

Normative Issues facing Charter Schools in Minnesota, Idaho, Illinois, Maine, New Mexico, and North Carolina.

Collaborators: Arn Khunpinit, Lesi Hreb, Lizbeth Pantaleon, Aditya Pandey, John Choi, Bryan Kachakji

Highlights

This paper examines charter school laws within 6 states through an accountability perspective, with a focus on Minnesota's charter environment. Here's what we found:

Authorizing:

Of the 6 states studied, 5 had multiple party authorizing systems (All but North Carolina, which only has a state board). Within states, authorizers generally tended to be school districts/LEAs, and all states had varying forms of informational requirements and vetting during the authorization process.

LEA	ICB	SEA	NFP
Minnesota, Idaho, Illinois, Maine, New Mexico	Idaho, Maine, New Mexico	North Carolina, Illinois	Minnesota

4 states (NC, MN, ME, IL) included some form of authorizer accountability, generally composed of information reporting requirements. In all of these cases, authorizers were held accountable by their respective State Legislature and/or Governor. However, the degree to which these reporting requirements were actually met varies between states.

School Accountability:

5 of the states (NM, MN, ME, NC, IL) had clear informational reporting requirements for charter schools, 4 (except Maine) also had additional requirements for the state and/or authorizers to audit charter schools before renewal. Schools with no reporting requirements, such as Idaho, were often criticized and ranked lower nationally among charter school law models. Charter renewal periods ranged from 5 years (New Mexico, Idaho) all the way up to 15 years (Maine).

Recommendations:

The main recommendation that can be given to the states is focus their laws to have reports on the performance of both the charter schools and the authorizers in charge, be sent and reviewed by the state legislature and/ or every 1-2 years to maximize the accountability of the charter school system. Minnesota is a role model in this area and leads the efforts to provide minimal agency loss. Further, recommendations for a clear, easily accessible data on an online source is also a great way to help evaluability across the states' charter school laws. Finally, a lot of the states seem to have problems with finding the right balance in funding equity, so there should be more placed structured laws on how state and capital funding will be distributed among charter schools and traditional charter schools.

Focal State: Minnesota

Main Description

Intro

In 1991, Minnesota was the first state to enact charter school laws. Since then, the number of charter schools have been on the rise in the state. Of the 2,043 public schools, there are currently 167 charter schools in Minnesota, with 40-50,000 students in total (roughly 6% of the Minnesota public school student population). As with many states, charter schools receive inadequate funding, about \$3000 less per pupil. Minnesota does not have many CMOs or EMOs, and its authorizers are comprised of HEI, local agencies, nonprofits, (most of which are nonprofits). Minnesota is also special in that there are no caps on the number of charter schools that can be created or enacted each year.

Authorizers

Minnesota was also the first state to begin evaluating its authorizers. This is crucial in charter school law as an increase in the evaluation of charter actors also increases the accountability to which they are held if they do not perform. Since 2009, Minnesota's number of authorizers decreased drastically from 55 down to 14, due to a change in legislation that requires authorizers go through a similar approval process every 5 years. The authorizers are evaluated and renewed by the Minnesota Authorizer Performance Evaluation Systems (MAPES) (high identifiability).

Although this affected the number of authorizers, it has been a strong push for more accountability and identifiability of these actors in the charter system. The sharp drop in authorizers after 2009 stemmed from a sweep of scandals in the charter system in 2008.

legislators faced retrospective accountability and the chance of being voted out if they did not act on the issue. As a result, a law was passed in 2009 that required authorizers to be held accountable by the Minnesota DOE.

The authorizer network includes Higher Education Institutions (HEIs) and local agencies, but a majority of the authorizers in the state are non-profits.

Authorization Process

In order for a school to be approved to operate as a charter, the authorizer must submit the schools' affidavit to the Minnesota Department of Education, following the completion of the authorizer application. The authorizer must then execute a statutorily compliant contract and send the contract to the DOE Commissioner. Approved charters are then eligible to apply for Federal Charter School Program Grants, which provide funds for up to one year of planning and for two years of implementation. There is a good amount of oversight by the authorizer on the charter, but the authorizer ultimately has the autonomy to decide a charter's readiness to open.

Another interesting fact about the charter system is that Leaders are expected to participate in the Minnesota Department of Education training prior to serving students.

Accountability

Authorizers' grants and renewals must all be approved by the DOE commissioner, strengthening the monitoring of these authorizers. As far as funding, Minnesota charters receive less funding than competing public district schools, on average. The disparity between charters and district schools could be due to surging enrollment rates – between 2013 and 2017, enrollment increased by 36% even though district schools' enrollment increased by only 2%.

To provide financial accountability, Minnesota still requires all charters to receive the same annual financial audits that district schools do. The school is then also responsible to publish and distribute an annual public report approved by the board of directors. Authorizers then have the responsibility of submitting an annual public report indicating school performance in the areas of financials, academics, and operations.

When applying for renewal, charters do not have to fill out a formal renewal application in Minnesota. Authorizers are required to detail for state commissioner approval for making decisions regarding renewal or termination of charter. The maximum renewal period that a school can receive is 5 years. Interestingly, Minnesota does not currently have any form of periodic or formal evaluations of the state charter school programs and outcomes.

A school may face revocation or nonrenewal of its charter for failure to demonstrate satisfactory academic achievement for all students, failure to meet generally accepted standards of fiscal management, or any violation of state/federal laws.

Due to the legislation, Minnesota is lacking in Charter Management Organizations (CMOs) and Education Management Organizations (EMOs). The state has trouble finding teachers to staff the charter schools, especially high performing ones. Teach for America provides a good amount of staff to many states, but the TFA population is very small in Minnesota. The charters are also lacking in access to facilities. There is no policy that grants charter schools access to district facilities, whereas other states often allow charter schools shared access to programming and extracurricular facilities.

Social and Political Accountability

Minnesota has a fairly strong accountability model – charter schools report to authorizers, who report to the Minnesota State Department of Education Commissioner. The Commissioner oversees all application grants and audits, the latter being submitted to the public, the authorizer and the Commissioner. Although Minnesota has a good accountability system, the history behind this system is recent, based off school mismanagement in 2008 that landed Minnesota with a reputation for “lousy” charter schools. The media slandered the Minnesota charter system, while other states learned from Minnesota’s mistakes and implemented legislation to account for stronger accountability from the start.

The new legislation in 2009 established an accountability model in which charter schools are held accountable by the authorizers, and the authorizers are held accountable by the Commissioner. The law also stated that the Commissioner oversees all charter school applications and renewals, i.e. he/she would have to sign off on all decisions authorizers make.

It is interesting that, even though the authorizer network shrank, the number of charter schools has not severely changed: 153 in 2008 and 167 in 2018. The rate of charter school growth in the state was much larger before 2008, indicating that the new accountability laws have created a plateau for the increase of charter schools in Minnesota.

Comparison Section

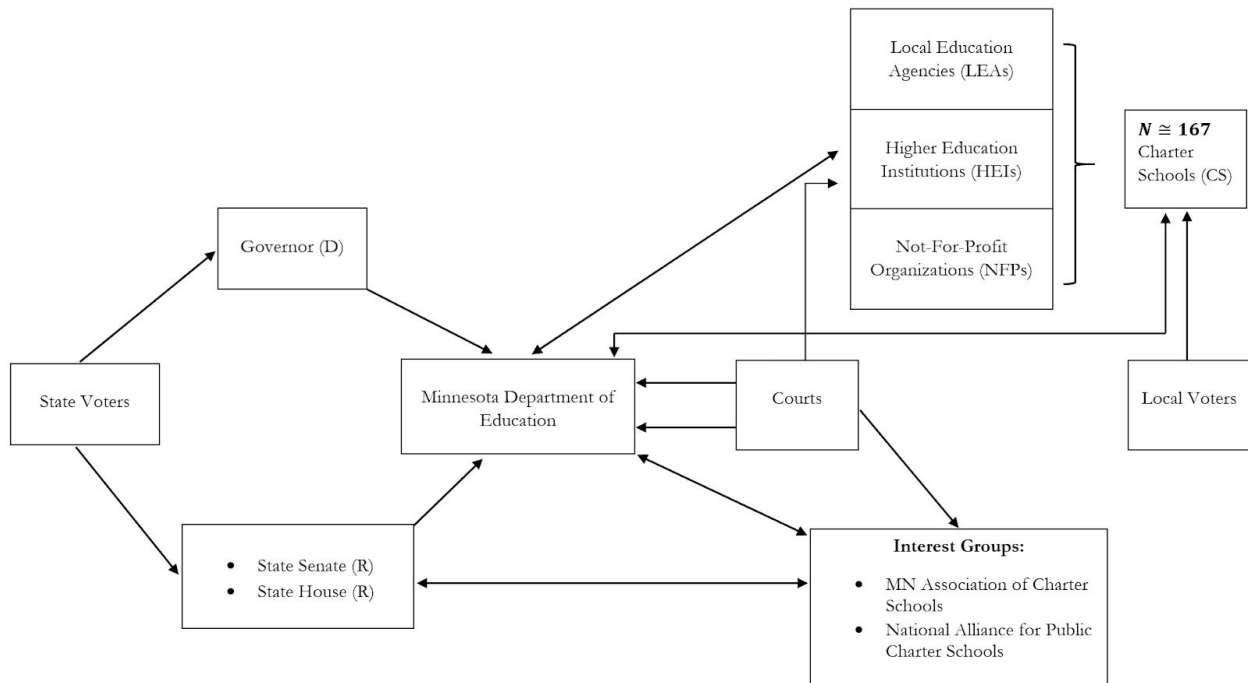
Minnesota has a relatively secure monitoring system, which effectively limits the possibility of agency loss. All actors in the state's delegation model are monitored and held accountable with the risk of possible sanctions if they decide not to comply to the principles set by the Minnesota charter school law.

