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TESTIMONY TO U.S. SENATE SUBCOMMITTEE ON
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Good morning Chairman Alexander, Senators and fellow guests of the committee. I am Greg Richmond, the President of the National Association of Charter School Authorizers (NACSA). Thank you for inviting me to speak with you this morning.

New Orleans has embraced charter schools as a major component of its efforts to create a new public education system that meets the needs of all children in the wake of Hurricane Katrina. Charter schools are tuition-free public schools created on the basis of an agreement or “charter” between the school and the community. The charter gives the charter school a measure of expanded freedom relative to traditional public schools in return for a commitment to meet higher standards of accountability. Many people believe that these autonomous and accountable schools provide the best opportunity for transforming public education from a centralized, standardized system that has failed many children into a differentiated, entrepreneurial, high-performance system that meets the needs of all students. With bipartisan support, including both Presidents Clinton and Bush, the charter school movement continues to grow at a double-digit rate, adding 300 to 400 schools each year.

My organization is the National Association of Charter School Authorizers.

Authorizers are the agencies that are entrusted to represent the public's interest in the contractual relationship with charter schools. Across the country, they are school districts, state education agencies, universities, independent chartering boards, municipalities and even a handful of major non-profit organizations. Authorizers evaluate applications from organizations wishing to start a charter school, decide who is approved to open, execute contracts defining the school's rights and responsibilities, monitor and evaluate the school's performance and decide whether the school's charter should be renewed.

Our Association is a non-profit, professional membership association based in Chicago serving the needs of the hundreds of authorizers across the country. Founded in July, 2000, NACSA is the oldest national organization that is devoted exclusively to charter schooling. Our mission is to achieve quality charter schools through responsible oversight in the public interest. We do that by setting industry standards, called *Principles and Standards for Quality Charter School Authorizing*, by providing traditional member services, such as conferences and publications, and through direct consulting services to authorizers. Some of our recent clients have included the New York City Department of Education, California Department of Education, Colorado Charter Schools Institute, and the University of Missouri at Kansas City.

Since February, we have been deeply engaged in Louisiana through a contract with the state Board of Elementary and Secondary Education. In that time, I have been impressed by many people at the Department of Education, including State Superintendent Picard, Carole Wallin, Robin Jarvis, Weegie Peabody and Gary Wheat, to name a few. I have also been

impressed by the dedication of the members of the state Board, particularly its Chairwoman, Ms. Linda Johnson and Vice Chair Leslie Jacobs.

Today, I would like to describe NACSA's work in Louisiana, tell you how that work is contributing to a system of quality charter schools, and tell you what I see as the major hurdles ahead.

NACSA's work in Louisiana can be divided into three categories: (1) evaluating and recommending proposals for charter schools to open this fall, (2) establishing a framework for the operation of those schools, and (3) preparing for the future.

Evaluating Proposals

On March 20 of this year, the State of Louisiana received applications to start 44 charter schools in New Orleans. NACSA managed the process for evaluating those applications and making recommendations to the state Board. With a NACSA staff person, Ms. Shenita Johnson Garrard, assigned to Louisiana on a full-time basis, we ran a three-tier evaluation process, involving dozens of experienced evaluators from across the country. We looked closely, not just at educational plans, but also applicants' plans for school management, governance, community involvement and finance. We brought evaluators from across the country to New Orleans to participate in interviews with the strongest applicants. While no application is perfect, we employed the philosophy that all aspects of an application needed to be strong. Years of experience have taught us that a charter school application is only as strong as its weakest link and we were committed to not recommending schools with weak links.

In the end, we recommended ten applications to the state Board, which in turn approved them. I must commend the state Board for its steadfast adherence to our evaluation process. In other places around the country, politics sometimes enters in to board decisions to approve charter school applications. Not here. Although Board members received considerable pressure from some applicants seeking Board approval despite NACSA's recommendations to the contrary, the state Board stood by the process and only approved applications that we had recommended.

Does that mean I can guarantee the success of every one of the schools we recommended? No, I can't. Due to the extremely difficult conditions in Louisiana and very limited time, we did not know everything we wanted to know about every applicant. In order to get schools approved and open on a timely basis, we had to make decisions with less than perfect information. While that fact does concern me somewhat, it is not an overwhelming concern. For while the initial evaluation and selection process for a charter school is extremely important, it is not as important as the on-going support and monitoring systems that are subsequently put in place.

Here is what we have done since then to establish a framework for the operation of those schools.

Establishing an Operating Framework

First, we worked very closely with the Board and department staff to develop and implement an accountability framework for charter schools approved by the state. This framework was approved by the state Board in May. Louisiana now has an excellent set of objective student performance measures upon which to evaluate each charter school's performance. These performance measures are linked to the state's excellent pre-existing

accountability system for all public schools and to the No Child Left Behind Act. Louisiana's prior system for holding charter schools accountable was characterized by subjective site visits, unclear academic expectations, and mystifying timelines and processes. Those problems have been eliminated and Louisiana now has a model accountability system for its charter schools that are authorized by the state.

Second, we worked closely with the state department of education's legal staff to develop a strong boilerplate contract for charter schools that clearly spells out both the school's and the state's rights and responsibilities. A comprehensive, detailed and fair contract is essential. Among the highlights of this new contract are strong provisions regarding charter school governance, management and finance. Charter school boards will be required to adopt conflict of interest policies, submit financial disclosure statements and quarterly financial reports and conduct annual audits. Charter school boards that hire companies to manage their school are required to enter into contracts with those companies that safeguard the public interest.

