try to change the recommendation. Parents, students, and community groups are likely to rise up in vocal protest, and community and political leaders will pressure the authorizer to keep the school open.

At this stage or even earlier, it is critical that authorizing boards begin a dialogue with executive staff to prepare for the school's lobbying efforts. Staff members who deal regularly with school personnel may need encouragement to maintain a dispassionate perspective. Regular conversations between the authorizer's board and staff can prepare the entire team for a process that quickly becomes emotionally

Overview of SUNY's Charter Renewal Process

1. The Charter Schools Institute reviews a school's application for renewal in conjunction with data and records on file for the school, including previously completed school evaluation reports.
2. The Institute conducts an extensive and comprehensive renewal inspection visit at the school in the final year of its charter or occasionally in the spring prior to the final year. The one- or two-day site visit follows a structured protocol and is conducted by a team of Institute staff and external consultants, including experts in education, finance, and school law.
3. The Institute prepares a draft Renewal Report based on all available data accumulated over the current charter term and the evidence gathered during the renewal visit. After internal review, the Institute sends the school the draft Renewal Report with a preliminary renewal (or non-renewal) recommendation.
4. The school is invited to comment and offer factual corrections to ensure the accuracy of evidence provided in the draft Renewal Report, generally within 10 to 14 days:
   - The school may submit factual corrections, opposition arguments, and additional evidence.
   - In the case of a non-renewal recommendation, the school may invite Institute staff members to a meeting of the school community to hear a presentation by the school community.
   - The Institute adjusts the report and/or recommendation, as appropriate, to produce a Final Renewal Report, which is sent to the school and the Committee on Charter Schools (a committee of SUNY's Board of Trustees).
5. The Committee on Charter Schools considers the Final Renewal Report and acts on the Institute's recommendation regarding renewal:
   - In the case of a non-renewal recommendation, the school may request to be heard by the Committee.
   - The Committee accepts or denies the request and usually asks the school to put its appeal in writing to the Institute.
   - The Institute presents its recommendation and evidence at a Committee meeting. If the school has submitted a written appeal, the Institute presents its response to the appeal.
   - Committee members may ask for remarks from a representative of the school.
   - The Committee takes action on the Institute's recommendation.

charged. Such dialogue also keeps board members apprised and knowledgeable of the process as it unfolds. This information pipeline becomes particularly important once pleas to keep the school open begin to reach the authorizing board.

Lobbying typically comes in the form of phone calls from elected leaders, letters from parents, and handwritten pleas on colored construction paper from young students who love their school. Authorizers that hold community meetings or public hearings should be prepared for emotional outpourings by parents, students, school staff, and community members or leaders. News reports of varying focus will appear, ranging from pleas from parents, students, and faculty to keep the school open to investigations into inadequate test scores or other problems that have suddenly become quite public. On the flip side, the authorizer may also receive calls, letters, and emails supporting non-renewal from parents dissatisfied with the school, or—in the case of non-district authorizers such as SUNY—from the superintendent of the district in which the school is located.

Such reactions are to be expected and can quickly escalate to the level of an emotional battle that may tempt authorizers to delay their decision or veer from the evidence that has been collected over the charter term. It is incumbent upon the entire authorizer team to strive for objectivity, while remaining open to additional evidence on all sides of the case.

A thoughtful renewal policy and transparent processes are an authorizer's best tools. While the drama and political pressure that come with school closure are real, the decision itself takes place in the realm of policy, where clear criteria, a dispassionate review of evidence, and transparent processes can come together to advance the best interests of students.

Weighing the Evidence

As the process unfolds, the time approaches when the authorizing board is faced with the closure decision itself. Prior to making that decision, authorizing boards and their members must carefully review the evidence and other materials supporting the staff recommendation for closure. This evidence should include a comprehensive school description that provides a historical narrative of the school, including enrollment and grades served over time and a summary of key demographic data. The remainder of the evidence should summarize the school's performance over the term of the charter—its academic attainment and improvement, data on student learning growth over time, organizational effectiveness, and fiscal soundness — and the school's plans for the future.

This evidence in its totality is likely to be extensive. For more efficient review, the authorizing board may ask its staff to prepare an addendum that lists the school's current board of trustees and provides an at-a-glance look at the school's performance as compared to agreed-upon goals. Such an addendum or overview is useful because it focuses on two priorities in renewal decision making:

- First, it focuses the authorizing board's attention on the school **governing board**—the holders of the charter. There is strong anecdotal evidence that many school failures are either directly or indirectly the result of poor board-level leadership or stewardship.
- Second, an at-a-glance performance overview focuses the authorizing board's review on **academic achievement outcomes**, rather than inputs. This addendum enables the authorizer to review trends over time and question unusual indicators, such as a school achieving two consecutive years of positive progress, then experiencing a sudden drop in test scores. The addendum should also allow the authorizing board to evaluate how the school performed in comparison to the local school district and similar schools state-wide.

To aid its evaluation, the authorizing board should take full advantage of the professional expertise of its staff. The board should ask staff to provide additional information that supports their written recommendation and to provide all possible documentations of trends on state assessments or other measures of academic growth.

Making the Final Decision

At this point, the authorizing board will be prepared to act on the staff's recommendation.

In most cases, after carefully evaluating all the evidence prepared by staff and reviewing new information revealed through follow-up questions and the school's written and oral testimony, the authorizing board reaches the same conclusions as its staff and votes to close the school.

However, there are occasions when the authorizing board may, at its discretion, reach a different conclusion from the staff recommendation. Such a decision does not diminish the validity or accuracy of the staff work or the value of the board's renewal policy, framework, and processes. The staff is charged with making recommendations in accordance with policy. Their diligence actually frees the authorizing board to exercise its judgment to move in a different direction. If the renewal policy is strong, well-communicated, and consistently applied, departures from staff recommendations will be rare exceptions.

When staff recommendations ensue from a clearly stated renewal policy and framework, it keeps the onus of responsibility for the school's performance where it belongs: on the school. Too often authorizing boards find themselves reviewing a school that has consistently failed its students and whose board cannot identify the school's shortcomings but instead pleads, "Just tell us what to do and we'll do it." Authorizers execute their duty appropriately by setting the standard but leaving schools to find the best ways to meet it. Just as authorizers must be prepared to hold schools accountable, schools must be able to make the most of the independence and autonomy they have been given.

Charter schools must earn renewal. When they do not, it is the responsibility of authorizing boards to close them in the best interests of the children they serve. No policy itself makes the decision to close a charter school; in the end, it is people who must make the difficult call. Yet with good policy, process, and staff work behind them, authorizing boards will make thoughtful, fair decisions supported by sound data, and when the day is done, will know they did the right thing.

About the Authors

Edward F. Cox and **Randy A. Daniels** both served as trustees to the State University of New York and as co-chairs of the Charter School Committee overseeing the work of the State University's Charter Schools Institute. Mr. Daniels, formerly New York's secretary of state, served on the board from 1997 to 2006. Mr. Daniels is a former international correspondent for CBS News and an adviser on international real estate investments focusing on Asian markets. First appointed to the board in 1995 and reappointed in 2006, Mr. Cox is a former partner in the Manhattan law firm of Patterson Belknap Webb & Tyler LLP and currently serves as Chairman of the New York Republican Party.

ENDNOTES

1 Practices, Policies, and Procedures for the Renewal of Charter Schools Authorized by the Board of Trustees of the State University of New York, SUNY Charter Schools Institute, http://www.newyorkcharters.org/schoolsRenewOverview.htm.

2 Guidelines for Developing an Accountability Plan, SUNY Charter Schools Institute, http://www.newyorkcharters.org/schoolsAccountability.htm.

3 State University of New York Charter Renewal Benchmarks, SUNY Charter Schools Institute, http://www.newyorkcharters.org/schoolsRenewOverview.htm.

4 School Oversight and Evaluation, SUNY Charter Schools Institute, http://www.newyorkcharters.org/schoolsPubsReports.htm.

5 Charter Renewal Practices, SUNY Charter Schools Institute, http://www.newyorkcharters.org/schoolsRenewOverview.htm.

7 For schools that have been renewed and thus are operating in subsequent charter terms, the Institute adjusts its oversight to the circumstances and performance record of each school while maintaining overall focus on the renewal criteria.

chapter 6

Supporting Students and Families through the Closure Transition

Justin Testerman

CHAPTER 6 GUIDANCE

- » Set students and parents as top priority.
- » Identify transition team.
- » Define transition plan.
- » Communicate options.

For many parents who exercise it, school choice is a lifeline—a critical chance to realize their hopes and dreams for their children. Unfortunately, not every charter school fulfills its mission and promises to the community, and as a consequence, some schools must be closed.

While it is true that closing a low-performing school ultimately serves the best interests of students and families, it can also cause them a great deal of hardship and distress. School closure tears the fabric of everyday life for these families, disrupting their educational continuity, social networks, daily routines, and more. The closure of a low-performing charter school can send shock waves throughout an entire community. Closing a school often unleashes a sense of grievous injury to the community as a trusted public institution fails, and families that may already be vulnerable are left feeling even more disenfranchised. Because of this, authorizers must do their utmost to protect the best interests of displaced students and ensure successful transitions for all. The students and parents caught in the trap of a failed school should not be punished for the school's shortcomings. They deserve nothing less than individual assistance to transition smoothly from a closing charter school to a viable education option.

> "I'm just so disappointed. I chose to go with charters because I trusted that it would be a more personal experience. This is something I would have never imagined would happen to us."[1]
>
> *– Parent of a student in a closed charter school*

The authorizer must address the concerns of many different stakeholders throughout the closure process—the school employees who lose their jobs, the landlord stuck with an empty building, creditors gone unpaid, and most important, the students and families left without a school. It is essential to remember that students and their families are most deeply impacted by closure and deserve authorizers' attention and support throughout the entire process. When a charter school fails, the authorizer must focus not only on the "business" or operational aspects of the closure, but also on the human side—ensuring that every student is placed in an appropriate school. Indeed, overseeing satisfactory transitions for all students is a central closure responsibility for authorizers.

This chapter will discuss several important ways that authorizers can use their limited resources to support students and families effectively through

the transition to a new school. These include working closely with school staff to coordinate transition tasks and ensure that student records are handled appropriately, educating parents about available educational choices, and collaborating with the local education community to facilitate student transfers.

The following actions are essential for authorizers to minimize the burdens students and parents face when their school is closed and pave the way for a smooth transition to their new school:

- Establish students and parents as the first priority.
- Create a Student Transition Committee and Transition Plan.
- Use leverage when necessary.
- Secure student records.
- Communicate with parents and students.
- Hold community meetings.
- Organize a School Choice Fair.
- Consider your timing.

This chapter will discuss each of these important steps in some detail.

1. **Establish Students and Parents as the First Priority.** School closures are almost always contentious and often engender a climate of fear and distrust between school operators and authorizers. All parties agree, however, that the interests of students and families must come first. The authorizer can be a powerful advocate for the interests of those attending the school by establishing and safeguarding this priority, which should be communicated clearly and consistently to the school and the community. This starts before the closure notice is served by appointing a single person on the authorizer's staff to serve as the School Closure Coordinator. This individual coordinates the entire closure process, including support services to students and families, and serves as the single point of contact with the authorizer. The School Closure Coordinator should be equipped with clear and consistent messages—concise talking points are helpful—describing why the authorizer is closing the school and what actions it is taking to help parents identify an appropriate educational placement for their child. The size and scope of the School Closure Coordinator's job will vary depending on resources and the circumstances and needs surrounding each closure, but they can range from the bare minimum discussed in this chapter to a full-time office at the school throughout the closure process.

2. **Create a Student Transition Committee and Transition Plan.** Immediately following the announcement of the school closure, the authorizer should move to form a Student Transition Committee consisting of members of the charter school's board and leadership as appropriate, the School Closure Coordinator, parents, and members of local charter support organizations. The Student Transition Committee will assist the authorizer in planning all activities related to student and family support during the closure process and will actively engage parents, local media, and the community. The authorizer should remain responsible for coordinating or overseeing the actual implementation of all plans to ensure their completion.

   Engaging key school stakeholders in this process will help to increase trust in what are often tense and difficult times. It will also help to assure the school community that the authorizer holds the interests of students as a top priority and will thereby encourage students and families to take advantage of transitional services. Though some stakeholders are likely to be hostile towards the authorizer, the lasting benefits of working in a collaborative manner far outweigh the temporary discomfort authorizers may feel. The goal of the Student Transition Committee is to make the transition to a new school as painless as possible for students and their families.

   The Student Transition Committee should move quickly to establish a Student Transition Plan that focuses on the single goal of getting students enrolled in a new and appropriate school as quickly as possible. Where possible, the authorizer should work with quality local charter and district schools to establish enrollment preferences for students being displaced by the closure. The Student Transition Plan should include written communication to parents, multiple public meetings, individualized assistance to parents, and collaboration with the broader educational community. The plan should also take into account the specific needs of parents and families, such as providing written materials in appropriate home languages and offering meetings at different times of the day to accommodate parents with different work schedules. The authorizer should provide contact information for the School Closure Coordinator so that all families have a direct line of support to answer questions and help them through the transition.