The difference in the monitoring is stark, when compared to the state of Idaho. The state of Idaho has a moderate to low monitoring of each actors involved in the charter environment. For instance, charter schools in Idaho are not required to submit regularly scheduled reviews of the performance of the schools by either the legislature or the governor. Considering publishing scheduled reviews keep the charter schools in check with their operation and remind them of the possibility of sanction, lack of reporting system can be a hurdle in improving the state's accountability. Comparably, charter schools in Minnesota not only have to publish and distribute an annual public report approved by the board of directors of the school, indicating school's performance in terms of its finance, curricula, and operation, but also are subjected to the same annual audits public district schools must undergo within the state.

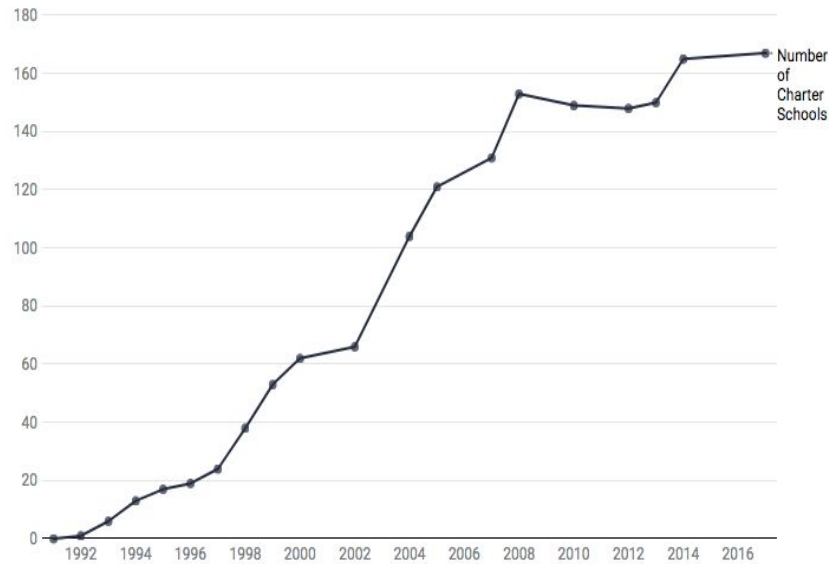
In the monitorings of the authorizing environment, two states continue to differ. Decision-making process and the finance of the charters in Minnesota are held accountable by the Commissioner appointed by the state Department of Education. On the contrary, there are no strong accountability system keeping the authorizers in Idaho in check. Authorizers in Idaho is not required to submit annual reports about their authorizing activities. Moreover, there are no formal review process by the state, which in Minnesota is done by the Commissioner, and the state's capability to sanction authorizers are restricted.

Despite the differences, two states share some commonalities, including the lack of requirement for periodic formal evaluation of overall state charter school program and its outcomes. Furthermore, unlike in some states such as Illinois, both do not have accountability system set in the tasks of the state legislature or governor.

Visuals



Number of Minnesota Charter Schools (1991-2017)



Source: Minnesota Department of Education / Minnesota Office of the Legislative Auditor • [Get the data](#) • Created with [Datawrapper](#)

COMMENTARY

We must weed out Minnesota's lousy charter schools

Choice and competition should help close the gap. But something's not working.

By Neel Kashkari | OCTOBER 18, 2017 — 6:08PM



ISTOCKPHOTO.COM

Recommendation Section

Minnesota, although maintains relatively secure accountability system and limited agency loss, since most actors in the delegation model are held accountable and are subject to sanctions if they do not comply to Minnesota charter school law standards, has somewhat weak accountability system for the Commissioner between the state government and the legislature.

The Commissioner in Minnesota wields substantial authority in the state's charter environment, evaluating every authorizers through Minnesota Authorizer Performance Evaluation (MAPES), and overseeing the decisions each authorizers make for the applications for opening and renewal of charters. Although the Commissioner's task are integral to the workings of the charters and its authorizers, there is no proper accountability system set; the Commissioner, for instance, is not required to report to either the state legislature or to the governor.

Therefore, we recommend that the Commissioner publish annual reports to the governor, the state legislature, make the reports available to the public, through traditional media outlets and its website. By making the Commissioner answer annually to the branches of government, Minnesota can improve upon the Commissioner's political accountability, and through making the reports accessible to the established media and the public, so that different interest groups and stakeholders in matters involving charter schools can evaluate the works of the Commissioner, the state can advance the social accountability of the post.

The problem of lack of information open to public persists also persists not only in the Commissioner's work but also in the charter schools and their authorizing environment. In a principal-agent relationship which the voters, charter schools, authorizers, and the government is

entangled in, lack of data available to each actors can exacerbate the hidden action problem, building mistrust and encouraging detrimental behaviors.

Therefore, there exist a strong need to improve upon the evaluability and the identifiability of each actors involved in the charter environment. In order to recuperate the evaluability, it is recommended that Minnesota Department of Education publish clear and accessible data online. In order to develop further identifiability, we recommend also, that such data include information on which charter school is under which authorizer, and how each charters are authorized in different authorizing environment. Currently, there is no such information available to the public or the researchers neither via news media nor the government website.

With these improvements, Minnesota's accountability model would be adequately profound and all parts of the delegation model would be properly balanced in terms of accountability and agency loss reduction. Further, the voters in Minnesota, with augmented scope of information that will made available to them through various medium, will be able to accurately evaluate policy outcomes, and identify accordingly, which actor is to be held accountable for which outcome.

Minnesota

Short Essay

As the first state to have enacted charter school laws in 1991, Minnesota laid the foundation for the charter school movement which later diffused to other states. However, as the movement grew within the state, Minnesota found itself facing issues regarding agency loss, failing to keep their schools accountable towards satisfactory academic performance. Although schools in Minnesota do on average perform better than other states, the school “[rank] sixth in the nation for reading and third in math” (Kashkari 2017). Minnesota’s education system is still riddled with racial disparities. To address this, Minnesota laws have embraced charter schools in an effort to provide school choice towards its locals. Nonetheless, it seems as though parents are having difficulties differentiating good schools from bad, seeing that high-performing charter schools oftentimes have *more* capacity to enroll students. So why are students not “flocking to high-performance schools?” so to speak (Kashkari 2017).