The contract also addresses several very important issues related to students: the procedures for conducting open and fair student admissions processes; minimum requirements for fair student disciplinary actions, including suspensions and expulsions; and requirements for serving students with disabilities. It is essential that all schools treat students fairly. Louisiana's state-authorized charter schools will do that because of the provisions built into their contracts.

The final piece of the operational framework is a set of requirements that each approved school must fulfill before it can open its doors this fall. These conditions will ensure that the school is operating professionally and responsibly. Some of the conditions

include board bylaws, proof of non-profit status, a formal student discipline code, balanced budget, evidence of highly qualified teachers under NCLB, evidence of criminal background checks on staff, school safety and emergency plans and evidence of insurance. By requiring schools to fulfill these basic requirements before opening, we can better protect the public's investment in these schools.

Preparing for the Future

Everyone associated with these efforts has been working extremely hard for many months to open quality schools for New Orleans' children this fall. The people seated with me at this table have worked harder than any group of people I have ever encountered. But we have all been working within a system that was not designed to do what we're trying to do right now.

Louisiana's charter school laws, procedures and systems were designed to handle a small number of new schools each year throughout the entire state, not to transform an entire urban school system overnight. The state Board and department of education have realized this and have asked NACSA to develop a new charter school application process for schools to open in Fall 2007 and beyond. They have also asked us to make recommendations for improving charter school policies and procedures.

We have not presented our final recommendations to the state yet, but we do have observations in several areas. First, we have observed that New Orleans may not have enough trained, experienced educators to open and operate these new entrepreneurial schools. When these schools do open, we are concerned many will be operating in isolation, not part of a broader system or network of support. The Bring New Orleans Back Commission also recognized this and recommended the establishment of networks of charter schools. Also, the

New Schools for New Orleans organization is offering services to schools to help bolster capacity. Both efforts are important.

Second, we are concerned that the state department of education's charter school work is operating under a pre-Katrina organizational structure. People working on charter schools are in different places within the organization and do not report up through a single chain of command. We believe that the Board and the State Superintendent should be able to hold a single office accountable for the oversight of all state-authorized charter schools. We are working with the Board and department to address this issue.

Third, we are concerned that Louisiana's current system of overseeing charter schools is splintered between local and state oversight and because it is splintered the system does not do enough to safeguard student rights, protect the public interest and promote high academic achievement at all charter schools.

Of the 33 charter schools expected to operate in New Orleans this fall, 21 will be schools that have been authorized by the state and 12 will be charter schools that have been authorized by the Orleans Parish School Board (OPSB). All of the actions I have mentioned in my testimony – the high-quality evaluation of proposals, the accountability framework, the monitoring of school finance and management, the protection of student rights and pre-opening requirements – have involved only charter schools authorized by the state, not the 12 charter schools that report to OPSB.

Under Louisiana's charter schools law, the state has almost no authority over charter schools approved by local school boards. Thus, the evaluation procedures, contract provisions, student safeguards and accountability framework we put in place for state-authorized charter schools do not apply to schools authorized by Orleans Parish.

As a result, New Orleans will be operating with two different systems of charter schools this fall: a system of state-authorized schools and a system of locally-authorized schools. Those systems will be considerably different, with different and lesser processes and procedures for evaluating applications to start schools, admitting students, serving special education students, disciplining students, monitoring school finances, ensuring professional conduct by board members, and holding schools accountable for high levels of academic achievement.

In particular, I must draw attention to the fact that charter schools authorized by Orleans Parish will be allowed to use selective tests to determine who is admitted to their school, contradicting a cherished principle of open enrollment that is valued in the charter school movement throughout the country. Selective admissions will not only enable OPSB charters to cherry-pick the best and brightest students, these schools will almost certainly not serve their share of special education students nor their share of New Orleans' rapidly growing population of English Language Learners.

To be fair, I must commend several individual members of the Orleans Parish School Board for their support for charter schools. Phyllis Landrieu, Lourdes Moran and Una Anderson led the effort to re-open the first public schools in the city last fall by establishing the Algiers Charter School Association. Other board members, however, have not been as supportive. In addition, the greatly reduced size of the New Orleans school district has diminished its internal capacity to adequately authorize charter schools and the district has not retained qualified, professional assistance to compensate for this weakness. All told, OPSB's different procedures, lack of capacity and lack of qualified assistance could mean that the children, parents and tax-paying public would not receive the schools they deserve.

There are three actions Louisiana can take to improve this situation. First, the legislature should amend Louisiana's charter law to give the state Board of Elementary and Secondary Education legal authority over all of its charter schools. Second, the state Board should establish and enforce minimum professional standards for local school boards' approval and oversight of charter schools. NACSA's *Principles and Standards* already exist and are being followed at the state level. They can be quickly applied to local school boards as well. Third, the legislature should take a serious look at the student admissions processes in New Orleans this fall and consider eliminating the ability of charter schools to use selective admissions processes.

At hearings such as these, it is often easy to focus on problems. Certainly there are problems facing Louisiana and New Orleans as they work to rebuild their public school system. But New Orleans would have experienced problems no matter what course of action it took to re-open its schools. Instead, let us recognize the great steps the state has taken to establish a quality charter school evaluation, oversight and accountability system. And let us recognize the opportunity before us all.

Louisiana has seized the opportunity to create a new, high-performance system of public schools. This has been a bold step. It would have been easier to re-open schools under the old system. Easier, but not better. There have been bumps in the road and there will be more bumps ahead. We must stay the course, work hard, learn from our mistakes and get better. If we do, we will be creating in New Orleans the model for a high quality public education system in the 21st Century.