   The Student Transition Plan must establish clear deadlines for key activities and should not be considered completed until every student has enrolled in a new school (except for cases where a student's parents have declined transitional

assistance). The time sensitivity of the Student Transition Plan can be affected by the timing of the closure—be it a mid-year revocation or an end-of-charter non-renewal—but usually the plan must be implemented in a matter of days or weeks. Ensuring the continuity of every student's education is of utmost importance. The execution of the Student Transition Plan will happen in a very condensed time frame and will require special attention from the authorizer to ensure timely completion and satisfactory placements for all students.

3. **Use Leverage When Necessary.** In cases where the breach between the authorizer and the school operator is too great for effective collaboration or when the operator is simply uncooperative, it may be necessary for the authorizer to use available leverage to ensure the Student Transition Plan is carried out. The threat of closure is one of the most important tools that an authorizer has to induce schools to take a specific course of action. It would seem that once this threat is carried out, the authorizer loses all leverage with a school, but this is not the case. For example, the authorizer may create leverage by working with its state Department of Education to withhold outstanding funding or final payments to the school until certain conditions are met, including completing implementation of the Student Transition Plan. Another example of potential leverage may be to offer—dependent upon and required by the operator's cooperation—a more favorable public-relations spin on the closure to help the operator "save face" in the community, though this may not be possible or advisable in cases of egregious mismanagement or fraud. When necessary, authorizers may need to find creative ways to ensure that the operators of a closing school cooperate in carrying out the Student Transition Plan.

4. **Secure Student Records.** Student records contain sensitive, confidential information such as assessment and educational data, immunization and other health records, discipline records, and information about families. These records are vital to appropriate student placement in a new school and to ensure continuity of all services a student may be receiving. Student records are private and must be handled in accordance with privacy rules set forth in the Family Education Rights and Privacy Act (FERPA).[2] Most states provide guidance on how student records should be handled in the event of a school closure.

   State or authorizer policies often call for student records to be transferred to the school district in which the charter school is located, or alternatively, to the district in which the student resides. Whatever policy your organization or state has established, it is important to communicate it to the school as early in the closure process as possible. The School Closure Coordinator should work closely with the charter school and districts receiving the records to ensure an orderly, complete, and secure transfer of records. If records are being sent to multiple school districts, the authorizer should require the closing charter school to submit a listing of where each student's record has been sent to allow for future tracking, if needed.

5. **Communicate with Parents and Students.** Parents of students enrolled in a school slated for closure (not to mention the students themselves) may feel angry, betrayed, and confused. They often do not possess all the facts of the case or fully understand the requirements of charter school accountability. It is important to create and use simple communications tools (talking points, fact sheets) to maintain a clear and consistent message on the reasons for school closure. Communications with parents and students will need to be repeated and reinforced to ensure that the authorizer's intended messages cut through the rumors, misinformation, and superficial media coverage surrounding and often clouding the closure. Communicating promptly, clearly, accurately, and frequently with students and their families—and being responsive to their questions and concerns—is an important supportive service that authorizers should provide to families throughout the closure process.

   Communication with parents should take place both in writing and in person and should be provided in the home language of the family. All written communications with parents or guardians should include information on:

   - Available educational options: Authorizers should provide students and parents with a list of all available educational options (district, charter, and private) with contact information, addresses, program descriptions, student performance data (test scores), enrollment openings, and application deadlines for each school. The process of contacting local schools to gather information on enrollment availabilities—and where possible, to establish or negotiate enrollment preferences for displaced students—will also give the School Closure Coordinator the opportunity to communicate pertinent information about the school closure and will help receiving schools be better prepared to meet the needs of transferring students.
   - Student records: Communications with parents should also include information on the transfer of student records and assurances regarding their privacy and safety. Information should also be provided to parents

on where these records will be housed. The authorizer should identify the School Closure Coordinator as the contact person for any parent questions or concerns regarding student records.

- Schedule of public meetings: Communications with parents should publicize the dates, times, and locations of multiple public meetings, along with any other pertinent information, such as the availability of child care or transportation. As stated earlier, the authorizer should offer meetings on different dates and at different times of day to accommodate parents' varying work schedules.

The Student Transition Committee should determine if it would be more effective for the communications with parents to come from the school or the authorizer. If it is determined that it is best for communications to come from the school, the authorizer should take steps to ensure that these communications are distributed promptly to parents. If the communications are to be distributed by the authorizer, the authorizer should obtain a roster of student contact information and be assured that it is comprehensive and accurate. In either case, the authorizer must work closely with school staff to make sure the information is distributed to all families as quickly as possible.

The authorizer should distribute these communications to parents multiple times and through multiple channels. In addition to mailing letters to the students' home addresses, authorizers should consider sending them home with students, providing copies to community or government organizations that serve the community (e.g., churches, city or county services, local nonprofits, including parent education advocacy groups), and posting them on school property, as well as both the school's and authorizer's websites. Though most parents should receive the information from one of these methods, it is wise to issue a press release to the local media—primarily city and community newspapers and radio stations announcing the dates, times, and locations of community meetings. Frequent attempts and diverse methods of written communication will increase the likelihood that parents will use your transition services and attend the planned community meetings.

6. **Hold Community Meetings.** Community meetings give students and parents opportunities to learn more about the closure process, find out about available educational options, and ask questions of the authorizer and school operator. While it will almost certainly be necessary to address the reasons for school closure, the authorizer should make it clear that the purpose of the meeting is to focus on successfully transitioning students to new schools, not to rehash the closure decision. Community meetings are often difficult because of anger and confusion surrounding closure decisions, but they are important and necessary avenues for communicating accurate information and providing valuable assistance to students and families. Again, it will be helpful to employ concise fact sheets or talking points to ensure that the authorizer is sending a clear and consistent message on the school closure. Any written information previously sent to parents should be made available at the meetings.[3]

   It is ideal for all members of the Student Transition Committee to be present at each meeting. In addition, the authorizer should send multiple representatives to all community meetings in order to facilitate as much individual assistance as possible. The content of the community meetings will depend on the context of each situation but should closely mirror any previous written information given to parents. The School Closure Coordinator should be available at the end of each meeting to provide individual assistance to parents requesting it.

   Authorizers should schedule multiple community meetings at various times of the day to accommodate the varying needs of parents. The Student Transition Committee should determine any need to provide on-site translators for families whose first language is not English. It would also be useful for the committee to consider other ways to boost parent participation and attendance, such as providing (and publicizing) on-site child care during the meeting, as well as transportation or reimbursement for public transit.

   Community meetings should be held at the school, if possible. Other potential sites could be public libraries, community centers, or the authorizer's office if it is located near the school. All meeting sites should be accessible by public transportation and ADA-compliant.

7. **Organize a School Choice Fair.** The authorizer and the Student Transition Committee can greatly increase successful placements for students by organizing accompanying school choice fairs. Many working parents do not have the time or ability to conduct extensive research on potential schools for their children by visiting multiple school sites, researching how well students in each school perform, and reviewing different educational models. Bringing together as many potential schools for their children as possible is an invaluable service to these families. In most cases, a majority of students can be successfully transitioned to a new school through school choice fairs.

The authorizer should invite all well-performing local schools (district, private, and charter) to send representatives to provide information on their programs. All invited schools should be given basic information on the school closure and any pertinent information on characteristics of the student body, school performance data, and the like. Public and parochial district offices are likely to be willing partners in such an effort, as they potentially stand to increase their enrollments. Charter support organizations, if not already involved on the Student Transition Committee, should also be willing to help organize a school choice fair. The authorizer will need to establish the ground rules with participating schools to make sure their recruiting efforts are appropriate and respectful.

A school choice fair can be organized in a variety of ways, all of which are focused on creating a marketplace for students and parents to learn more about their options. The Student Transition Committee may decide to provide table space to all participating schools and/or allow each an allotted amount of time to present information at the meeting. The Student Transition Committee may also work with charter support organizations to develop a "tip sheet" for parents on important factors to consider when selecting a school for their child. This could also take the form of a checklist on which parents could make notes about different programs as they move about the fair. It is important to ensure that the choices are presented in a fair and even-handed manner and to make it clear that the authorizer is not endorsing any particular program.

8. **Consider Your Timing.** Charter school authorizers sometimes have little control over the timing of a school closure, particularly when a closure decision is triggered by the discovery of illegal activity or severe financial difficulties. In some cases, however, closure is the culmination of intensive intervention efforts or a long and thoughtful renewal decision-making process. In these instances, authorizers should carefully consider how non-renewal/closure timelines affect parents and students. For example, in many cities, student applications for other charter schools, selective-enrollment public schools, and private institutions must be submitted as early as February. In light of this, charter school authorizers should familiarize themselves with enrollment timelines for local schools (district, private, and charter) and take them into consideration, when possible. While it may not always be possible to adjust the timing of a school closure based on these enrollment timelines, it is important for authorizers to consider them in order to provide the best possible assistance to displaced students and families.

It is not uncommon for parents and community members to rally around low-performing schools. Though the schools may not be making the grade academically or financially, parents may feel they are safer for their children than the alternative. A charter school may also be locally beloved as a familiar, family-like, community-based institution that empowers its disenfranchised population. For these and other reasons, a school closure is likely to trigger emotions and protests that often have little to do with the school's actual educational merits. It is common for anger to be directed at the authorizer during a school closure, making it tempting for the authorizer to retreat into a defensive mode and avoid further obligations to students and their families.

A quality authorizer will rise above the fray and recognize its obligation to the school's displaced students and families, who will suffer double injury if not transitioned successfully to better schools. Implementing the activities outlined in this chapter requires some investment of time and energy by the authorizer, but will pay big dividends in the long run for both the authorizer and the students involved. The support provided to families will ensure educational continuity for their children, which in turn can begin to repair the community fallout that can be expected as a result of the closure decision. The point of closing a low-performing school is to improve student learning and life opportunities and to protect students' best interests. It is incumbent on authorizers to take the important steps discussed above to ensure satisfactory transition for all students and prevent further harm.

About the Author

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ENDNOTES

1 Labbe, Theola. "Charter School Closures Strand DC Students," Washington Post, August 17, 2006.

2 See http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

3 This information is also useful in communicating with media representatives attending these and other public meetings. See Chapter 6 for more information.


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chapter 7

Navigating the Closure Process

Matthew Shaw

CHAPTER 7 GUIDANCE

- » Recognize stakeholder concerns.
- » Plan the closure process carefully.
- » Communicate with school leadership and families.
- » Actively monitor the wind-up process.

Closing any school—traditional or charter—is immensely difficult. It is difficult for students, parents, staff, and authorizers. When faced with possible school closure, stakeholders often fight to keep a school open regardless of the academic performance of the school. This is especially true of charter schools. Students do not land at charter schools by default; they, or their parents, choose to enroll in a charter school and, as a result, have a vested interest in seeing that the school they chose remains in existence.

When an authorizer decides to close a school through revocation or non-renewal, it often puts itself at odds with the school's stakeholders, especially parents and students. Just as charter schools provide autonomy for school leaders, they represent choice for parents and students. School closure supersedes parents' choice and leaves them powerless to effect change in any manner other than fighting for their school to remain open.

Stakeholders and Closure

In order to navigate the closure minefields, the authorizer must understand why the process is painful for each stakeholder and anticipate the information that each stakeholder group will need. During the closure process, the authorizer will encounter the effects of pain and uncertainty as it hears from angry, anxious constituents. In particular, the authorizer should anticipate the following:

- **Students will be displaced.** They will lose the relationships that they have developed with adults and other students at the closing school. They will want to know where they are going in the following school year and what choices they will have to continue their education. Students who are invested heavily in their school may also face morale issues, taking the failure of the school personally, especially if the closure is due to academic performance.
- **Parents will be concerned about where their children will attend school.** They will likely feel powerless and angry that the school they explicitly chose will no longer be available for them. Parents will want to know what their options are and how they get their children in to good schools. Parents may also become skeptical about charter schools as a viable option for their children's education or blame the authorizer for not stepping in sooner to prevent closure.

- **Staff will be worried about losing their jobs.** They will be concerned about getting paid through the end of the year and will have questions regarding their benefits and pensions. They may look for other jobs mid-year, which would leave the school in a precarious position since the school cannot easily replace teachers once the closure decision is made. Finally, the impending closure may crush their motivation, leading to suboptimal instruction. While the staff are not the responsibility of the authorizer, the authorizer may have to coach the school in managing its staff during the closure process.
- **Leaders/founders are emotionally invested in the school.** They are watching their creation die and will likely react strongly to the closure decision. Even if the board of directors agrees with the closure process, the school leader may not. It is extremely important to engage the leaders in the closure process and obtain their buy-in for closure activities. A disengaged and disenfranchised school leader can have a toxic effect on the school.
- **Board members, as with school leaders, are invested in the school emotionally and often, financially.** The closure can leave the board frustrated and disappointed and, as a result, uncooperative throughout the process. Board members may be concerned about their reputations and will most certainly feel burdened with a failing organization. As discussed below, the board's buy-in and active participation in the school closure activities will have a significant positive impact, ensuring that students and parents are well supported.

Additional stakeholders who will be impacted by the closure and may require the attention of the authorizer include

- community members, who may view the school as a beacon in the community, especially if there are no other quality school options in the neighborhood;
- receiving districts or schools, which must absorb displaced students;
- government agencies, which must be involved due to state statute, regulation, or the charter agreement; and
- other public and private entities, which will need reports and/or data from the school prior to or just after closure.