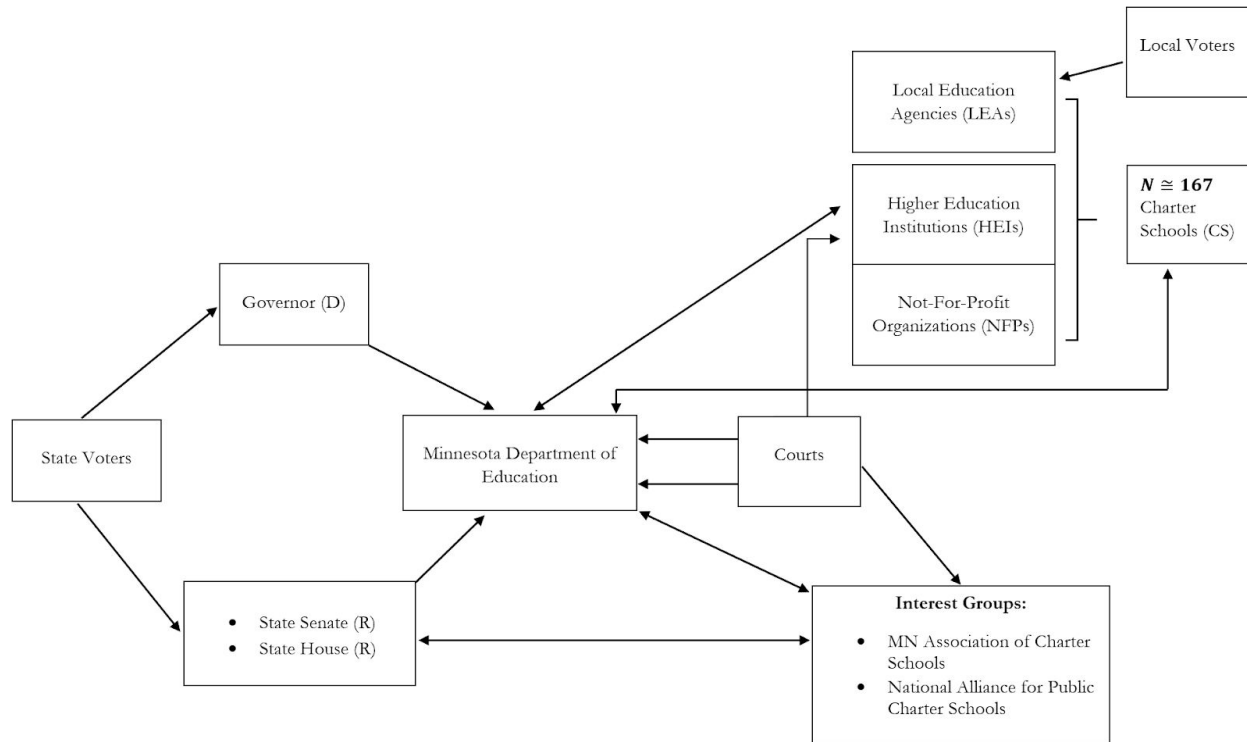
In 2009 Minnesota introduced a new authorizer accountability system after scandals regarding financial embezzlements and religious affiliations within the schools arose. Introducing the Minnesota Authorizer Performance Evaluation System (MAPES), the new legislation imposed further monitoring initiatives and sanctions onto charter school authorizers, now requiring them to file for renewal every five years. The newly imposed Department of Education oversight which annually audited authorizers and required them to provide financial and staffing evidence towards their authorizing capacity consequently downsized the number of functioning authorizers from 55 in 2009 to 14 in 2018. However, while Minnesota had managed to weed out its weak authorizers, the number of charter schools in the state remained fairly

constant, slightly decreasing from 154 schools in 2009 to 149 schools in 2010 after the law passed, but increasing again to 167 in 2018.

While Minnesota legislators have effectively pressured for better authorizer performance standards, legislation regarding school closure and renewal remains fairly lax. According to Minnesota Charter Contract laws, authorizers *may* terminate charter schools or choose non-renewal following (1.) schools' "failure to demonstrate academic achievement for all students," (2.) "failure to meet generally accepted standards of fiscal management," (3.) "violations of law," or (4.) "other good causes shown" (MN.124E.10). The law also allows for the Commissioner of the Department of Education to terminate existing contracts between an authorizer and its charter school. Now, although charter termination laws do exist in Minnesota, its wording is more so suggestive than mandatory. Moreover, Minnesota charter schools are not necessarily subjected to any formal evaluations of its overall programs and outcomes. Rather, once approved, charter schools can be renewed for up to five years and without any required formal renewal application.

The system of a state without charter school caps and laxing incentives to close schools has resulted in a compilation of good and bad schools, creating a difficult environment for parents to evaluate the institutions they choose to send their children to. If Minnesota wishes to provide higher standards of education for its students the state would have to implement new legislations mandating authorizers to close or incentivize corrective actions towards underperforming charter schools.

Delegation Model



Legislative Summary

Minnesota Statute Chapter 124E. CHARTER SCHOOLS

Minnesota's Charter School Legislation (Chapter 124E) is sectioned off into four categories **(1.)**

Generally, **(2.)** Administration, **(3.)** Policy and Procedures, and **(4.)** Finances.

1. Generally

The first legislation category includes laws 124E.01 to 124E.03. These laws pertain to the (1.) the purpose and applicability (124E.01) of charter schools, stating that the mission of charter schools within the state would be to “improve all pupil learning and all student achievements”; (2.) definitions(124E.02), defining specific terms (ie. affidavit, affiliate, control etc.); and (3.) applicable laws, denoting federal and state local health and safety laws charter schools must adhere to like any district schools.

2. Administration

Administrative charter school laws cover section 124E.05 to 124E.09. These laws pertain to Authorizers (124E.05), Board of Directors (124E.07), Charters Schools and School District collaboration (124E.08), and organizations wishing to form a charter school (124E.06).

Minnesota's Administrative charter school laws include requirements, application process and eligibility, mandatory sanctions on authorizers, and the extent of legal authority granted to administrators. Interestingly, these laws also include mandatory training before some administrative practices are allowed.

3. Policy and Procedure

Policy and Procedure laws covers section 124E.10 to 124E.16. These laws denote proceedings regarding charter contracts (124E.10), admission requirements and enrollment (124E.11), employment (124E.12), transportation (124E.15) and dissemination of information (124E.17).

Minnesota charter school policy and procedure laws also include a section pertaining to conflicts of interest (124E.14). Under the conflict of interest section, the law constraints administrative towards participating in selecting, awarding, or administering administrative control when a conflict of interest arises, carefully denoting examples of conflicts of interest. Interestingly the dissemination of information law (124E.17) also necessities how charter schools must disseminate school and financial information to targeted groups (low-income families and communities, students of color, and academic risk students), authorizers, and the general public.

4. Finances

Charter School Finance laws include sections 124E.20 to 124E.26. These laws pertain to the general education revenue (124E.20), special education aid (124E.21), building lease aid (124E.22), transportation revenue (124E.23), other grants and aid payments (124E.24-25), and

the use of state money (124E.26). Charter school financial laws binds the school to use capital funds specifically for purposes related to the school. Under section 124E.26 regarding charter school use of state money, charter schools are not permitted to use state funds to purchase land or buildings; rather, charters have to obtain land and buildings through non-state means.

Summary Description of Authorizing Environment

Types of Charter Authorizers Allowed by Law:

*** NOTE: Only 1 State Education Agency (SEA)**—Minnesota Department of Education

Higher Education Institution (HEI)	Local Education Agency (LEA)	Not-For-Profit Organization (NFP)
---	---	--

Currently, Minnesota has total of 14 authorizers available from the 55 that used to exist prior to the 2009 authorizer evaluation legislation was enacted. As the table above illustrates, the capable authorizing organizations within the state are Higher Education Agencies, Local Education Agencies, and Not-For-Profit Organizations. In efforts to mitigate agency loss, alongside with submitting a new school's affidavit to the Department of Education charter school authorizers must also complete a compliant contract with the Department of Education Commissioner claiming responsibility for the new school. School administrators are also required to complete a Department of Education training program before serving students. The contract between authorizers and the commissioner allows authorizers to be held lawfully reprehensible for the charters it authorizes; thus, incentivizing authorizers not to charter risky schools.

Summary Description of Interest Group Environment

Minnesota charter school laws are not conducive towards charter school interest groups such as Charter Management Organizations (CMOs) or Educational Management Organizations (EMOs); as such, these organizations do not have a strong presence within the state (Kaput 2011). In fact, Minnesota laws do not have a definition for CMOs and EMOs so there is not even an official list of the interest groups present within the state. Typically, interest groups such as CMOs require authorizer and board flexibility to function and supply charter schools with high quality leaders, facilities, and start-up funds. In Minnesota, there is not a policy giving charter schools access to existing district facilities. Moreover, Teach for America (TFA) the main organization CMOs use to supply Teachers for charter schools is relatively small within the state, consisting of only 45 members and 655 TFA alumni in the state (Kaput 2011). Thus, as a result of the stringent authorizer policies, and lack of facility and faculty supply, Minnesota's charter school environment does not have a strong presence of interest groups. However, the state is reported to soon have more homegrown CMOs in the future (Kaput 2011).

