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Little Hoover Commission
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Testimony of Johnathan Williams, State Board of Education Member

Thank you for this opportunity to testify before the Little Hoover Commission and provide the State Board of Education's perspective on charter school governance and accountability. I have prepared the following in response to the areas of interest identified in the invitation.

The State Board of Education (SBE) is committed to ensuring that high quality charter schools remain a viable option for K-12 students in California and serve as one of the solutions for increasing student achievement and parental choice. This position is consistent with that of the last three Governor's in California – all of whom have supported charter schools as one of many options that the state must have in place to improve student performance. High quality public charter schools offer students opportunities that may not exist in the school districts in which they reside. Additionally, charter schools may offer students curricular and programmatic options, or emphasize learning environments or strategies tailored to specific student's needs or interests that are not readily available through traditional public schools. Finally, charter schools often pioneer innovative strategies that are then models for district-run schools throughout the state.

As charter schools have matured in California and the SBE has gained experience and knowledge, the SBE has started taking a more comprehensive approach to ensuring that public charter schools are providing California students a high quality education. This more comprehensive approach includes establishing or enhancing regulations related to state revocation of locally authorized charter schools, the procedures surrounding revocations at the local level and appeals to the SBE, and the renewal process for charter schools at both the state and local level. Additionally, the SBE has spent more time reviewing underperforming state authorized charter schools and working with the CDE to strengthen oversight, accountability for performance goals and transparency in procedures surrounding the establishment of new state authorized, and state-wide benefit charters.

In December the State Board of Education adopted draft regulations to Shut down poor performing schools. What impact do you think these new regulations will have on the charter school renewal and revocation processes?

Following a nearly year-long discussion at the SBE, regulations to revoke low-performing charter schools authorized at the local level were approved by the board to begin the rulemaking process in December 2009. These regulations, based on statute that has in place for many years but has never being utilized, are essential to providing the SBE with a clear process for acting when charter schools are not meeting the states educational goals and local authorizers fail to act. These regulations ultimately will provide clear expectations and benchmarks for determining when charter school performance warrants the extraordinary action of the state reaching over the local authorizers to enforce charter school expectations.

The SBE is willing to utilize this statute, as well as revoke or not renew state authorized charter schools that are not meeting academic performance goals, due to its common belief that high-quality charter schools benefit children and should be encouraged and supported, while low-quality charter schools are the antithesis of the purpose of charter schools. In my experience, the SBE has taken the position that Charter schools benefit from being released from many of the statutory requirements of other public schools in order to allow for innovation. In exchange, charter schools must demonstrate that they are using that flexibility to benefit students through providing high quality educational opportunities which result in higher achievement and better outcomes than other traditional public schools in their locale. The SBE strongly believes that the regulations are a positive step forward and will strengthen the state's education system.

How do charter schools and traditional public schools interact, if at all, and do they work together to share knowledge and improve outcomes for all youth? In other words, are successful charter school models being used to improve traditional public schools and how can the state ensure that successful models are being replicated?

At the beginning of the charter movement in California, there was a significant level of hope that traditional public schools would quickly benefit from the innovative practices proven effective at charter schools. While this does not seem to have occurred in the manner, or as quickly as many would like, it is taking place. For example, recent studies have found that districts with charter schools, tend to focus on significantly improving their education programs in order to attract and retain students who may otherwise enroll in charter schools. To further spur this cross-fertilization of ideas, the CDE implements a federal grant program that funds high quality charter schools to disseminate their best practices to other charters and to traditional public schools. These activities enhance the exchange of effective practices between charter schools and traditional public schools. One primary example of this is the grant to High Tech High school to train 100 teachers from traditional schools in their highly effective curriculum. The SBE is committed to this type of cross-fertilization between high quality charter programs and traditional public school programs.

There are an increasing number of charter schools approved through the appellate process, at the county and state levels. What impact does this growth have on the capacity of the board to thoroughly review each case?

In recent years the SBE has seen an increase in the number of revocation and renewal appeals, resulting in the growth of state authorized charter schools. While the circumstance of these appeals may vary, there seems to be a number of similarities that emerge, particularly in this fiscal climate where education dollars are required to be stretched further.

It is important to understand that a significant number of appeals that are filed through the California Department of Education do not come to the SBE agenda. This “front-end” reduction is due to the work of Department staff in identifying the significant issues and working with charter schools to encourage them to improve their petitions and resubmit them to their local authorizer. This function is essential, particularly given the increase in the number of appeals the SBE is experiencing.

Recently the SBE has observed appeal cases in which local authorizers are granting initial charters for less than five years of operation, and, given the timelines for testing and accountability reporting, this has resulted in insufficient data on which to reliably make a determination about the success or trajectory of the academic performance of a school at the local level. Additionally, we have seen situations where local authorizers have interpreted information and requirements differently than the SBE. This is not to say that local authorizers are always in the wrong. The SBE has confirmed the local decision in more than a few instances, and the appeals that do not ultimately come to the SBE are typically those where all indications are that the local decision was appropriate. We do, however, need to protect this ability for appeal to ensure that charter schools are not subject to decisions that are more directly tied to district and county fiscal needs, rather than their ability to successfully operate and educate students.

The SBE has maintained its ability to thoroughly review appeals, in large part, due to the CDE and SBE staff work. The improved regulations, processes and structures are also expected to improve the SBE’s ability to deal with these issues in a timely manner. In time, and as appeals increase, it is likely that the CDE’s capacity and resources in this area will need to increase in order to ensure that this function for the SBE remains a high quality, value added activity that supports the success of the charter schools under its oversight. .

What role do statewide benefit charter organizations play in shaping the state’s education landscape?

State-wide benefit charter schools serve a unique and important function. The SBE goal with state-wide benefits is directly tied to our ability to grant them. We view our state-wide benefit authorized programs as providing effective educational programs to students who are being underserved by the schools in their area. The SBE makes it a priority to have state-wide benefit charters target low-income and/or minority students in areas where public schools have a history of low-performance. Without the presence of a state-wide benefit charter, students in these areas would have little opportunity to attend a school that has an effective program to improve student achievement.

How does the State Board of Education interact with the California Department of Education charter schools division?

The SBE and CDE have a good working relationship with respect to charter schools. CDE charter staff and SBE staff work closely on issues and meet regularly with SBE charter liaisons. In the event there is a difference of opinion or policy interpretation between CDE and SBE, we try to gather the information necessary to fully understand the other's position and then make our decisions with full knowledge and understanding.

What is the role of the State Board of Education's Advisory Commission on Charter Schools and how effective is the advisory commission in assisting the board in its authorization and oversight responsibilities?

The Advisory Commission on Charter Schools (ACCS) was originally formed to develop the criteria for funding non- classroom based schools. It currently has one role in statute and regulation and that is to make recommendations to the SBE for funding rates of non -classroom based charter schools. It has performed this role well and saved the SBE many meeting hours through its service. The SBE has attempted to use the ACCS to assist in other areas also, and to a great extent it is now functioning as a first opportunity to vet all charter items coming to the board and provide the board with recommendations for action. The SBE has discussed whether we can more effectively use ACCS in appeals and whether there might be other efficiencies that could be gained, either through greater use of ACCS, or other strategies.