Successful Closure Planning

Strong authorizer management can mitigate stakeholder pain. A well-orchestrated closure can maximize other school selection options for parents and minimize disruption for students while ensuring that public funds are used appropriately.

There are generally three types of charter school closures: the charter holder relinquishes the charter, the authorizer revokes the charter, or the authorizer opts not to renew the charter. While these types of closures have their unique challenges, the authorizer's approach should be similar for each one. There are six steps that an authorizer can take before and immediately after the closure decision has been made that will help to ensure a successful process.

1. Partner with the school leadership

Once the closure decision has been made, the critical first step is to meet with the board of directors of the school. The school's board of directors will manage most of the activities associated with the school's closure. The relationship that develops between the board and the authorizer will dictate, in large measure, how amicable the closure process will be. It is in the authorizer's best interest to meet with the board within 24 hours of the closure decision to establish that the authorizer is available to help the board manage the closure process. It is essential to arrive at this meeting with a closure process in hand that outlines the specific responsibilities of the board and the authorizer. In many instances, the board accepts that the closure decision has been made and welcomes the guidance and support of the authorizer. However, the authorizer must hold this meeting and inform the board of its responsibilities, even if the board is uncooperative or is fighting the school closure.

There are several key aspects of the partnership that will help the closure run smoothly. One of the most important is that the school and authorizer work in a coordinated effort to support students and parents as they search for schooling options for the next school year. This collaboration will instill confidence that the school and the authorizer are committed to helping students and families in their new school searches. Partnering with the board of directors also helps to ensure that the school and the authorizer are consistent in their messaging, which in turn eases the anxiety, mistrust, and confusion that many parents will experience. A collaborative relationship will allow the school to define the areas in which it needs the support and guidance

of the authorizer. Collaboration will also make it easier for the authorizer to monitor the school's progress with the closure requirements.

One critical outcome from the initial meeting with the board of directors is the creation of a transition team to prepare for closure. The team will include a main point of contact for the school and authorizer, as well as other individuals from the school who have financial, legal, and school administration experience. This team may also include staff, parents, and community representatives. The board should identify the charter school's members of the team and schedule a strategic planning meeting within the first 24–48 hours after the closure decision. The goal of the transition team's initial meeting is to review the closure plan, assign responsibilities to team members, and set deadlines. This team should meet weekly to discuss the status of closure activities.

2. Be aware of timing considerations

There are many considerations that should impact the timing of school closure decisions and announcements. Ideally, decisions are made early enough in the school year to allow students to become informed about and to apply to other schools of choice, including charter, magnet, and private schools. However, there are unintended consequences when a closure decision is announced too early in the school year. Announcements of school closure often result in diminished teaching and learning. In fact, the Consortium on Chicago School Research found that the announcement of a school closing negatively impacted academic achievement for the remainder of the school year. In addition, if a closure decision is announced at the beginning of the school year, teachers may pursue other jobs, leaving vacant positions that will be hard to fill. There is also a risk of a student mass exodus. Dramatic changes in enrollment could have a significant impact on school finances, which in turn could force a school to close its doors mid-year. There is a balancing act between giving parents the time to make choices for the upcoming year and providing students with a high-quality education for the remainder of the school year. However, it is most important to notify parents prior to the application deadline of schools of choice , whenever possible.

Authorizers have a tremendous amount of control regarding the timing and announcement of a school closure. Since the closure decision is often related to a charter renewal or school evaluation process, the authorizer should plan these activities with the ideal closure announcement date in mind. While there is no clear right or wrong timing, the authorizer should make its decision in the context of what is best for students and parents.

3. Develop a plan prior to the closure decision

A clear and detailed closure process is one of the most critical success factors. The closure plan will delineate which parties are responsible for the myriad activities that start as soon as the closure decision is made and continue through the fall of the following school year (in some cases, there is a longer time frame). A strong plan will serve as a blueprint that provides transparency and direction for a group of emotional, confused, and angry stakeholders. The plan will establish key dates and milestones for the work associated with the school closure. It is important to remember that charter school closures are much more complicated than the closures of traditional schools. When a traditional school closes, the school district absorbs the vast majority of the complex issues. This is not the case for charter schools. The primary role for the authorizer is to oversee the process and support the charter school with certain specific closure activities. Unlike a school district closing a traditional school, charter school authorizers should not assume any of the school's operational responsibilities.

A strong closure plan includes:

- notifications to all stakeholders, including parents, students, community members, the press, funders, creditors, debtors, contractors, receiving schools or districts, and state education agencies;
- creation of a closure team that includes a project manager from the authorizer and one from the school, as well as individuals with expertise in law, finance, and school administration;
- detailed instructions regarding the treatment of student records;
- detailed instructions regarding the treatment of corporate records;
- financial reporting requirements (note that these may differ from the "normal" reporting requirements);
- detailed instructions regarding the treatment of debtors, creditors, and assets;
- development of a post-end-of-classes plan that addresses the corporate activities that must occur, such as closing bank accounts, terminating staff, and making final tax payments; and
- a process for protection and disposition of assets.

Charter school closures are often further complicated because they are accompanied by corporate dissolution. A sound closure plan considers three distinct periods: the first weeks immediately following the announcement, the remainder of the school year, and the period after the end of classes.

There is a tremendous amount of activity for both the authorizer and the school that should occur in the first days and weeks following the announcement. These activities should focus on

- initial written notification to stakeholders;
- preparation of a press release;
- development of talking points for different constituencies;
- meetings for parents, staff, and the community; and
- provision of detailed financial information to the authorizer.

It is important that the notification of different stakeholders occurs concurrently and within the first 24–48 hours after the closure decision has been made. This will help to stave off rumors and misinformation.

The middle period requires a significant amount of work for the school and monitoring for the authorizer. During this time frame, the school should be actively working to support student placement for the following school year and securing student records. In addition, the school must use this time to work with creditors, debtors, and other business interests while preparing for the wrap-up period after the end of classes. The school should also continue to provide ongoing information to faculty and parents on a regular basis through meetings and written communications. Finally, the school should continue instruction and operate the strongest educational program possible. Although the authorizer is not responsible for the staff, it should work closely with the school's board of directors to support the continuation of high-quality instruction through the end of the school year.

During the post-end-of-classes period, the key activities should focus on student records; corporate records; asset liquidation; preparation of any and all reports due to the local, state, and federal governments; and final agreements with creditors and lenders. In addition, the school must finalize all financial activity to prepare for and execute the audit. The school should also provide parents with final report cards, transcripts, and the contact information for a student records custodian. All wrap-up activities should be carefully documented and provided to the authorizer.

4. Anticipate the need for additional authorizer personnel

School closures are incredibly time consuming for authorizers and may require hiring additional staff. As already suggested, the authorizer should assign a project manager to lead the team and serve as the information hub and single point of contact for the authorizer. The project manager can be a member of the staff or a third-party consultant. This role requires coordination between the authorizer, parents and students, the community at large, the receiving district, the state education agency (SEA), and the school. The project manager will need access to legal counsel, financial personnel, and public relations experts during the course of the closure process. A smooth and well organized closure could require several days a week of the project manager's time, while a contentious closure could easily require the project manager's full-time attention as well as a significant amount of time from the authorizer's lawyers. When a school closure is battled out in the press, the authorizer's public relations personnel or consultant will have to invest a substantial amount of time, as well.

The project manager will monitor the closure process against the benchmarks established in the closure plan to ensure that the school is taking the necessary steps to meet stakeholder needs and prepare for the wrap-up of activities. If possible, the project manager should be on site at the school regularly to gauge progress; take pulse of the students, faculty, and administration; be available to answer questions; and demonstrate that the authorizer is a partner in the process. The school's stakeholders often view the authorizer as a wrongdoer that has betrayed their trust. A physical presence helps to address this perception and facilitate a successful end of the school year. In cases where the school is not fully compliant with the work plan (or does not have the capacity to complete the tasks), the authorizer may need to step in and offer assistance in a select set of areas, including assistance with student transition, securing student records, and the inventory of assets.

The project manager must have the financial acumen or rely on financial personnel to assess the school's ability to remain open for the remainder of the school year in order to avoid a mid-year closure. While there are a few situations that warrant mid-year closures, they should be avoided whenever possible, as they cause tremendous distress and anxiety to families and interrupt instruction. School finances are one of the root causes of mid-year closures. A school that runs out of money and cannot meet payroll cannot stay open. If the authorizer is actively

reviewing the school's financials, there is no reason for the authorizer to be caught off guard with an unexpected mid-year closure. As a part of the closure plan, authorizers should require an immediate assessment of the school's finances, its obligations to creditors, and its anticipated receipts from debtors. The school should prepare financial statements, a year-to-date budget-to-actual analysis, and a cash flow plan for the remainder of the school year. These should be updated and reviewed monthly through dissolution.

5. Develop a communications plan

The communications plan should be created in advance of the decision to close a school. It is extraordinarily important to maintain a clear and consistent message, especially to the parents, students, school officials, and the press. Rumors and misleading information abound regarding school closures. A coordinated communications plan will help to ensure that the same information is provided to all stakeholders, which in turn will reduce their confusion and minimize anger and anxiety. To this end, communications with stakeholders should occur frequently through the end of the school year. The initial communications plan should focus on the first notifications to stakeholders as well as the communications during the two to three weeks following the announcement. The plan should include immediate action on several levels:

- Identify the project manager or another key player as the primary spokesperson regarding the closure process.
- Identify the school's primary point of contact for closure communications.
- Distribute contact information to stakeholders.
- Draft talking points for delivery to different stakeholders.
- Prepare a press release.
- Write a letter to parents and school staff that explains why the school is being closed, outlines the transition plan, and establishes the date for an initial parent meeting.

This initial plan should focus on the near term, as it will inevitably need to be adjusted as events unfold. After the first week following the announcement, the transition team should further develop the communications plan through the end of the school year.

Initial Notifications

To the extent that the school is fully cooperating with the authorizer, it is ideal for the initial letter to parents to come from both the school and the authorizer, as this will instill trust and confidence. When the school and authorizer are implementing the communications plan in tandem, they should determine which party will address which stakeholder. In general, the school administration/board of directors should be responsible for communications with staff, funders, partnering agencies (public and private), the charter management or education management organization (if applicable), as well as corporate contacts, such as creditors, debtors, contractors, lenders, insurance agents, benefits providers, and pension agencies. The school and authorizer should jointly notify parents, students, state and local education agencies, the community at large (including the media), and other government partners. All written communications regarding the school closure should be copied to the authorizer.

If the school is not complying with the closure plan, it is important that the authorizer communicate directly with families. Authorizers should include a provision in the charter contract that clearly establishes communication channels with parents in the event of a school closure decision. This will ensure that the authorizer can immediately contact parents whether or not the school complies with the closure plan. In this situation, the authorizer's basic message should not change; however, it is important to recognize that in this situation, parents and community members are likely receiving conflicting information. In fact, the school may organize parents and other community members to fight to keep the school open. In this circumstance, the authorizer must be prepared for a significant level of media interest, as well as parental resistance to any type of transition plan. If the parents challenge the closure decision, they are likely hoping that the school will remain open and not looking at options for the following school year. It is imperative that the authorizer addresses the reasons for closure and provides information regarding transition options regardless of the parents' position vis-à-vis the school closure. The authorizer's initial letter to parents should accomplish four things:

1. The authorizer should convey to families that their individual and collective needs are the top priority of the authorizer. 2. The letter should explain why the school is being closed. This should be an objective, fact-based account that includes a description of the authorizer's responsibility to hold schools accountable according to their charter agreements. 3. The authorizer should outline the transition plan for students. This plan

should include an explanation of the supports that the authorizer is putting in place for parents and students, as well as a set of forums to discuss educational options for the following year. It should also include contact information for the authorizer's project manager. 4. The letter should provide a detailed timeline of activities related to the school closure, as well as the application, selection, and transition to a new school.

Subsequent Communications

The authorizer and school should prepare a follow-up to the initial notification letter to parents within the first few weeks after the announcement is made. The second letter should provide more detailed and practical information, such as the last day of classes, cancellation of summer school, information regarding student records, and dates for meetings and school fairs, as well as school choice information. Please note that the charter school is responsible for preparing a similar transition letter to the staff, as well as any and all communication with vendors, debtors, creditors, and other partners.

The authorizer should plan to hold a series of meetings and school fairs for parents and the community. These meetings will provide parents and community members the chance to ask questions about the closure and the transition planning for the next school year. It is important to note that the meetings should be informational, not political. The authorizer should make certain that parents and other stakeholders understand that the meetings are not a forum for discussing the rationale for closing the school or an opportunity for parents to protest the closure decision. As discussed, the timing of the closure announcement should provide ample opportunity for parents and students to learn about and apply to other schools of choice. A school fair should include officials from the receiving district schools, magnet or other district schools of choice, charter schools, and private schools. At these meetings, the authorizer should distribute applications, contact information, and literature from potential receiving schools.

The authorizer should monitor and review the school's communications to verify that all stakeholders have been contacted and that the requisite information has been included. If there are any gaps, the authorizer should prompt the school to reach out to stakeholders as necessary. It is important to note that the authorizer should not take on the responsibility of formally contacting the school's vendors or creditors, as this may create legal problems for the authorizer.