Analysis of the Authorizing Environment

Minnesota has a decentralized authorizing environment, allowing Local Education Agencies, Higher Education Institutions, and Not-For-Profit Organizations to authorize its charters. While the Department of Education Commissioner holds the final authority to grant charter schools their charter number, the majority of Minnesota charter schools are authorized and overlooked by non-profit organizations like the Audubon Center of the North Woods which currently oversees 34 charter schools (out of the 164). Although charter schools in Minnesota are not formally

assessed that often, not having to submit a formal renewal application, authorizers are kept on a short leash, subjected to yearly financial and performance audits, and are sanctioned every five years. As such, the bulk of the authorizing environment in Minnesota focuses on authorizer performance. Minnesota legislators have aimed to reduce agency loss by imposing reprehensible restrictions towards its authorizers; thus, incentivizing authorizers not to authorize risky charter schools.

Focal State References

BallotPedia. Charter Schools in Minnesota. Retrieved Thursday, April 26, 2018

https://ballotpedia.org/Charter_schools_in_Minnesota#Issues

BallotPedia. Commissioner of Education. Retrieved Thursday, April 26, 2018

https://ballotpedia.org/Minnesota_Commissioner_of_Education

Beena Raghavendran (2017). *Charter School Enrollment is Surging in Minnesota*

<http://m.startribune.com/charter-school-enrollment-is-surging-in-minnesota/415018793/>

Data Reports and Analytics: Education Statistics Summary.” Minnesota Department of

Education, w20.education.state.mn.us/MDEAnalytics/DataTopic.jsp?TOPICID=4.

Retrieved from 2009, 2010, and 2018 statistics summary

Kaput, Krista. “Charter Management Organizations (CMOs): Why Doesn't Minnesota Have

More?” Education Evolving, 18 Jan. 2017,

www.educationevolving.org/blog/2017/01/charter-management-organizations-cmos-why-doesn-t-minnesota-have-more-0.

Kashkari, Neel. “We Must Weed out Minnesota's Lousy Charter Schools.” Star Tribune, Star

Tribune, 18 Oct. 2017,

www.startribune.com/we-must-weed-out-minnesota-s-lousy-charter-schools/451518433/.

Megan Batdorff, Larry Maloney (2014) et al. *Charter School Funding Inequality Expands*

<http://www.uaedreform.org/wp-content/uploads/charter-funding-inequity-expands.pdf>

Minnesota Education Statistic Summary (2015). Thursday, April 26, 2018

<https://www.leg.state.mn.us/docs/2015/other/151052.pdf>

National Alliance for Public Charters (2018). Retrieved Thursday, April 26, 2018

<https://www.publiccharters.org/our-work/charter-law-database/states/minnesota>

Office Of the Legislative Auditor (2008). Charter School Evolution Report. Retrieved Friday, April 27, 2018

<https://www.auditor.leg.state.mn.us/ped/pedrep/charterschools.pdf>

Pioneer Press (2010). Minnesota Tightens Oversight of Charter Schools. Retrieved Friday, April 27, 2018.

<https://www.twincities.com/2010/09/03/minnesota-tightens-oversight-of-charter-schools/>

Pioneer Press. "Minnesota Tightens Oversight of Charter Schools." *Twin Cities*, Twin Cities, 12 Nov. 2015,

www.twincities.com/2010/09/03/minnesota-tightens-oversight-of-charter-schools/.

"2017 Minnesota

Statutes." 169.475-2017MinnesotaStatutes, www.revisor.mn.gov/statutes/?id=12

4E.

Illinois

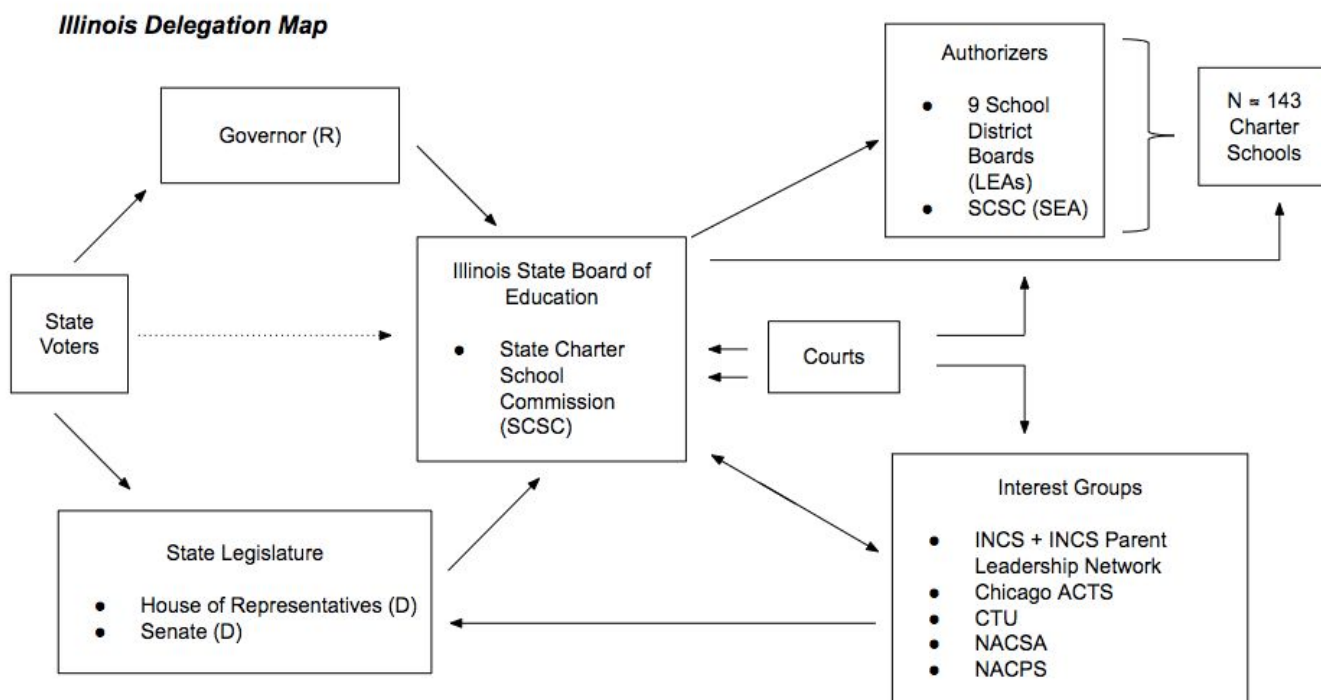
Short Essay

The Illinois charter school law, passed in 1996, has many interesting aspects that deal with normative issues we have discussed in the course. Political accountability between the charter schools, authorizers, the State Charter School Commission (SCSC), State Board of Education, and state government is fairly strong. Authorizers monitor their respective charter school(s) through annual report cards/audits; if needed, they can sanction them through non-renewal. The SCSC oversees the authorizers and sets criteria for them to follow, although there is a lack of sanctions because the SCSC website shows that most authorizers do not fulfill these criteria but still hold authorizing power. The political accountability model's strongest aspect lies in the requirement for the SCSC to submit a detailed report to the State Board of Education every odd-numbered year and for the State Board of Education to report this information to the state legislature and governor every even-numbered year. The legislature and governor are then subject to retrospective accountability by the voters if they do not monitor the State Board of Education's activities. However, there is moderate agency loss in the model because application approval criteria is not clearly identified so there is agency loss for authorizers' vague standards to approve a charter, as well as in SCSC's lacking enforcement of authorizer criteria.

Social accountability of Illinois charter school education is relatively high, and voters are participants in the process if they choose to be. The identifiability and evaluability of Illinois charter schools is high because the State Board of Education publishes all data collection and

reports on its website. The involvement of the voters in the overall process is interesting because there is social accountability through the legal requirement for public hearings and political accountability to the public due to the community's involvement in special cases of charter school referendum voting. Therefore, the accountability model in Illinois is fairly strong because it possesses some weak aspects as well as some strong ones.

Delegation Model



** The dotted lines indicate the voters' involvement in SCSC charter school decisions only in special cases.*

Legislative Summary

Following the national trend of charter school legislation enactment, Illinois became the 20th state in the U.S. to allow charter school education in 1996. The Illinois Charter Schools Law, Public Act 89-450, outlines many key details related to the relationship between charter schools, authorizers and the state government. Charter schools follow federal and state laws and are defined as “non-profit school[s] [which] shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.” Since it is a mandatory rule for charter schools to be non-profit entities, there are not any Education Management Organizations (EMOs) in Illinois. There are technically no CMOs, either, but charter schools can own several “campuses” (which many do), thus resembling a CMO-like scheme of charter school management. The law states that there can only be 120 charter schools in Illinois (although there are currently 143 of them) and that 75 charters are reserved for cities with 500,000 people or more (i.e. Chicago), and 45 charters are reserved for the other parts of Illinois. Each of those regions’ reserved charters set 5 charters aside for schools that work with students at risk – i.e. those who are likely to fail out of school.

Authorizers are defined as local school boards in the district where the charter school is located. They can authorize a charter school for a charter between the length of 5 and 10 years, but the renewal can only be for 5 years. The State Charter School Commission (SCSC) is housed within the Illinois State Board of Education and can act like an authorizer in special cases. The law also outlines the accountability system in place, through provisions such as requiring the

authorizers to submit detailed reports to the Board of Education and for the Board of Education to submit a general detailed report to the legislature and governor every other year.

Summary Description of Authorizing Environment

Charter school applicants in Illinois apply to one of the nine local school district boards (LEAs) whose district it is that they would like to start a charter school in. The State Board of Education outlines standards that each authorizer should follow, such as clear renewal criteria and a strategic vision for the authorizer/district. The Board's website breaks down whether each authorizer fulfills these criteria; most do not. The authorizers are required to set a public hearing within 45 days of receipt of application and to determine a decision within 30 days of the public hearing in a public forum. The law does not state the exact criteria for an application to be approved, but if the charter is granted, the authorizer can choose whether it will be for 5 years or more, the maximum being 10 years. District schools are allowed to convert to charter schools. After approval, the authorizer reviews the annual reports and financial audits from their respective charter school(s).

The State Charter School Commission (SCSC), a SEA, oversees the authorizers and, by extension, the charter schools. The SCSC is housed within the Illinois State Board of Education and is an independent statewide authoring body with statewide chartering jurisdiction and authority. It takes control of community referendum applications (in which 5% of community voters wish for a charter to be granted) and charter applications that appeal their rejection from their original authorizer. The SCSC is composed of nine members from different regions and skill sets who are nominated by the governor and appointed by the State Board of Education for

a term of four years. Since the SCSC acts like an authorizer in special cases, Illinois is considered to have ten authorizers—the nine local school board districts and the SCSC.

Summary Description of Interest Group Environment

The involvement of pro/anti-charter interest groups in Illinois resembles that of many states, in that there are a few interest groups that exert moderate influence on policy through activism and lobbying. Illinois interest groups are made up federal, state and municipal level groups, which participate in typical interest group activities, such as lobbying, organizing protests, publishing reports/news articles, and so on. The most interesting aspect is Chicago's case, which demonstrates the tension between charter schools and district schools through the two unions, Chicago ACTS and the CTU.

Name	Region	Position	Notes
Illinois Network of Charter Schools (INCS)	Illinois	Pro-Charter	Lobbies for charter schools since it represents the 143 charter schools in the state. It also organizes charter school students' parents to advocate for charter schools through the INCS Parent Leadership Network.
Chicago Alliance of Charter Teachers and Staff (Chicago ACTS)	Chicago	Pro-Charter	Lobbies for better charter school legislation and funding in Chicago by organizing teachers/staff from all Chicago charter

			schools.
Chicago Teachers Union (CTU)	Chicago	Anti-Charter	Has been openly hostile toward pro-charter school legislation and funding. Chicago ACTS has recently decided to merge with the CTU, but many say this is a ploy by the CTU to disempower the pro-charter school movement.
National Association of Charter School Authorizers (NACSA)	U.S.	Neutral / Pro-Charter	The organization is between neutral and pro-charter because it aims to improve the policies surrounding charter school accountability policies. The Illinois State Board of Education utilizes the organization's authorizer criteria.
National Alliance for Public Charter Schools (NAPCS)	U.S.	Pro-Charter	NAPCS issues detailed reports on charter school laws in the U.S. It has published articles criticizing the Illinois legislature's efforts to make it harder to open charter schools.

Analysis of Authorizing Environment

The authorizing environment in Illinois is not very centralized: even though the SCSC overlooks the activities of the authorizers, it does not authorize many charter schools; the nine local school district boards authorize the bulk of charter schools. The fact that a charter applicant can appeal their application rejection to the SCSC brings a check on the power of authorizers because their opinion on a charter is not the sole deciding factor. In addition to charter applicants' appeal process, the community's legal ability can garner votes to approve a charter via a referendum also demonstrates Illinois's commitment to balancing out the power of authorization between the nine main authorizers, the SCSC and the community. Overall, the accountability for charter schools and authorizers is moderately high because charter schools are held politically accountable through annual reports to the authorizer, but there is some agency loss due to the lack of a) clear charter approval criteria for authorizers and b) a lack of sanctions for authorizers that do not meet authorizer criteria.

References

- <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+27A&ActID=1005&ChapterID=17&SeqStart=1690000000&SeqEnd=1712000000>
- <https://www.isbe.net/Pages/CharterSchoolAuthorizerCriteriaDashboard.aspx>
- https://www.isbe.net/Documents/2018_Charter_School_Biennial_Report.pdf
- <http://ecs.force.com/mbdata/mbstprofexcL?Rep=CSP15&st=Illinois>
- <https://www.publiccharters.org/press/illinois-anti-charter-school-bills-wrong-side-history>
- <http://www.chicagotribune.com/news/opinion/commentary/ct-charter-schools-teachers-union-perspec-20170619-story.html>

Idaho

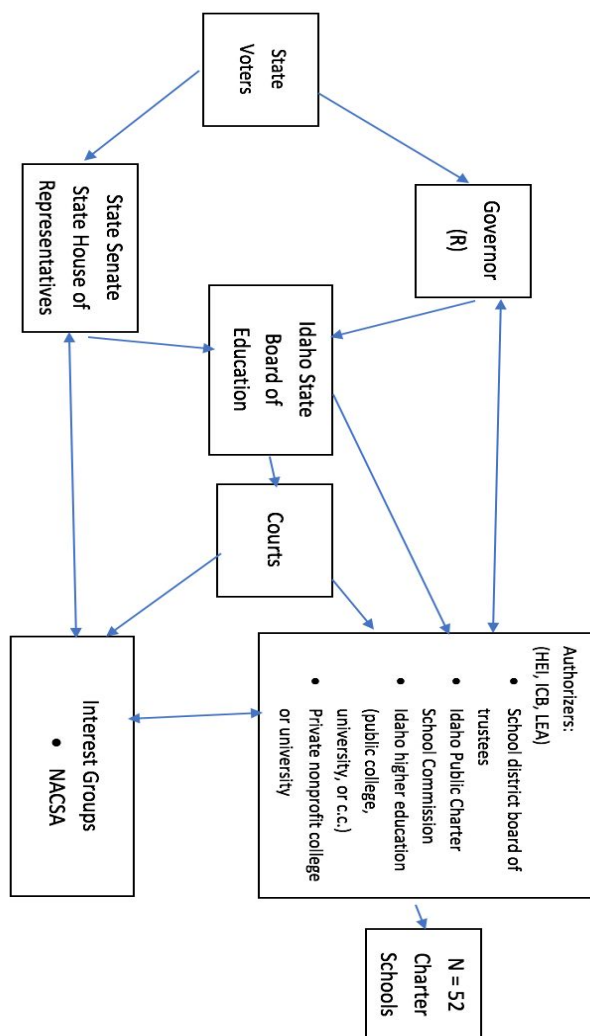
Short Essay

Idaho began their endeavors with charter schools in 1996, when they enacted their Charter School Law. Since its beginning, Idaho's charter schools have grown to educate around 21,400 students (2016-17 school year) in 52 charter schools (2016-17 school year). 7% of the student population of Idaho attending public schools are enrolled in accredited charter schools. Currently, the National Alliance for Public Charter Schools ranks Idaho charter schools as #21 (out of 45), from participating states' charter schools, giving it a score of 153 (out of the possible 240). Idaho's score from the National Alliance for Public Charter Schools, just recently increased three points because they decided to become a cap free state, moving towards the ideal model of charter schools from the alliance. The law allows for both startups and public school conversions, when at least 60% of teachers and parents are required to agree to the petition of conversion.