6. Require an escrow account

Schools that are closing are often in financial distress and have few or no assets at the end of the school year. This is a problem, as there are significant expenses associated with wrap-up activities, the final audit, and corporate dissolution. Some authorizers require an escrow account in order to ensure that funds are available for these activities. For example, State University of New York's (SUNY) Charter Schools Institute requires that $25,000 be placed in escrow for each of the first three years of operation. Should the school close, the $75,000 escrow is used for audit and legal fees and bankruptcy fines. According to Ralph Rossi, the vice president and general counsel to the SUNY Charter Schools Institute, these funds are usually used in full during a school closure process.

School Wrap-up Process

For the most part, the school's board of directors should engage in all activities that take place during the wrap-up process. As discussed above, the authorizer may become directly involved in the student transition supports but should work behind the scenes in other areas. The authorizer's job is to monitor the school's progress against the benchmarks established in the closure plan. This is a time-consuming task, but a critical one. The authorizer should make sure that the school is positioned to provide high-quality instruction for the remainder of the school year. This requires the school leaders to actively manage the finances, provide staff members with detailed information regarding final payments and benefits, and keep the students engaged. Additionally, the school should be preparing student and corporate records for closure.

Among the more important functions during this time frame is oversight of the school's financial wrap-up activities. The authorizer should make certain that the school has appropriately notified all debtors and creditors and terminated all contracts. Furthermore, the school must have an up-to-date inventory and a plan in place for liquidating fixed assets. The assets purchased with state or federal funds should be identified separately and disposed of according to the applicable government requirements. The school should be required to prepare a monthly cash flow projection through the end of the fiscal year, which includes all essential expenditures, including payment in full for staff, payroll taxes, pension funds, and benefits. The cash flow projection should also take into account any lost revenue related to decreases in enrollment, as well as any overpayments from the state or school district that must be returned. Monitoring these

activities will require monthly reviews and ongoing dialogue with the school's business officials. The authorizer needs to have confidence in the projections in order to know with certainty whether or not the school will remain open through the end of the school year. Authorizers should not be involved in negotiations with creditors and should not make any decisions (prior to speaking with legal counsel about possible liabilities) regarding which creditors get paid.

If the school is not making adequate progress according to the closure plan or is not providing sufficient documentation, the authorizer may wish to use remaining school payments as leverage. The authorizer may opt to directly withhold payments and/or work with the state to withhold payments as allowable in the charter school contract. If payments are made quarterly or semiannually, the authorizer may also seek to shift to monthly payments. This will provide a more significant degree of control to the authorizer. As with the entire process, it is important to be transparent with any action that changes the way the school will receive funds.

Pay Attention to School Finances

Authorizers need to monitor closely the finances of closing schools to ensure that schools have the funds they need to close smoothly and that public assets are protected. Before and after a school closure decision is made, authorizers should closely monitor and oversee:

- monthly revenue and liabilities;
- school notification of all debtors and creditors; and
- inventory and disposition of all assets.

Securing, preparing, and distributing student records represent another area where the authorizer can become directly involved in the process, if necessary. Ideally, the school should complete this work shortly after the last day of classes. Proper management of the student records is necessary for students to smoothly transition to their new schools. This task can be incredibly time consuming and, if the school does not prepare the records for transfer, the authorizer may find itself with no choice but to take on this responsibility. The treatment of student records must adhere to the Family Educational Rights and Privacy Act, as well as to any state or local laws or regulations.

Furthermore, there should be a clearly detailed process for transferring the student records to receiving schools, the local or state education agency, or the authorizer. Documentation of the transfer of student records should be sent to the authorizer. A word of caution: while the authorizer can work with student records, it should not work with or take responsibility for the corporate records, as this may create legal problems down the road.

Making the Best of a Bad Situation

School closure is difficult for all stakeholders, including the authorizer. However, the authorizer, in conjunction with the school leadership, has the opportunity to orchestrate a smooth, successful closure. Even when the school is actively fighting the closure decision, the board of directors and the authorizer should be able to find common ground by agreeing to make students' and families' needs the number one priority. A school that is fighting the closure process should be encouraged to advise its students to apply to other schools to ensure that they have educational options for the following year, if the school's appeals are unsuccessful. Putting students and families first entails keeping the school open through the end of the school year, assisting students and parents in exploring and applying to new schools, and securing the student records. If these three conditions are met, the school closure process should be considered a success.

About the Author

Matthew Shaw is a business and strategic consultant to charter schools and affiliated organizations. Mr. Shaw has over 12 years of management experience in the education reform sector with expertise in: financial modeling, fiscal management, new school design and development, new school start-up, school operations, strategic planning, school reviews and proposal writing. A representative list of Mr. Shaw's current and former clients include: Intrinsic Schools, KIPP San Antonio, Public Prep, Chicago International Charter School, New Schools for Chicago, SUNY Charter School Institute, and National Association of Charter School Authorizers.

Prior to consulting, Mr. Shaw served as the Director of Operations for Perspectives Charter School in Chicago. Mr. Shaw received an MBA from the Kellogg School of Management and a BA from Washington University in St. Louis.

ENDNOTES

1 Torre, Marisa de la, and Julia Gwynne. *When Schools Close: Effects on Displaced Students in Chicago Public Schools*. Chicago: Consortium on Chicago School Research at the University of Chicago, 2009.

2 Maryland State Department of Education Office of School Innovations. *Charter School Closure: The Authorizer's Role in Ensuring an Orderly Dissolution,* Maryland, 2009, p. 7.

chapter 8

Message Matters in Closure Decisions

Joe Williams

CHAPTER 8 GUIDANCE

- Good messaging matters.
- Anticipate reactions to your actions.
- Keep your eye on the big picture.

The job of charter school authorizers is difficult enough, even without the glare from the public spotlight that invariably comes with a decision to close a failing school. The concept of shuttering failing schools may seem straightforward in theory but is hard work to execute in the real world.

Authorizers who use their most potent accountability tool can find themselves, as the Fordham Foundation notes, "in a very lonely spot faced with a hostile [school] board, disgruntled staff, angry parents and students, and curious media."[1]

It is no wonder many authorizers agonize over the media aspects of a school closing. Authorizers have seen their share of media coverage where the emotional aspects or salacious details of a particular closing distort or obscure the larger issues of accountability and educational quality or unfairly taint the accomplishments of successful charter schools. Engaging with the media can also seem contrary to the authorizers' duty to be politically detached, evidence-driven decision makers whose first priority is the best interests of children.

While uncomfortable in many respects, the intense attention that charter school closures attract does offer golden opportunities for authorizers to convey larger points about school accountability and public education generally. As decision makers, authorizers are expected to provide information and explanations to the press and public. The messages authorizers use to organize and give meaning to the story are critical to shaping public understanding—with the power to build support for the authorizer's resolve, or conversely, to swirl into a public- and community-relations fiasco. This chapter provides media perspectives and advice on effective messaging for authorizers facing the highly sensitive situation of closing a school.

Controversy Makes News

The fact that charter school closures can appear so messy is also what makes them so unquestionably newsworthy in the minds of reporters and editors. Most failing charter schools don't close themselves willingly. Whether their reactions take the form of denial ("Our school isn't that awful"), unwarranted optimism ("We're about to turn the corner"), or stubborn resistance ("How dare they criticize our school!"), the charter school's board, leadership, parents, teachers, and students cannot be expected to be happy about the prospect of losing their school.

These sentiments will become immediately apparent to reporters, who understand the value of conflict and emotions in writing compelling copy. As storylines start to develop, the authorizer can quickly be assigned the role of villain, with the failing school treated as the victim. Even if the authorizer is able to steer the debate toward accountability from the first news story forward, charter closures take place over a series of steps, and at any point the narrative is likely to veer into the good guy/bad guy paradigm of typical media coverage.

No authorizer wants to be characterized in this way, of course. Thus, every authorizer confronting a school closure should be proactive in sharing the evidence and process that led to the decision, explaining the actions being taken to smooth the transition for affected students and challenging reporters to dig deeply into the reasons students have so few quality education choices in the first place. The goal is to show journalists that closing a low-performing charter school signifies the strength and integrity of the charter school concept—an unpleasant but compassionately made decision that ultimately serves the students better than leaving them in a languishing school.

A New Era Demands New Messaging

Good messaging matters. Messaging for today's charter school closings needs to respond to the reality that charter school parents are increasingly sophisticated education consumers; support for charter schooling in many communities is less cautious than it once was; and even the hard questions of skeptics have shifted in ways that may be healthy, such as demanding more clarity about how accountability serves students. A movement that prides itself on allowing charter schools to be nimble enough to make midcourse corrections must similarly be willing to adapt its messages in ways that do justice to the complexity of the issue.

Good messaging always addresses the end goals. In the case of charters, the end goal involves providing children with a demonstrably better education than they would otherwise be getting. Secondarily, authorizers have an interest in building and strengthening the broader charter school movement. But the specifics and circumstances are constantly evolving, as the challenge of school closure illustrates. In the 1990s, many charter school supporters worried that the "charter school experiment" would be deemed a failure if and when bad schools were closed. Today, in many communities, the problem is reversed—the charter movement is labeled a failure if it doesn't close more failing schools.

It remains important that when ineffective charter schools are closed, authorizers point to the closure as a sign of accountability in action. But there are many pitfalls if that is the only message authorizers deliver. The reality is that, because the situation is much more complicated than that, the messages describing it must consequently be more comprehensive.

For example, given the limited supply of quality public education in many communities where charter schools are an option, an authorizer's efforts to hold charter schools accountable bring the risk of sending some students back into the inferior schools they fled in the first place. The problem here isn't that a single underperforming charter school is being shut down, it is that the expectations and accountability for performance in our traditional public school systems are intolerably low. In their messages to the public and the media, authorizers must make it clear that for public education to work properly, tough-minded, sometimes painful accountability is necessary in all quarters—and that good authorizers are fulfilling their responsibility when they close failing schools.

In some cases, if the media perceive that low-income families are struggling alone through a dramatic transition, a narrow focus on accountability can also feed the media's inclination to typecast authorizers unfairly as the "bad guy." Once such a storyline unfolds, it can become impossible to move beyond it. From a messaging standpoint, that means authorizers must chronicle their efforts to smooth the transition for affected students (see Chapter 6 for detailed advice) and never let the debilitating effects of underperforming, unaccountable schools be forgotten.

Finally, if inadequate messaging simply raises alarm about charter school quality and creates a perception that "not enough is being done" to weed out bad schools, it can invite drastic measures that create more problems than they solve. As the charter school movement has matured, the propensity of even well-intentioned legislators to re-regulate has intensified. A charter school closing story that runs amok can lead to a proliferation of red-tape solutions to save the day. For example, when Fresno, California school officials closed the GateWay Academy Charter School in 2002 following allegations of financial improprieties, religious instruction, and other infractions, legislators in Sacramento proposed numerous fixes that would have reined in all charter schools in the state. "We could see a situation where every time one charter caught a cold, the legislature was going to prescribe penicillin for everyone," said Caprice Young, then-CEO of the California Charter Schools Association,[2] which was created in the wake of this

legislative backlash to strengthen and support California's charter movement.

Newton's third law of physics states that for every action there is an equal and opposite reaction. Effective messaging in school closing cases needs to anticipate both the action and the reaction, that is, the action of the closure decision and the reaction of the school community and others who will weigh in. This narrative doesn't have to fall solely on the shoulders of the authorizer—every charter community includes advocates for school quality and the ultimate accountability of closing failed schools. As decision makers, authorizers will be asked to explain their decision to the press and the public at large. If the closure policy and decision process are rigorous, transparent, and complete, the messages authorizers deliver will align with and reinforce the work they have completed and provide guidance useful to all who support the closure decision.

Messaging in Action: Starting with Student Needs

The 2004 closing of California's largest charter school operator—California Charter Academy (CCA)—perfectly illustrates how to nail the "action and reaction" in one messaging strategy. This case highlights the messaging conducted by a charter advocacy group rather than the authorizer, since in this case the authorizing was clearly part of the problem in the first place. Nevertheless, this case exemplifies effective message management that a quality authorizer could deploy to explain and defend a closure decision to the public.

In the summer of 2004, CCA was forced to close 60 of its campuses following a California Department of Education investigation into its academic and financial practices. The California charter community found itself looking at nearly 2,600 displaced students only weeks before the school year was to begin,

all in the context of a bad news story that could taint all charter schools. In this case, the California Charter Schools Association played an integral role in raising awareness of the CCA problem in the first place and then moving quickly to mobilize the broader charter school community to make sure the students landed in high-performing charter schools in their areas. Gary Larson, a strategist who works with charter school groups and led communications at the California Charter Schools Association at the time of the CCA closing, said sending the right signals to the public was crucial.

"I am more and more convinced that unless school closures are done very thoughtfully, the public will have a strong backlash against charter schools," Larson said. "No matter how we try to position these things, the public wonders, 'Where will the kids go?'"[3]

The message strategy in the CCA situation began by answering that question—the children would be taken care of by the far-reaching charter school community—while simultaneously distancing the state's good charters from the "bad apple" that was CCA. In fact, the Association essentially drove the news coverage of the episode as it unfolded. Not only did the Association ensure that most of the displaced students found seats in other charter schools, it also produced a report highlighting its work and taking responsibility for both the action (policing its own and pushing to close a bad charter) and the reaction (making sure that all students landed at a higher-performing school).