Despite the decision to become a cap-free state, Idaho public schools are still not highly ranked because of their normative issue in authorizing accountability. With a low score of only 3 out of 12, Idaho fails to adequately review the charter schools. There are no regularly scheduled reviews of the performance of the charter schools' authorizer by either the legislature or the governor. Further, they also lack any form of official registration process for school boards to confirm their interest in renewing a charter school and higher education entities also do not

require an application process for groups interested in opening up a charter school. Most troubling of all, and a huge fault in why there is a large authorizing accountability problem is the fact, any authorizers are not required to submit any form of annual report that summarizes what they are doing or their school's performance. Clearly, all of these faults lead to heavy accountability problems for the authorizers, if anything were to go wrong with a charter school they authorized.

Delegation Model



Legislative Summary

Idaho laws have allowed for both new startups and conversions of established district schools, with the 60% parent and teacher accordancy staple. These decisions are required by law to be made in an open meeting and are required to have a written notice on whether a school has been approved or denied. The law also allows for authorizers from non-district agencies to approve charter schools. Schools can also move from authorizers, if they appeal a denial from

any other institution than a local school board. Virtual schools also are not allowed to apply through a local school board. Public charter schools are also subjected to pay a fee to their authorizer entity, that is then used to monitor, evaluate, and oversee the school. Charter schools are also funded by the state as they are public schools and are open to any student in the state.

Summary Description of Authorizing Environment

Idaho has a multi-authorizer system that has a total of 15 different authorizers. According to Idaho Charter School law, the types of charter school authorizers are: Higher Education Institutes (HEI), Independent Chartering Board (ICB), and Local Education Agencies (LEA). From these three different types of authorizers stem down the local board of school districts, public charter school commissions (Idaho Charter School Commission), public colleges/universities, and private non-profit colleges/universities. Out of all of the active operating authorizers, almost all of them are school districts (LEA), meaning that districts are the ones authorizing charter schools the most. Schools are subjected to the 5-year renewal, and authorizers are required to eventually deliver an open meeting decision again with a written decision. The process of applying and renewal is criticized in Idaho due to their unclear application process and unregulated decision-making timeline. Applicants, if rejected to have the option to move towards another authorizer. This also makes authorizers to be held accountable for any mishap from the schools that they authorize.

Summary Description of Interest Group Environment

Idaho is not heavily involved with interest groups within their charter school system. The only prominent interest group that is involved with the Idaho Education State Department's charter schools is the Idaho Charter School Network. They advocate for the expansion of charter schools and increasing the funding for charter school, and transparency in the funding by the state for charter schools. However, these groups are not able to authorize charter schools.

Analysis of the Authorizing Environment

Authorizing in Idaho, mostly comes from local school districts (as part of LEAs). As of 2017, they were the most active and participating type of authorizers in the state of Idaho. This when added in context that Idaho has a big accountability problem is not much of a surprise. The state legislature has no evident laws that require review from them on the authorizers (school districts). The fact that the main authorizers are school districts without a check, is further proof of why Idaho was ranked so low in accountability problems by the National Alliance for Public Charter Schools. This also brings forth the problem of identifiability. Schools that are failing can't be social accounted because it is hard to identify the principal in the principal agent problem.

References

- <http://www.qualitycharters.org/authorizer-types/>
- <http://www.qualitycharters.org/policy-research/state-map/idaho/>
- <http://www.sde.idaho.gov/school-choice/charter/>
- <http://ecs.force.com/mbdata/mbstprofile?Rep=CSP17&st=Idaho>

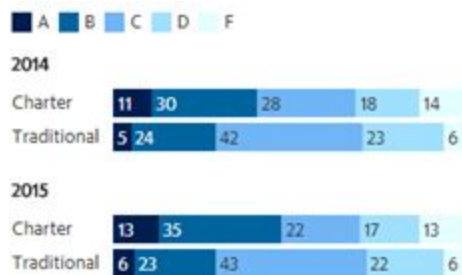
- <https://www.publiccharters.org/our-work/charter-law-database/states/idaho>
- <http://ecs.force.com/mbdata/mbstprofile?Rep=CSP17&st=Idaho>

North Carolina

Short Essay

Since its inception in 1996, North Carolina's charter school program has boomed, serving 5.7% of students in the state in 173 charter schools. A large portion of this growth is owed to a

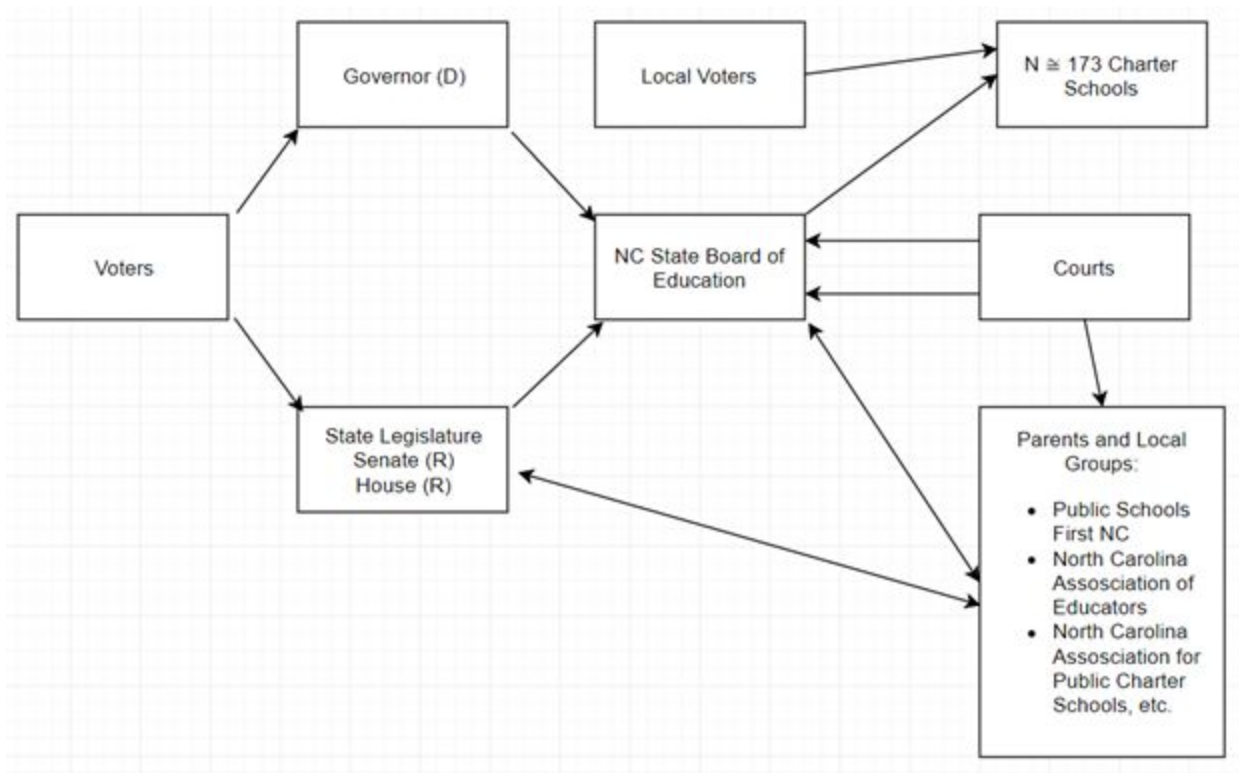
relaxed charter law mixed with corporate influence,



best evidenced by the fact that in recent months many companies have had to scale back due to unsustainable overexpansion in 2011, rather than state restrictions. These favorable conditions have created a few significant problems, most notably vast performance disparities when compared to public schools. The Department of Public Instruction found that while more charter schools receive the highest grades compared to public schools, significantly more charter schools received the lowest grades in performance than public schools (Figure above). Indeed, it seems, charter schools in NC fail the egalitarian standard of improving the conditions of the worst off students, instead broadening the divide.

Despite such conditions, there remains a lack of sanctioning by the State Board of Education, the sole authorizer. Just last month, the State School Board of North Carolina approved the AAC (Achievement for All Children) to take over operations of a failing elementary, despite concerns from third party evaluator SchoolWorks, which found it unclear whether the AAC was even legally eligible to operate given a history of underperformance and lack of improvement for low performing students. This larger accountability are coupled with funding tradeoffs with public schools as well as decreasing diversity between charter schools.