Genuinely feeling the pain of the families impacted by the closing is a critical lesson. While authorizers must clearly communicate that their decision stemmed from a careful process and dispassionate evaluation of evidence, they must also avoid the risk of being perceived as bureaucrats hiding behind the shield of their job descriptions. The world is full of people who faithfully do their job yet feel horrible about the circumstances. Authorizers must understand that if they act humanely, they will have a much greater chance of being treated humanely in the press.

This approach paid off handsomely in the CCA case. In fact, it is hard to imagine a better outcome than the September 14, 2004 story in the *Los Angeles Times*. The first three paragraphs quoted below hit all the important points. In short: there was a problem, it was handled effectively, and students are better off today.

> *More than 2,600 students who were displaced last month after their campuses closed due to legal and financial turmoil are now enrolled in charter schools, according to a report Monday by a state charter school group.*
>
> *The findings were released a month after the Victorville-based California Charter Academy shut down 60 campuses under pressure from new state laws and a California Department of Education investigation into its academic and financial practices. The nonprofit California Charter Schools Association, which serves the state's 537 charter schools, compiled the report based on state education department and campus surveys.*

> *"After no longer tolerating this one bad apple, the charter school community rallied together to ensure that their former students have a soft landing into high-quality programs," said Caprice Young, chief executive of the California Charter Schools Association, which has no affiliation with the California Charter Academy.*[4]

Closing an underperforming or severely mismanaged charter school is one of the toughest things an authorizer must do, for all of the reasons highlighted in this and other chapters. The authorizer will face tremendous pressure from all directions, including from the press. Surviving and thriving in such situations depend largely on how well the authorizing process has been managed from the start, how positive the authorizer's relationships are with the larger charter school advocacy community, and how much advance preparation the authorizer has focused on getting the message right with reporters. Good management of the authorization/accountability process is itself a form of good public relations, as is having networks in place to share information and strategies with friendly groups and advocates. Some final tips:

1. Put students first.

Let that be the mantra and refer back to it often. Authorizers must go beyond just saying they feel students' pain in this process—they must always be aware of the impact of their actions on students and their families. The school marked for closure was chosen by every family for specific reasons and having it pulled out from under them is traumatic. The authorizer must make every possible effort and accommodation to place those students in good schools, especially if their neighborhood school options are of even lower quality than the charter that is closing its doors.

2. Use transparency to your advantage, and let the paper trail be your ally.

If the authorizer has done its homework, press relations will be much easier. The authorizer can focus on effectively delivering the planned message rather than being distracted by repeatedly defending the decision to close the school. Let reporters see that the authorizer went above and beyond to give the school opportunities to correct its shortcomings. Show that the school received fair and timely warnings of problems detected and ample opportunities to remedy them. Demonstrate that you, the authorizer, treated the school with fairness and consistency and in accordance with clear policies known to all charter schools—thereby heading off any possible rumors of political influence. Make the record public, to let it speak for the integrity of the process.

3. Don't let the big issues go unspoken.

The granular focus of a school closure and its implications for charter accountability are important but not the total picture. The larger challenge for the entire community is to create more good schools and reduce the number of bad schools. Good authorizers are doing their part. Challenge the whole community to do better.

4. Be proactive.

Several days in advance of significant actions, such as a staff recommendation or board action not to renew, prepare a press release that clearly explains the standards and processes used to reach this decision. Determine who will be the spokesperson. Plan to hold a press conference or other opportunity to answer media questions. Practice your responses to predictable questions. Be compassionate but firm in your statements.

Also, contact other public officials who represent the school and its families, such as the alderman/councilman and state legislators. In a one-on-one meeting, explain to each official why the school is being recommended for closure. Answer their questions. Do the same with your state's charter school association. If they agree with your recommendation, ask them to make a public statement. These additional voices of support can be important in reinforcing your key messages about the closure and make the process go much more smoothly.

Remember that in all of this, despite the difficulty, the clarity of the authorizer's commitment to the students and their families is paramount. And it is based on a simple bottom line: continued failure or mediocrity is not in the best interests in the students we strive to serve.

About the Author

Joe Williams is founder and executive director of Democrats for Education Reform, a New York City–based political action committee. He is a former newspaper journalist and author of the book *Cheating Our Kids: How Politics and Greed Ruin Education* (Palgrave Macmillan, 2005). Previously, Mr. Williams covered the New York City schools system for the *New York Daily News*. As an education reporter with the *Milwaukee Journal Sentinel*, he won numerous local, state, and national awards for his coverage of the Milwaukee public schools and that city's groundbreaking school choice programs.

ENDNOTES

1 "Lessons of Charter School Sponsorship: Closing a charter is painful, difficult work," Ohio Gadfly, Thomas B. Fordham Foundation, June 4, 2008.

2 "Calif. Group Puts Muscle into Charters," Education Week, Sept. 10, 2008.

3 Interview with author, Sept. 14, 2008.

4 "It's back to school for 2,600 displaced students," Ericka Hayasaki, Los Angeles Times, Sept. 14, 2004, B6.


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chapter 9

Using Default Closure Policies to Strengthen Accountability

Parker Baxter

CHAPTER 9 GUIDANCE

- » Use default closure policies to remove political barriers to closing failing schools.
- » Set a threshold of minimally-acceptable performance.
- » Determine how long a school perform may perform below the minimally acceptable level before being closed.
- » Allow for some level of discretion in extraordinary cases.
- » Avoid pitfalls by learning from others.

The job of charter school authorizers is difficult enough, even without the glare from the public spotlight that invariably comes with a decision to close a failing school. The concept of shuttering failing schools may seem straightforward in theory but is hard work to execute in the real world.

Closing a charter school, even after years of persistent, complete failure, is extremely difficult. Considering that charter schools are created explicitly to be accountable for their performance, this might seem counterintuitive, but for a host of reasons–some practical, some emotional, and some purely political–there is simply is no constituency for closing schools, no matter how badly they perform.

Any authorizer who has closed a school or even tried to close a school will tell you it was the hardest thing they've ever done, not just because it is heart wrenching to uproot children and disrupt communities but also because people will fight you every inch of the way. Parents will protest. School leaders and governing boards will take you to court. Elected officials and community leaders will try to intervene. As a result of these challenges, many authorizers are unsuccessful in their efforts to close failing charters; many don't even try.

In order to remove the political barriers to closing failing charter schools and to make it easier to hold persistently low-performing schools accountable for their failure, the National Association of Charter School Authorizers (NACSA) encourages–and state legislatures are increasingly employing–an approach known as automatic or default closure.

Not Up for Debate

The idea behind default closure is that political pressure should not be allowed to prevent or delay accountability for failure. If a school has been given sufficient opportunity to demonstrate their ability to help their students grow and achieve, and they have consistently failed to do so, closure should be the only option.

There are three main questions to answer when considering a default closure policy:

- What is the minimally acceptable performance below which closure will result?
- How long must a school perform below the minimally acceptable level before being closed?
- Under what circumstances may discretion be exercised and by whom?

NACSA recommends that the state, when developing a default closure provision, identify a threshold of minimally acceptable performance below which closure will result, either when the school's charter comes up for renewal or during the charter term for schools that have long charter terms and years of persistent, unacceptable performance. This threshold must account for both the performance level of the school and the number of years of poor performance necessary before the closure provision will apply. The process established should not be so mechanical that it cannot be modified to address very special circumstances, and the performance evaluation used to determine eligibility for closure should be comprehensive, objective, and accurate and should include both overall performance and growth.

It may also be necessary to allow an authorizer some modicum of discretion in deciding whether to apply the default closure provision to a particular school, especially schools that exclusively serve highly specialized at-risk populations, such as incarcerated youth, teen mothers, or students with severe special needs. This is even more important if the state does not have a differentiated accountability system for these schools. The goal is to close schools that truly are failing their students, not schools that are truly alternative from the moment they are created. And while some amount of flexibility is necessary, the process needs to be strong enough to accomplish its goal. If politics can reenter the process or if there are ways that schools can prevent closure even when it is warranted, the process won't be useful for authorizers, won't protect student and public interests, and failing schools will continue failing kids.

A Fight that Shouldn't Need to Be Fought

Some authorizers worry that default closure provisions take away their authority and trample on their professional judgment. This view is understandable, but when crafted carefully, in consultation with authorizers and with the appropriate amount of flexibility and discretion built in, default closure provisions can be an authorizer's best friend, as it facilitates closing schools that need to be closed. Rather than disempowering and marginalizing authorizers, default closure provisions can help authorizers by taking the politics out of closure decisions when failure is incontrovertible but which would otherwise be difficult, costly, and time consuming.

It is also important to remember that nothing about default closure policies prevents authorizers from exercising their authority and taking action to hold schools accountable for their performance even when it may not be so bad as to qualify them for default closure. The threshold for default closure is meant to be the absolute floor of acceptable performance. It is not a threshold that alone justifies renewal or a ceiling that limits authorizer action. Authorizers will still need to maintain expectations that are much higher than this floor and hold schools accountable for meeting those expectations. Even with default closure, authorizers will still need to close schools that are above the floor but failing to fulfill their contractual commitment to be better than bad, failing in their obligation to uphold the public trust, and failing to serve their students over the course of their charter term.

Default closure provisions help authorizers by ensuring that what should be the easiest of already hard decisions is not unnecessarily difficult. They help by keeping what should be clear-cut closure decisions out of court, by preventing schools and communities from fighting what should not be fought, and by allowing authorizers to focus their attention and resources on such issues as encouraging the growth of their highest-performing schools, protecting student and public interests, and focusing on schools where discretion in decision making is truly needed.

Rather than disempowering and marginalizing authorizers, **default closure provisions can help authorizers by taking the politics out of closure decisions** when failure is incontrovertible but which would otherwise be difficult, costly, and time consuming.

Lessons Learned

Most states do not yet have a default closure provision and there is significant variability among the provisions of those states that do. States with some kind of default closure mechanism generally fall into one of three categories:

- **Category A**: Statutory automatic closure criteria requiring no action by the authorizer for closure to occur
- **Category B:** Statutory closure criteria requiring action by the authorizer or state to close the school
- **Category C:** Nonspecific or ambiguous statutory closure language and no statewide specific closure language

States in categories A and B have policies that result in true, automatic closure. Examples include Indiana and Florida. In Indiana, the state must revoke the charter if the school receives an "F" and is still at an "F" after three years. In Florida, the authorizer must terminate the charter if the school earns two consecutive grades of "F."

States in category C have provisions that are too ambiguous to result in automatic closure or that maintain too much discretion and therefore defeat the goal that default closure policies are meant to achieve. North Carolina is an example of a state in this category since its law lacks clear performance criteria and allows schools to avoid closure by implementing an improvement plan.

Examples of Strong Default Closure Provisions

Florida: "The sponsor shall terminate a charter if the charter school earns two consecutive grades of 'F.'" 2012 Fla. Sess. Law Serv. Ch. 2012-194

Washington: "A charter contract may not be renewed if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the [state] accountability…unless the charter school demonstrates exceptional circumstances that the authorizer finds justifiable." RCW 28A.710.200

It is still too early to assess the full impact of the early adopters of default closure provisions, but their experiences thus far do provide some important lessons. Policymakers, advocates, and others considering enacting a default closure provision should

- **involve all stakeholders and keep the focus on improving quality.** Engage stakeholders in a dialogue about the purpose of default closure and its role in promoting quality educational opportunity. Listening and responding to legitimate concerns are important for building broad support for what many will feel is a major shift in the status quo.
- **use an accountability system that accurately identifies schools that are truly failing.** The goal of a default closure policy is not to close schools for the sake of closing schools, but to close schools that clearly have failed. The evaluation system used to identify schools that qualify for automatic closure needs to be robust and comprehensive enough to justify the extremity of the actions it mandates and to secure the trust of those who are impacted. It also needs to differentiate between schools that serve a general, if nonetheless challenging, population from schools that are truly alternative settings designed to serve highly specialized populations of students, such as students with autism or those who are homeless. The integrity of a default closure process depends on the accuracy and reliability of the system used for evaluating performance.
- **set the bar high enough to prevent a race to the bottom.** While setting a minimum bar may close the worst performers, it may encourage schools to do only well enough avoid falling below the bar and may also get in the way of authorizers who have higher standards and seek use their discretion to close schools not meeting those standards. The minimum performance threshold needs to be high enough to incentivize charters to demonstrate high achievement and continuous improvement. It also must not prevent authorizers from setting and enforcing their own high standards–both in law and in practice.
- **set the bar low enough to capture only those schools that unquestionably should be closed.** Just as the bar should not be so low that it causes a race to the bottom, the bar should also not be so high that it risks capturing schools that for one reason or another are not in fact the worst of the worst and for whom authorizer discretion is warranted. Default closure should be reserved for schools for which no argument can be made for their continued existence. There are other schools that still need to be closed and that authorizers will still have the authority and responsibility to close, but these schools are not always immediately identifiable and require closer investigation.
- **not allow schools that are closed to be reincarnated.** Just as failing schools and their supporters will do everything in their power to prevent their closure, once closed, they will also try to act as though closure never happened by reinventing themselves under a new name, seeking out a new authorizer, or opening in a new location. Policymakers need to build in safeguards that prevent the operators of schools that are closed from continuing to operate the school in a new form and authorizers from allowing them to do so.
- **pay attention to details, clearly define essential elements, and think about timing.** The default closure of schools based on performance is a significant undertaking and many details need to be worked out in order to ensure that the process functions as intended. Policymakers should pay close attention to these details and make sure to define all the terms that are essential to making the process operate effectively. Policymakers must also consider carefully on the front end how the process will work in practice, particularly when it comes to the relationship of default closure to other charter school accountability mechanisms (such as performance framework or renewal terms), the timing of test data availability, and the release of school evaluation ratings and closure determinations. Not planning ahead for

Avoiding Reincarnation: Lessons from Ohio

The primary reason that default or automatic closure policies are needed is that failing schools seem to be immortal, impervious to the accountability of parent choice, protected by politicians, and tolerated by the officials charged with overseeing them.[1] It is ironic, then, that in Ohio, where an otherwise strong default closure law has long been on the books, failing charter schools have nonetheless been able to remain open by simply reincarnating themselves after closing. Research by the press and state policy advocates shows a consistent pattern of schools being forced to close for low academic performance only to reopen again the following year as ostensibly new schools, with a new school code, a fresh accountability record, and often the same management company, the same staff, and in the same building with the same students. According to a report by Policy Matters Ohio, of the 20 schools that have been automatically closed since Ohio's law was enacted in 2008, seven of them have been reincarnated as more or less the same schools. Of those seven, three are again in academic emergency under the state accountability system and a fourth is on academic watch.[2]

Anyone considering adopting a default closure policy should learn from Ohio's experience and make sure that their law has sufficient safeguards to prevent schools that are closed from continuing to operate by reopening as new schools. A strong default closure law should also limit the ability of school management organizations to open new schools or expand existing ones that are low performing. Ohio's closure law states that "the governing authority of the school shall not enter into a contract with any other sponsor…after the school closes," but this creates a loophole by allowing management organizations to simply reopen closed schools with new boards of directors. This not only allows failing schools to be reincarnated after mandatory closure, but also allows the organizations that managed these schools into failure to open new schools and expand existing ones irrespective of their track record of performance. Careful policymaking can avoid creating these kinds of loopholes.

Schools that are closed for persistent failure cannot be reincarnated except through the complicity of the authorizers that approve them as new schools. It is probably impossible to account for all the ways that a school that is closed might be reincarnated, so those considering default closure policies should also pay attention to the role of authorizers. Accountability for failing schools should be coupled with accountability for the authorizers that allow these schools to be perpetuated.

contingencies will only make what is inevitably a difficult and disruptive process all the more chaotic and will threaten the sustainability of the process itself.

Not a Panacea, But a Powerful Tool

Default closure for persistently underperforming charter schools is not a panacea. By itself, it will not solve the problem of failing schools. But when carefully designed and implemented and when combined with other smart policies and practices that promote high standards, strong accountability, quality authorizing, and the expansion and growth of high-performing schools, default closure is a key strategy for progress. Automatically closing schools that year after year—and undeniably—fail to meet their obligations to their students and the public is a critical component of a multipronged approach that will, with continued hard work and a relentless focus on results, dramatically improve and expand educational opportunity for the millions of children who currently lack it.

About the Author

Parker Baxter is Director of Knowledge for the National Association of Charter School Authorizers (NACSA) and a Senior Research Affiliate at the Center on Reinventing Public Education. Parker has worked in public education for almost two decades in a wide variety of roles, including as a charter school authorizer, legislative aide, policy researcher, and special education teacher. Prior to joining NACSA, Parker served as Assistant Superintendent and the Executive Director of the Office of Parental Options at the Louisiana Department of Education. Parker also served as Director of Charter Schools for Denver Public Schools and as an aide to Senator Edward M. Kennedy on the Health, Education, Labor, and Pensions Committee. Parker has a Juris Doctor from New York University's School of Law, a Masters in Public Management and Policy from New York University's Wagner School of Public Service, and a B.A. in Classics-History-Politics from Colorado College.

ENDNOTES

1 David A. Stuit, Are Bad Schools Immortal: The Scarcity of Turnarounds and Shutdowns in Both Charter and District Sectors, Basis Policy Research and Thomas B. Fordham Institute, 2010. Available at: http://www.edexcellence.net/sites/default/files/publication/pdfs/Fordham_Immortal_10.pdf

2 Jennifer DePaoli and Piet van Lier, Avoiding Accountability: How charter operators evade Ohio's automatic closure law, Policy Matters Ohio, 2013. Available at: http://www.policymattersohio.org/wp-content/uploads/2013/01/CharterClosure_Jan2013.pdf See also, Doug Livingston, "Failing charter schools often close, reopen with little change," Akron Beacon Journal, September 10, 2013.

3 Ohio Revised Code 3314.35 http://codes.ohio.gov/orc/3314.35.

appendices

APPENDIX I

SAMPLE ACTION PLAN FOR CHARTER SCHOOL CLOSURE[1]

	Action Item	Responsibility for Completing Action	Completion Date[2]	Status
1	**Create "Charter School Closure: Frequently Asked Questions" Document** General document from authorizer outlining Authorizing Board's policies, commitment to quality authorizing through supporting the transition of students and staff to new settings, overview of transition steps, general timelines, checklist for parents transitioning to a new school in the next school year and authorizer contact information.	Authorizer Lead	Prior to the authorizing board's vote to close the charter school	
2	**Establish Transition Team and Assign Roles** A team dedicated to ensuring the smooth transition of students, staff and close down of the school's business populated by authorizer staff in conjunction with board members and staff of the closing charter school. Team to include: » Lead person from Authorizer Staff; » Charter School Board chair; » Lead Administrator from the Charter School; » Lead Finance person from the Charter School; » Lead person from the Charter School Faculty; and » Lead person from the Charter School Parent Organization.	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	
3	**Assign Transition Team Action Item Responsibilities** Distribute contact information to all transition team members, set calendar for meetings and assign dates for completion of each charter school closure action item.	Authorizer Lead and Charter School Board Chair	Within 48 hours of the authorizing board's vote to close the charter school	
4	**Initial Closure Notification Letter: Parents & School** Distribute letter to faculty, staff and parents outlining » Closure decision; » Timeline for transition; and » Help Line information.	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	
5	**Initial Closure Notification Letter: State & Local Agencies** Letter to state education agency as well as local school districts (as necessary by statute or to inform local district for purposes of enrolling students from the closing school) to include: » notification materials distributed to parents; » notification materials distributed to faculty and staff; and » authorizing board decision materials, resolution to close school, copy of any termination agreement (if applicable). Copy local public school districts as required by quality practice, state statute and regulation.	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	
6	**Talking Points** Create talking points for parents, faculty, community and press. Focus on communicating plans for orderly transition of students and staff. Distribute to transition team.	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	
7	**Press Release** Create and distribute a press release that includes the following: » history of school; » authorizing board closure policies; » reason(s) for school closure; » outline of support for students, parents and staff; and » a press point person for the authorizer and for the school.	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
8	**Continue Current Instruction** Continue instruction under current education program per charter contract until end of school calendar for regular school year.	Charter School Administrator Lead	Continuous after the authorizing board's closure vote until end of classes as designated in authorizing board's closure resolution	
9	**Terminate Summer Instruction Program** Take appropriate action to terminate any summer instruction, such as canceling teaching contracts.	Charter School Board Chair and Administrator Lead	Within 48 hours of the authorizing board's vote to close the charter school	
10	**Secure Student Records** Ensure all student records are organized, up to date and maintained in a secure location.	Charter School Administrator Lead	Within 24 hours of the authorizing board's vote to close the charter school	
11	**Secure Financial Records** Ensure all financial records are organized, up to date and maintained in a secure location.	Charter School Financial Lead	Within 24 hours of the authorizing board's vote to close the charter school	
12	**Parent Contact Information** Create Parent Contact List to include: » student name; » address; » telephone; and » email, if possible. Provide a copy of the parent contact information to the authorizer.	Charter School Administrator Lead	Within 24 hours of the authorizing board's vote to close the charter school	
13	**Faculty Contact Information** Create Faculty Contact List that includes: » name; » position; » address; » telephone; and » email. Provide a copy of the list to the authorizer.	Charter School Faculty Lead	Within 24 hours of the authorizing board's vote to close the charter school	
14	**Convene Parent Closure Meeting** Plan and convene a parent closure meeting. » Make copies of "Closure FAQ" document available; » Provide overview of authorizer board closure policy and closure decision; » Provide calendar of important dates for parents; » Provide specific remaining school vacation days and date for end of classes; » Present timeline for transitioning students; » Present timeline for closing down of school operations; and » Provide contact and help line information.	Authorizer Lead, Charter School Administrator and Charter School Parent Organization Leads	Within 72 hours of the authorizing board's vote to close the charter school	
15	**Convene Faculty/Staff Meeting Board Chair to communicate:** » commitment to continuing coherent school operations throughout closure transition; » plan to assist students and staff by making closing as smooth as possible; » reasons for closure; » timeline for transition details; » compensation and benefits timeline; and » contact information for ongoing questions. Provide the authorizer copies of all materials distributed at the Faculty/Staff Meeting.	Charter School Board Chair, Charter School Administrator Lead and Charter School Faculty Lead	Within 72 hours of the authorizing board's vote to close the charter school	

SAMPLE ACTION PLAN FOR CHARTER SCHOOL CLOSURE[1]

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
16	**Establish Use of Reserve Funds** If school is required to maintain closure reserve funds, identify acceptable use of such funds to support the orderly closure of the school.	Authorizer, Charter School Board Chair and Charter School Financial Lead	Within one week of the authorizing board's vote to close the charter school	
17	**Maintenance of Location and Communication** Establish if the school will maintain the current facility as its locus of operation for the duration of closing out the school's business, regulatory and legal obligations. In the event the facility is sold or otherwise vacated before concluding the school's affairs, the school must relocate its business records and remaining assets to a location where a responsive and knowledgeable party is available to assist with closure operations. The school must maintain operational telephone service with voice message capability and maintain custody of business records until all business and transactions are completed and legal obligations are satisfied. The school must immediately inform the authorizer if any change in location or contact information occurs.	Charter School Board Chair	Ongoing until closure complete	
18	**Insurance** The school's assets and any assets in the school that belong to others must be protected against theft, misappropriation and deterioration. The school should: » maintain existing insurance coverage until the disposal of such assets under the school closure action plan; » continue existing insurance for the facility, vehicles and other assets until 1) disposal or transfer of real estate or termination of lease, and 2) disposal, transfer or sale of vehicles and other assets; » negotiate facility insurance with entities that may take possession of school facility (lenders, mortgagors, bond holders, etc.); » continue or obtain appropriate security services; and » plan to move assets to secure storage after closure of the school facility. If applicable under state statute, the school should maintain existing directors and officers liability (D&O) insurance, if any, until final dissolution of the school.	Charter School Board Chair and Charter School Financial Lead	Ongoing until all business related to closure is completed	

NOTIFICATIONS

	Action Item	Responsibility for Completing Action	Completion Date[2]	Status
19	**Parent/Guardian Closure Transition Letter** Distribute letter with detailed guidance regarding transition plan. Notification should include, but not be limited to: » date of the last day of regular instruction; » cancellation of any planned summer school; » notification of mandatory enrollment under state law; » date(s) of any planned school choice fair(s); » listing of the contact and enrollment information for charter, parochial, public and private schools in the area; » information on obtaining student records pursuant to the state Freedom of Information Law before the end of classes; and » contact information for parent/guardian assistance/questions. Provide the authorizer with a copy of the letter.	Charter School Board Chair and Charter School Administrator Lead	Within 10 days of the authorizing board's vote to close the charter school	
20	**Staff/Faculty Closure Transition Letter** Outline transition plans and timelines for staff, including but not limited to: » commitment of school's board to transitioning staff; » commitment to positive transition of children into new educational settings; » any transition to new employment assistance board anticipates providing (such as job fairs); » timelines for compensation and benefits; » timelines for outstanding professional development issues; » COBRA information; » pertinent licensure information; » faculty lead contact information; and » transition team member contact information. Provide the authorizer with a copy of the letter and any accompanying materials.	Charter School Board Chair	Within 10 days of the authorizing board's vote to close the charter school	
21	**Agency Notifications** The school must satisfy statutory and regulatory obligations to ensure a smooth transition for students. Check requirements under state statute and regulation. Agency notifications may include: » state charter school oversight department; » school finance; » grants management; » federal programs office; » state teacher retirement system; » non-instructional staff retirement system; » local school district superintendent(s); » state auditor/comptroller/budget office (depending on revenue flow); » assessment and testing; » data reporting (student information); » child nutrition; and » transportation.	Authorizer Lead and Charter School Board Chair	Within 10 days of the authorizing board's vote to close the charter school	