Delegation Model



The State Board of education, assisted by its Advisory Board, is the sole authorizing entity within the State of North Carolina, granting charter to 173 schools thus far. It has members appointed by the Governor for 8 year terms and reports annually to oversight committees within the State Legislature, which derive its members through state elections from state voters. The Board employs accountability measures such as annual audits and data reporting requirements for all its charter schools but faces high standards when it comes to charter removal or non-renewal, which has impeded its ability to effectively sanction the schools. Additionally, local voters are able to hold charter schools socially accountable due to public record requirements that make Charter Board meetings open. Finally, concerned parents and interest groups are able monitor state board meetings and lobby for their interests, as well as influence members of the state legislature.

Legislative Summary

While the majority of North Carolina's charter laws seem similar to other states, its application and renewal requirements are most notably tailored to favor charter schools.

Applying for a charter requires non-profit corporations to submit prior performance data for established CMOs, with preference given to applicants targeting at risk students and districts. The Board gives a fast track option to CMOs wishing to replicate already successful models and can only grant initial charters for less than 10 years, with recent practices suggesting a real number of less than 5 years. Interestingly, when it comes to renewing charters, stating that the State shall renew charters for 10-year periods unless the school is not financially sound, performs poorly compared to local schools, or breaks the law. In essence, this favors charter schools tremendously as the State Board is forced to renew charters for long periods without discretion if the above criteria are met. Charter termination standards also favor the schools, as the State Board again shall not terminate or fail to renew the charter of a school solely because it is low-performing. Rather, if the school has growth in preceding years or if it has a "strategic improvement plan", its charter must be renewed. Additionally, the State Board must inform a charter school about concerns with the school and allow the school to create a corrective action plan at least a year before renewal.

When it comes to monitoring, the state board is entrusted to carry out annual performance and financial audits. Such monitoring is mandated at least once before the renewal of a charter, and the state is also allowed to bring in third party organizations to come in and assess schools.

On the school side, charter schools must administer and publish all state assessments, and comply with information reporting requirements of the state (Monthly fiscal data).

In practice, many of the laws elicited are used to varying degrees. For example, NAPCS reports that the data reporting requirements for the State Board of Education are often ignored and not met on an annual basis. Additionally, the non-profit requirement of charter boards is easily overcome by schools themselves, which hire out large for-profit charter companies to effectively run the schools. In 2016, 27 schools run by such for-profit companies received \$118 million in state money, encompassing a disproportionate share of the total budget for all charter schools.

Summary Description of Authorizing Environment

The State Board of Education is the only authorizing body that exists in North Carolina, which began its advent as a charter authorizer in 1997 with a 100 school cap, subsequently lifted in 2011. Being an extension of the state government, the board is held accountable by the Joint Legislative Education Oversight Committee in the State legislature, where it must report the state of charter schools. The State legislature holds the power to remove the authorizing power of the State Board of Education. Additionally, all state board meetings, by virtue of being public, can be monitored by the public, which creates identifiability within the authorizing system. The authorizing environment is not constrained by any means, and rather encourages the creation of charter schools to a significant degree.

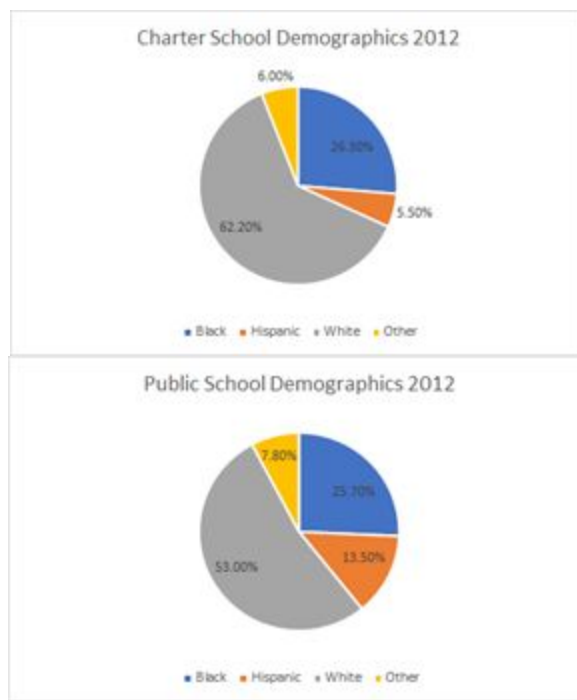
Summary Description of Interest Group Environment

North Carolina has a generally low public interest in the charter school field, outside of a few parents and local interest groups. The most contentious issue for interest groups is the funding tradeoff between NC charter schools and local school districts, with legislation such as Senate Bill 562, introduced in 2017 by the North Carolina School Boards Association to ease funding loads for charter schools away from local governments. It is directly opposed by Bill 658, backed up by the North Carolina Association of Charter Schools, seeking to grant charter schools access to public school myriad funds (gifts, sales tax dollars, federal grants), an estimated 11 million dollars, which would ultimately increase the cost for local governments and schools substantially.

Interest Group advocacy is also large when it comes to combating oversight issues with regards to decreasing diversity in charter schools.

Groups such as Public Schools First

North Carolina actively monitor charter statistics and engage with elected officials on such issues while also publicizing data for voters, creating higher identifiability and evaluability by singling out charter schools.



Analysis of the Authorizing Environment

From a normative accountability perspective, the North Carolina charter program has a lot going for it. It has authorizer accountability measures in place, forcing it to report data up to the State Legislature, as well as accountability measures for charter schools in terms of information reporting and auditing. There are two problems however, 1) an over flexibility of state charter laws and 2) a lack of monitoring and sanctioning on part of the State Board of Education, that have caused poor performance and oversight within charter schools in the state. Additionally, it creates a lack of evaluability whereby it becomes difficult to assess the performance of charter schools. Not only is data reporting and monitoring on part of the State Board imperative for political accountability, but it is also public data used by interest groups and citizens to hold charter schools socially accountable. These core issues have trickled into poor performance, lower diversity, and an increase in for profit companies exploiting the charter sector.

References

- <http://www.newsobserver.com/news/local/education/article177834016.html>
- <http://www.newsobserver.com/news/local/education/article177834016.html>

- <http://pulse.ncpolicywatch.org/2018/04/05/despite-concerns-divided-state-board-of-education-approves-controversial-operator-for-innovative-school-district/>
- <http://www.ncpublicschools.org/charterschools/policy/legislation/>
- <https://www.publiccharters.org/our-work/charter-law-database/states/north-carolina>
- <http://www.newsobserver.com/news/local/education/article178438001.html>
- <http://www.ncpolicywatch.com/2017/04/13/competing-bills-alter-method-funding-charter-schools/>
- <https://www.publicschoolsfirstnc.org/engage/know-the-issues/charter-schools/>
- https://www.mitpressjournals.org/doi/pdf/10.1162/edfp_a_00226
- <http://www.newsobserver.com/news/local/education/article207787219.html>

Maine

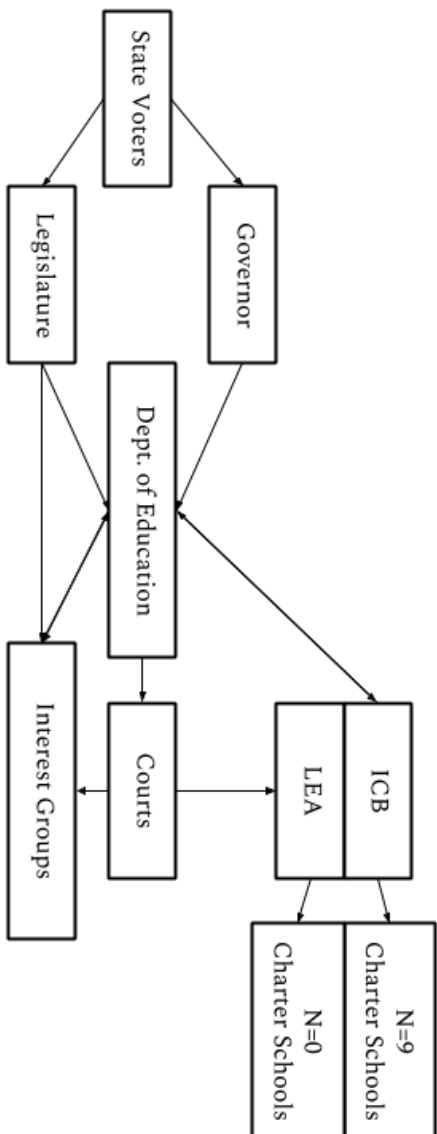
Short Essay

In accordance with the founding principles of public charter schools which aims to provide educators and students diverse choices, and degree of flexibility, while maintaining a

healthy accountability system, the state of Maine has allowed openings for charters since 2011. Unlike in other states such as California, the issue of charter schools and of its operation has not been under public scrutiny. The reason for the relatively intact integrity of the system follows from Maine's strict authorization process that seeks proper accountability from the charters. First, all currently operating charters in Maine are authorized through one centralized authority appointed by the state Department of Education, the Maine Charter School Commission (MCSC). Such centrality in the state government, while acts as a restriction to flexibility, compared to states where charter schools can choose their authorizers, protects the integrity of the authorization system set by the state.