NOTIFICATIONS

	Action Item	Responsibility for Completing Action	Completion Date[2]	Status
22	**Union Notification Pursuant to any Collective Bargaining Agreement** If applicable, the school should contact legal counsel and work with them to notify any unions of termination of collective bargaining agreements (CBAs) and the pending cessation of instruction, pursuant to the notice requirements set forth in any existing CBA or notice requirements of applicable federal, state and local law. The school should: » consult with legal counsel with respect to notice requirements for terminating the CBA and the legal implications with respect to termination of CBAs and the termination of employees connected to the CBAs; » provide a copy of the latest CBA to the authorizer; » provide a copy of the notice to the authorizer; and » keep the authorizer informed of the implications, penalties and damages in connection with any termination of a CBA and ongoing discussions and negotiations with the union in connection with termination.	Charter School Board Chair	Within one week of the authorizing board's vote to close the charter school	
23	**Notification of Employees and Benefit Providers** The school should establish an employee termination date and: » notify all employees of termination of employment and/or contracts; » notify benefit providers of pending termination of all employees; » notify employees and providers of termination of all benefit programs; » terminate all programs as of the last date of service in accordance with applicable law and regulations (i.e., COBRA), including: – health care/health insurance; – life insurance; – dental plans; – eyeglass plans; – cafeteria plans; – 401(k) retirement plans; and – pension plans. Specific rules and regulations may apply to such programs, especially teachers' retirement plans, so legal counsel should be consulted. Provide the authorizer copies of all materials.	Charter School Board Chair and Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
24	**Notification of Management Company/Organization and Termination of Contract** The school must: » notify management company/organization of termination of education program by the school's board, providing the last day of classes and absence of summer programs; » provide notice of non-renewal in accordance with management contract; » request final invoice and accounting to include accounting of retained school funds and grant fund status; and » provide notice that the management company/organization should remove any property lent to the school after the end of classes and request a receipt of such property. Provide a copy of this notification to the authorizer.	Charter School Board Chair	Within three weeks of the authorizing board's vote to close the charter school	

NOTIFICATIONS

	Action Item	Responsibility for Completing Action	Completion Date[2]	Status
25	**Notification of Contractors Agreement** The school must formulate a list of all contractors with contracts in effect and: » notify them regarding school closure and cessation of operations; » instruct contractors to make arrangements to remove any contractor property from the school by a certain date (copying machines, water coolers, other rented property); » retain records of past contracts as proof of full payment; and » maintain telephone, gas, electric, water and insurance (including Directors and Officers liability insurance) long enough to cover the time period required for all necessary closure procedures to be complete. Provide the authorizer written notice of such notification.	Charter School Financial Lead	Within three weeks of the authorizing board's vote to close the charter school	
26	**Notification to Creditors** Solicit from each creditor a final accounting of the school's accrued and unpaid debt. Compare the figures provided with the school's calculation of the debt and reconcile. Where possible, negotiate a settlement of debts consummated by a settlement agreement reflecting satisfaction and release of the existing obligations. Provide the authorizer a written summary of this activity.	Charter School Financial Lead	Within three weeks of the authorizing board's vote to close the charter school	
27	**Notification to Debtors** Contact all debtors and demand payment. If collection efforts are unsuccessful, consider turning the debt over to a commercial debt collection agency. All records regarding such collection or disputes by debtors regarding amounts owed must be retained. Provide the authorizer a written summary of this activity.	Charter School Financial Lead	Within three weeks of the authorizing board's vote to close the charter school	

RECORDS

	Action Item	Responsibility for Completing Action	Completion Date[2]	Status
28	**Disposition of Records** If the school's board has a records retention policy, or if records retention in charters is governed by state law, follow the appropriate policy and/or law. In all cases, the school board shall maintain all corporate records related to: » loans, bonds, mortgages and other financing; » contracts; » leases; » assets and asset sales; » grants (records relating to federal grants must be kept in accordance with 34 CFR 8042.) » governance (minutes, by-laws, policies); » employees (background checks, personnel files); » accounting/audit, taxes and tax status; » employee benefit programs and benefits; and » any items provided for in the closure action plan. If the school does not have a records retention policy, and no state law governs records retention in charter schools, or if the school's board abdicates responsibility for records, authorizers that seek to take possession of personnel, non-student and non-personnel records should consult legal counsel about liabilities.	Charter School Board Chair	Within two months of the end of classes and ongoing	

RECORDS

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
29	**Final Report Cards and Student Records Notice** The school must ensure that: » all student records and report cards are complete and up to date; » parents/guardians are provided with copies of final report cards and notice of where student records will be sent (with specific contact information); and » parents/ guardians receive a reminder letter or post card reminding them of the opportunity to access student records under Freedom of Information law. Provide the authorizer with a copy of the notice.	Charter School Administrative and Faculty Lead	One week after the end of classes	
30	**Transfer of Student Records** As required by state statute, the school must transfer all student records to students' new schools, a state agency or another entity. Student records to include: » grades and any evaluation; » all materials associated with Individual Education Plans; » immunization records; and » parent/guardian information. The school must contact the relevant districts of residence for students and notify districts of how (and when) records—including special education records—will be transferred. In addition, the school must create a master list of all records to be transferred and state their destination(s).	Charter School Administrative Lead, Charter School Faculty Lead and Charter School Parent Organization Lead	Within one month after the end of classes	
31	**Documenting Transfer of Records** Written documentation of the transfer of records must accompany the transfer of all student materials. The written verification must include: » the number of general education records transferred; » the number of special education records transferred; » the date of transfer; » the signature and printed name of the charter school representative releasing the records; and » the signature and printed name of the district (or other entity) recipient(s) of the records. Provide copies of all materials documenting the transfer of student records to the authorizer.	Charter School Board Chair and Charter School Administrative Lead	Within one month of the end of classes	
32	**Transfer of Testing Materials** The school must determine state requirements regarding disposition of state assessment materials stored at the school and return as required. Provide authorizer with letter outlining transference of testing materials.	Charter School Administrative Lead	One week after the end of classes	

FINANCIAL

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
33	**U.S. Dept. of Education Filings** File Federal form 269 or 269a if the school was receiving funds directly from the United States Department of Education. See 34 CFR 80.41.	Charter School Financial Lead	One week after the end of classes	
34	**IRS Status** If the school has 501(c)(3) status, it must take steps to maintain that status including, but not limited to, the following: » notification to IRS regarding any address change of the School Corporation; and » filing of required tax returns or reports (e.g., IRS form 990 and Schedule A). If the school corporation proceeds to dissolution, notify the IRS of dissolution of the education corporation and its 501(c)(3) status, and provide a copy to the authorizer.	Charter School Board Chair and Charter School Financial Lead	Date to be determined depending on 501(c)(3) status	
35	**UCC Search** If required under state statute, the school should perform a Uniform Commercial Code (UCC) search to determine if there are any perfected security interests and to what assets security interests are attached. Provide a copy of the search to the authorizer.	Financial Lead	Within 30 days of the authorizing board's vote to close the charter school	
36	**Audit** The school must establish a date by which to complete a final close out audit by an independent firm or state auditor as determined by statute. Provide a copy of the final audit to the authorizer.	Charter School Board Chair and Charter School Financial Lead	Within 120 days of the end of classes	
37	**Vendors** The school must: » create vendor list; and » notify vendors of closure and cancel or non-renew agreements as appropriate. Provide the authorizer with a copy of all documents.	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
38	**Inventory** The school must: » create a fixed asset list segregating state and federal dollars; » note source codes for funds and price for each purchase; and, » establish fair market value, initial and amortized for all fixed assets. Provide the authorizer with a copy of all documents.	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
39	**Disposition of Property** Check with the state department of education regarding proper procedures for the disposition of property purchased with federal funds.	Authorizer and Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
40	**Disposition of Inventory** Establish a disposition plan (e.g., auction), and establish a payment process (e.g., cash, checks, credit cards) for any remaining items. Provide the authorizer with a copy of all documents.	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	

FINANCIAL

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
41	**Property Purchased with Public Charter School Program (PCSP) Funds** Establish under state or individual school agreements required disposition of property purchased with PCSP funds. Generally, property purchased with PCSP funds must first be offered to other charter schools within the same region in which the closing school is located, with requisite board resolutions consistent with the purpose of the PCSP. If no schools want the property, an auction must be held to dispose of the PCSP assets. The school must: » ensure public notice of the auction is made widely; » price items at fair market value, as determined from inventory and fixed assets policy; and » determine with the state education department how to return funds if any remain. Provide the authorizer board resolutions and minutes of any transfer of assets with a dollar value of zero (0) to another school.			
42	**Disposition of Real Property (i.e., Facilities)** Determine state requirements for real property acquired from a public school district to determine right of first offer and other applicable requirements for disposition.			
43	**Payment of Funds** The school should work with the authorizer to prioritize payment strategy considering state and local requirements. Using available revenue and any funds from auction proceeds, pay the following entities: » retirement systems; » teachers and staff; » employment taxes and federal taxes; » audit preparation; » private creditors; » overpayments from state/district; and » other as identified by authorizer. Provide the authorizer with a copy of all materials associated with this action.			
44	**Expenditure Reporting** Ensure that Federal Expenditure Reports (FER) and the Annual Performance Report (APR) are completed. Provide the authorizer a copy of all materials.			
45	**Itemized Financials** Review, prepare and make available: » fiscal year-end financial statements; » cash analysis; » list of compiled bank statements for the year; » list of investments; » list of payables (and determinations of when a check used to pay the liability will clear the bank); » list of all unused checks; » list of petty cash; and » list of bank accounts. Additionally, collect and void all unused checks as well as close accounts once transactions have cleared.			

FINANCIAL

Action Item		Responsibility for Completing Action	Completion Date[2]	Status
46	**Payroll Reports** The school must generate a list of all payroll reports including taxes, retirement or adjustments on employee contracts. Provide the authorizer with copies of all materials.			
47	**List of Creditors and Debtors** Formulate list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor. The list should include: » contractors to whom the school owes payment; » lenders; » mortgage holders; » bond holders; » equipment suppliers; » secured and unsecured creditors; » persons or organizations who owe the school fees or credits; » lessees or sub-lessees of the school; and » any person or organization holding property of the school.			

ENDNOTES

1 NACSA thanks the State University of New York's Charter Schools Institute and the Thomas B. Fordham Foundation for contributing to the development of this model Action Plan for Charter School Closure.

2 Suggested completion timeframes are based on lessons shared from authorizers experienced with school closure. Authorizers consulting this document are encouraged to modify timeframes based on statute, regulation and local considerations.

APPENDIX II

SAMPLE RESOLUTION FOR NON-RENEWAL[3]

BE IT RESOLVED:

that the ***CHARTER AUTHORIZER BOARD***, in accordance with ***CHARTER SCHOOL STATUTE AND/OR REGULATION, AND RENEWAL POLICY,*** hereby declines to renew the public school charter granted to the following school effective ***DATE***, based upon the information presented by the ***CHIEF EXECUTIVE/STAFF*** regarding the school's performance, and as recommended by the ***CHIEF EXECUTIVE/ STAFF:***

NAME OF SCHOOL

Location: ***CITY***

Number of students: ***XXX***

Grade levels: ***X THROUGH X***

Provided, that the non-renewal of the charter shall be conditional on the right of ***NAME OF CHARTER SCHOOL*** to request an ***APPEAL*** in accordance with ***APPROPRIATE LAW AND/OR REGULATION***; provided further, that any such request for a hearing shall be in writing, addressed to the Board of Education, and must be received within ***X*** days of the school's receipt of the notice of the Board's action. If the Board does not receive a request for a hearing from the school within the ***X*** day period, the Board's conditional action on non-renewal of the charter shall become final at the end of the ***X*** day period.

Provided, further, that the ***CHARTER AUTHORIZER BOARD*** authorizes the ***CHIEF EXECUTIVE/STAFF*** to impose such conditions on the school and its board of trustees, in accordance with ***CHARTER SCHOOL STATUTE/REGULATION AND CLOSURE POLICY/PROTOCOL***, as is determined are necessary to enable the school to complete the current school year and terminate its operations. In connection with determining and imposing such conditions on the school, the ***CHIEF EXECUTVE/STAFF*** shall confer with a transition committee that shall be established in consultation with parents of students at the ***NAME OF CHATER SCHOOL*** and community leaders.

ENDNOTES

[3] This document was prepared with the assistance of resolutions for the closure of charter schools authorized by the Massachusetts Board of Elementary and Secondary Education and the State University of New York Board of Trustees.

APPENDIX III

SAMPLE RESOLUTION FOR CHARTER REVOCATION

BE IT RESOLVED:

that the ***CHARTER AUTHORIZER BOARD***, in accordance with ***CHARTER SCHOOL STATUTE AND REGULATIONS***, hereby revoke the public school charter granted to ***NAME OF SCHOOL*** effective ***DATE***, based upon the information presented by the ***CHIEF EXECUTIVE/STAFF*** regarding the school's performance.

Provided, that the revocation of the charter shall be conditional on the right of the board of trustees of ***NAME OF SCHOOL*** to request an administrative hearing in accordance with ***CHARTER SCHOOL STATUTE AND REGULATIONS*** provided further, that any such request for a hearing shall be in writing, addressed to the ***CHARTER AUTHORIZER BOARD***, and must be received within X days of the school's receipt of the notice of the ***CHARTER AUTHORIZER BOARD'S*** action. If the ***CHARTER AUTHORIZER BOARD*** does not receive a request for a hearing from the school within the ***X*** day period, the ***CHARTER AUTHORIZER BOARD'S*** conditional action on revocation of the charter shall become final at the end of the ***X*** day period.

Provided, further, that the ***CHARTER AUTHORIZER BOARD*** authorizes the ***CHIEF EXECUTIVE/STAFF*** to impose such conditions on the school and its board of trustees, in accordance with ***CHARTER SCHOOL STATUTE/REGULATION AND CLOSURE POLICY/PROTOCOL***, as is determined are necessary to enable the school to complete the current school year and terminate its operations. In connection with determining and imposing such conditions on the school, the ***CHIEF EXECUTVE/STAFF*** shall confer with a transition committee that shall be established in consultation with parents of students at the ***NAME OF CHATER SCHOOL*** and community leaders.