Furthermore, Maine charter school law puts a strict restriction on the operation of Charter Management Organization (CMO). A school can create a contract with CMOs to manage a limited scope of the school's operation, and must submit a proposal that include not only evidence of the CMO's success in serving students and its set goal with timelines, but also set limitations of its role and a statement of assurance that the school's leadership is independent of the CMO. Such hurdles prevent CMOs from gaining expanded political influence and acting as interest groups, which can lead to the agency loss of the governing body.

Delegation Model



Legislative Summary

Maine Charter Laws put emphasis on its monitoring system by requiring the Commissioner from the Department of Education to report on the state's charter program every four years to the governor the legislative and the public, along with annual reports from authorizers.

The state also allows for “virtual” charter schools that are completely online, and solely authorized by the MCSC.

Further, the authorizers are able to use 3% of funds allocated per-pupil to cover the cost of oversight. This is greater than the 1% of funds allowed for the school to cover administrative costs.

Moreover, Maine has legislative hurdles for the operation of CMOs, in that school wanting to contract its service with a CMO must submit a proposal that includes evidence of the CMO's success in serving student population of similar demographic, the goal of the contract with timelines, set limitations of the CMO's role, and a statement of assurance that the school's leadership and the management will be independent of the CMO.

Summary Description of Authorizing Environment

There are two authorizes in Maine; the Maine Charter School Commission (MCSC) and Local School Boards and their collaboratives. The MCSC has a cap of ten schools until 2021, whereas the latter has no restrictions as to how many. However, all nine existing charters, including virtual schools, have all been authorized by the MCSC.

Summary Description of Interest Group Environment

Although Maine has a favorable environment for charters to operate, due to its legislative limitations on the workings of the CMOs and the state's relatively short history in allowing charter schools, interest groups face limitations in expanding their influence. Nonetheless, multiple interest groups are involved with the public charter, including the Maine Association for Charter Schools, and Maine Education Association.

Analysis of the Authorizing Environment

Authorizers in Maine is highly centralized since the only operating authorizer is the MCSC. Authorizers in Maine are able to increase the terms of charter contracts up to 15 years, but the minimum renewal contract is 5 years. Also, the Commissioner from the Department of Education must report on the state's charter program every 4 years to the governor, the legislative and the public, while the Commission itself publishes annual reports.

The MCSC in November 2017 gave its latest approval for charter extensions to three schools in a unanimous vote, two for 10 years and one for five years.

References

- https://www.publiccharters.org/sites/default/files/documents/2018-01/ME_ML2018.pdf
- <https://www.pressherald.com/2017/11/07/maine-charter-school-commission-extends-charters-for-three-schools-on-5-0-vote/>
- <http://www.mainelegislature.org/legis/statutes/20-A/title20-Ach112sec0.html>
- <http://www.maine.gov/doe/charterschools/>

New Mexico

Short Essay

New Mexico's Charter School laws and regulations were enacted in 1993. As of 2018 Charter School Rankings, New Mexico is ranked #25 of the 44 states that have approved charter school systems. The state currently ranks at a score of 148 out of 240 in the National Alliance for Public Charter Schools Assessment.

It is a multi-authorizer system, which has allowed for 99 charters to be opened since 1993. The law originally only allowed for conversion schools which resulted in a total of 1 charter school in the state until 1999. That year, the laws changed to only allow for start-up schools instead of conversions, resulting in 98 additional charters opening in the past 20 years. The charter school student population is currently at about 22,715 students, which is roughly 7% of the state student population. The authorizer system caps the number of new charters that can be opened each year at 15, with remaining charter slots rolling over into the following year and adhering to a maximum of 75 charter allotments in a 5-year period.

As the legislation only allows for start-up schools, there is a strong reliance on charter school authorizers to support potential charters through the application process.

One normative issue stems from a lack of regulation on the authorizer staff, an issue of the principal-agent model. "No New Mexico statute expressly prohibits a person from serving as an employee of a state-chartered school while also serving as a member of the Public Education Commission," (N.M. Stat. Ann. § 22-8B-16 (West)). This means that an employee has the opportunity to put forth self-interested opinions into the action organization, rather than working on complex issues as a principal of integrity.

Legislative Summary

As of 1999, New Mexico only allows for start-up charter schools to be enacted. Charter schools are funded by public money but are also eligible for funding from the Charter School Facilities Incentive program. The restrictions on these funds require that charter schools use the grants to “establish new per-pupil facilities aid programs, enhance existing per-pupil facilities aid programs, or administer programs described [within the legislation].” The terminology is loose and vague enough that it can be interpreted differently depending on the charter school, as many programs can be constructed and named “per-pupil aid programs.”

The Charter School system does not require any school to comply in collective bargaining or union agreements, although teachers are allowed to do so if they choose.

Summary Description of Authorizing Environment (count of authorizers, type)

New Mexico operates on a multi-authorizer system. Authorizers can be either a school board or the Public Education Commission (2 authorizer types: 17 LEAs/ 1 SEA, 18 total authorizers). The authorizers are designed to be supportive and encouraging in getting schools up to par with federal regulation standards, as all charter schools are required to provide special education to students with disabilities. The language of the authorizer standards requires authorizers to provide information prior to the application phase to ensure that charter school applicants do not intend to open a school without all of the required educational/program aspects. The regulations also suggest that authorizers who are unequipped to help a charter school applicant on a certain issue should refer the applicant to resources that offer the proper knowledge.

The authorizers follow the saying “an ounce of prevention is worth a pound of cure,” showing that the authorizers are dedicated to only opening charter schools that they feel have adequately planned, are well organized, and are suited to succeed.

While the initial approval of a charter school is granted in a 6-year period (with the first year used only for planning), renewals can only be granted in 5 year periods. Renewals in shorter periods must be negotiated between the authorizer and the charter school as a conditional renewal. The approval of a charter includes regulations on the continual monitoring of the charter’s “fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract” by the issuing authority. (N.M. Stat. Ann. § 22-8B-12 (West)). Monitoring includes site visits, assessments, and access to all operating documents of the institution. Charters that do not meet the standards of a review are given the opportunity to address the respective issue during a probation period prior to the revoking of the charter contract.

Summary Description of Interest Group Environment

Though the New Mexico Charter School population accounts for roughly 8% of the entire state student population, charter schools have received almost half of the state’s educational funding. The Interest Groups include the New Mexico Coalition for Charter Schools, the New Mexico Department of Education, the National Alliance for Public Charter Schools, and groups such as The Vigil Group, whose mission is to ensure fiscal responsibility and integrity of charter schools in New Mexico.

Analysis of the Authorizing Environment

The authorizing environment in New Mexico is both adaptable and supportive. The amendment to charter legislation in 1999 allowing for start-ups shows that the state was committed to approving more charters, and the state funding allocation shows a bias in favor of charter schools. Charters are still required to follow all federal and public regulations applied to non-charter schools, and they are required to support potential charters through the pre-application process. As we saw in the Frederick Douglass case, authorizers and support offices are not always involved in charter operations, but the New Mexico system takes a precautionary approach to approval of charters to ensure that all students are treated fairly and afforded the opportunity of charter programming.

References

- <https://webnew.ped.state.nm.us/wp-content/uploads/2018/01/Authorizers.pdf>
- https://ballotpedia.org/Charter_schools_in_New_Mexico
- <https://www.publiccharters.org/our-work/charter-law-database/states/new-mexico>
- <https://www.pressreader.com/usa/albuquerque-journal/20180215/281986083024963>