APPENDIX IV

FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS:

- ***NAME OF SCHOOL, main phone number (XXX) XXX-XXXX***
- ***Transition team parent point person name, title, phone (XXX) XXX-XXXX***

Callback policy: all parent phone calls will be returned within 24 hours.

Q: Why is the school closing?

A: Two reasons:

- The school's charter contract required it to meet specific performance targets. The authorizing board found that the school was not able to do so.
- The board considered all the hard work that continues at the school and decided that, despite every effort, the school was not going to provide students with the kind of education required for them to succeed in the future.

Q: When is the school closing?

A: ***NAME OF SCHOOL*** will close on the last day of regular classes, ***CLOSING DATE***.

Q: Will anything change for my child between now and CLOSING DATE?

A: No. Classes will continue as scheduled.

Q: How will I find a new school for my child for next year?

A: We are hosting three enrollment fairs. Representatives from area schools will be on site to answer questions, and they will have information about each school's education program, extracurricular activities offered, hours, enrollment information and more.

Student Enrollment/Information Fair #1

WHERE
WHEN
TIME

and

Student Enrollment/Information Fair #2

WHERE
WHEN
TIME

and

Student Enrollment/Information Fair #3

WHERE
WHEN
TIME

ATTENDEES:

The Neighborhood Charter Academy
Address
Phone
Website

The Best Charter Network
Address
Phone
Website

The College Prep Charter School
Address
Phone
Website

District Magnet School #1
Address
Phone
Website

District Neighborhood School
Address
Phone
Website

Who to contact with questions: [***NAME OF SCHOOL, main office number (XXX) XXX-XXXX and transition team parent point person name and phone (XXX) XXX-XXXX***]

Who to contact with questions: ***HOSTING ORGANIZATION NAME (XXX) XXX-XXXX***.

Additional information on private and public school options can be obtained from ***XXXX WEBSITE***.

Q: How do I obtain a copy of my child's records?

A: Parents can request copies of student records from the NAME OF SCHOOL office at any time.

Q: Do I have to forward my child's record to his/her new school?

A: If a student enrolls in a new school, the NAME OF SCHOOL will automatically forward the student's record to the new school.

Q: What happens if I haven't chosen a new school for my child by CLOSING DATE??

A: Students who have not enrolled in a new school for the next school year by CLOSING DATE, will have their records sent to their school district of residence.

Q: Is the school financially solid?

A: Yes. All staff will be paid through the end of their teaching contracts (DATE).

Q: Why doesn't the school appeal the decision and continue in the next school year?

A: The school's board of trustees has gone through every step in the appeals process. A lot of information about what the school does well was shared. Despite that information, the authorizing board and all appellate bodies found the school did not meet the requirements of our charter contract and must close.

Q: Is anything being done to help the employees find new jobs?

A: Yes. ***NAME OF SCHOOL*** has organized a job fair for employees and has reached out to area schools that have teaching positions open for the next ***SCHOOL YEAR***. ***NAME OF SCHOOL*** is also providing resume review assistance and references for employees.

Q: Who do I contact with additional questions?

A: ***Transition team parent point person name and phone (XXX) XXX-XXXX. Transition team authorizer point person – name and title – and phone (XXX) XXX-XXXX.***

APPENDIX V

SAMPLE NEWS RELEASE

For Immediate Release: ***RELEASE DATE***

Contact: ***NAME OF INFORMATION OFFICER, (XXX) XXX-XXXX***

Accountability Continues at *AUTHORIZER NAME*'s *DATE* Meeting

Board Votes Not to Renew *CHARTER SCHOOL NAME*. *CHARTER SCHOOL NAME* to Close *DATE*.

YOUR CITY, STATE - During the ***AUTHORIZER NAME***'s ***DATE*** meeting, upon the recommendation of the Charter Schools Office and confirmation by the Renewal Committee, the Charter School Authorizing Board voted unanimously today to deny the application for charter renewal submitted by the ***CHARTER SCHOOL NAME***. This decision means that the ***CHARTER SCHOOL NAME*** will close ***DATE*** at the end of the current school year.

The Charter Schools Office, the Authorizing Board's Renewal Committee, and the full ***AUTHORIZER NAME*** were unable to find the school had posted evidence of success necessary to earn renewal under the ***AUTHORIZER NAME***'s Policies & Procedures for Charter Renewal (available at ***www.charterschoolauthorizingboard.xxx***). Prior to the Board's "final and irrevocable" vote, the school was afforded all avenues of appeal available in statute and Board policy.

Based on the review of evidence gathered over the ***XX*** year term of the charter, during the renewal site visit, the school's application for charter renewal, and through appeals, the Board was not able to make the findings required under ***YOUR STATE*** Charter Statute. Statute requires the ***AUTHORIZER NAME*** make an explicit finding that the school was likely to improve student achievement and be operated in an educationally sound manner. Based upon the renewal report submitted by the Charter Schools Office, the ***AUTHORIZER NAME*** instead found that the educational program, leadership and governance at the school did not post sufficient academic results, or qualitative evidence to indicate the school would meet, or come close to meeting the Accountability Plan goals included in its charter contract. The school did operate in a fiscally, legally and regulatory sound manner.

Prior to the Board's vote to deny the school's renewal application, ***CHARTER SCHOOL NAME*** requested a hearing with the Charter Renewal Committee and was afforded such opportunity on DATE. The Charter Renewal Committee reviewed and considered the written appeal submissions offered by the school. In addition, parents, governing board members and staff representing the school were afforded the opportunity to speak directly to the Committee. Despite consideration of the information presented at the hearing, the Charter Renewal Committee voted on ***DATE*** to recommend the full ***AUTHORIZER NAME*** deny the school's application for renewal.

The Charter Schools Office recommendation to the ***AUTHORIZER NAME***, the Board's policies and other pertinent information is available on line at ***www.charterschoolauthorizingboard.xxx***.

The Charter Schools Office will hold an information meeting for ***CHARTER SCHOOL NAME*** parents on ***DATE***. Charter School Office staff will provide parents information on other public school choice options available to students and explain the transition of student records and other pertinent information at that

time. The Charter School Office's Parent Advocate, ***FIRST & LAST NAME***, will be available to parents at the school beginning ***DATE*** and can be reached at ***(XXX) XXX-XXXX***.

Charter schools are tuition-free public schools. In exchange for certain freedoms (the ability to develop their own curriculum, choose staff, set educational goals, offer a longer school day and school year, and establish their own standards for student behavior), charter schools must continually apply for, and demonstrate that they have earned the right to continue, the high privilege of educating the children of this state.

The ***AUTHORIZER NAME*** currently oversees ***XX*** public charter schools on ***XX*** campuses, serving more than ***XXXX*** students across the state. Seven new charter schools from the fall ***DATE*** application cycle are scheduled to open in fall ***DATE***.

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ENDNOTES

4 NACSA developed this sample press release based on contributions from the District of Columbia Public Charter School Board, the Thomas B. Fordham Foundation, and the State University of New York's Charter Schools Institute.

APPENDIX VI

SAMPLE PARENT LETTER

DATE

Dear ***NAME***,

I want to thank you for entrusting your child's education to the staff and leadership of the ***CHARTER SCHOOL NAME***, and for believing in the mission of our school: to prepare young people — through a values-based education, strong work ethic, and academic excellence — for success in high school, college, and ultimately the competitive workplace. On behalf of the board, leadership and staff of the school, it has been our honor to serve the students of the ***CHARTER SCHOOL NAME*** for the past ***XX*** years.

We have worked hard over the life of the charter to provide our students with the educational vision contained in our original charter application. To our great disappointment, the authorizing board that is charged by the state to oversee our school voted to close ***CHARTER SCHOOL NAME*** at its ***DATE*** meeting. The ***AUTHORIZER NAME*** determined the school was unable to meet its goals and has decided the last day of operation will be ***DATE***.

The ***CHARTER SCHOOL NAME*** board is 100 percent committed to seeing this school year through successfully. We expect our students to continue having a very high level of education through the very last day of school. We, in partnership with our sponsor and the ***MANAGEMENT COMPANY, IF ANY***, are also committed to helping the teaching staff complete the remainder of the school year successfully. We will be providing assistance to the teachers to help them find new positions for the next school year. Our primary concerns are the children in this school and their families. Therefore, we will be hosting a series of parent meetings to assist students and parents with the transition to their new school next year. These meetings will be attended by representatives from area schools, and parents will have the opportunity to learn more about their educational options for the next school year. Enrollment information and materials will also be available. The meetings will be held at the following dates and times:

- ***DAY, DATE, TIME, LOCATION 1***
- ***DAY, DATE, TIME, LOCATION 2***
- ***DAY, DATE, TIME, LOCATION 3***

Please note that ***NAME*** is the point person for any questions that you might have, and she would be happy to meet with you to discuss the situation should you feel that would be beneficial.

I again thank you for your faith in the ***CHARTER SCHOOL NAME***, its leadership, teachers and mission. As I told the staff, let's make the most of the next eight weeks that we have together, stay positive, and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

CHAIRPERSON'S NAME
Chairperson, ***CHARTER SCHOOL NAME***

APPENDIX VII

SAMPLE STAFF CALENDAR

CHARTER SCHOOL NAME

Summary of Important Dates for Staff

DATE	EVENT
Tuesday, February 22nd	Student Enrollment Fair from 4 – 6 p.m.
Thursday, February 24th	Staff Meeting on Testing Procedures from 3:45 – 4:45 p.m.
Monday, February 28th	Interims Due to Administration
Tuesday, February 29th	Math Test Grades 3,5,6,7,8
Wednesday, March 1st	Social Studies Test Grades 5,8, Writing Test Grade 7
Monday, March 6th	Reading Test Grades 3,5,6,7,8
Friday, March 10th	11:30 a.m. Dismissal; Student Enrollment Fair at school from 1:30 – 2:30 p.m.
Monday, March 13th	Guest Speaker (K-8) at 9 a.m.
Wednesday, March 15th	Spring Picture Day
Thursday, March 16th	8th Grade to tour Arise Academy
Friday, March 17th	11:30 a.m. Dismissal Professional Development Session to Prepare for End of Year Checkout and Retention Procedures
Tuesday, March 21th	Board Meeting @ 5:30 p.m.
April 5 – 9th	Spring Break
May 25th	Memorial Day – No School
Monday, June 2nd	K-8 Report Cards due to Administration
Thursday, June 5th	8th Grade Graduation 6:00 p.m.
Friday, June 6th	Last Day of School for Students
Monday, June 9th	Teacher Work Day
Tuesday, June 10th	Last Day for Staff

*Please note that the following important dates are yet to be determined:

1. Kindergarten Graduation and last day for Kindergarten Students.
2. End of Year Field Trips for all grades.
3. End of Year Celebration for Staff.

This summary sheet will be updated promptly once these dates have been set.

APPENDIX VIII
SAMPLE STAFF LETTER

DATE

Dear ***FIRST NAME***,

I want to thank you for your hard work and dedication this year on behalf of the children at the ***CHARTER SCHOOL NAME***. Your professionalism is admirable and truly appreciated.

We have worked hard over the past four years to establish the school envisioned in our original charter application. Much of what we have accomplished is a credit to our teaching staff's dedication to the students we serve. As you know, the ***AUTHORIZER NAME*** voted on ***DATE*** to deny our application for charter renewal. As such, our school will continue to serve our students through ***DATE***.

The ***CHARTER SCHOOL NAME*** board is 100-percent committed to seeing this school year through successfully. We expect our students to continue to receive a top-quality education through the very last day of school. We, in partnership with our sponsor and the ***MANAGEMENT COMPANY, IF ANY,*** are committed to helping the teaching staff complete the remainder of the school year successfully.

Please also note that the school is financially solvent, and all employees will continue to be paid through the end of the school year in accordance with their employment agreements.

To assist teachers with the transition to a new position, we will be hosting a job fair of select area charter schools this coming ***DATE*** from ***TIME***. The meeting will take place at ***CHARTER SCHOOL NAME***, and will provide the ***CHARTER SCHOOL NAME*** teaching staff the opportunity to meet with representatives from quality area charter schools that are seeking teachers for the next school year. Information on grade level and subject area openings, and as well as information on how to apply to each employer will be available at that meeting.

Please also be aware that our primary concerns are the children in this school and their families. Therefore, we will be hosting a series of parent meetings to assist students and parents with the transition to their new school next year. These meetings will be held at the school at the following dates and times, and all teaching staff is welcome to attend if you wish:

- ***DAY, DATE, TIME 1***
- ***DAY, DATE, TIME 2***
- ***DAY, DATE, TIME 3***
- ***DAY, DATE, TIME 4***

NAME will be the point person for all staff questions related to the closure, and ***NAME*** will be the point person for all parents and parent issues related to the closure. While the day-to-day operations of the school won't change between now and the end of the school year, ***NAME*** will forward a timeline to the staff within the next ***XX*** days that contains information related to important dates, and the winding up of operations following the last day of classes on ***DATE***.

I again thank you for your commitment and dedication to the children and community that we serve. Let's make the most of the next eight weeks that we have together, stay positive and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

CHAIRPERSON'S NAME
Chairperson, ***CHARTER SCHOOL NAME***

National Association of Charter
School Authorizers

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