

Little Hoover Commission Hearing Testimony – California School Boards Association

Jo Lucey, Board member, Cupertino Union School District
Stephanie Medrano Farland, Senior Policy Consultant, California School Boards Association

- What opportunities are there to improve accountability and oversight of California’s charter schools, either by bolstering the revocation and renewal language or through some other means?
 - We need a clear, foundation, structure and guidance for authorizers to hold charter schools accountable for their performance. There are currently no guidelines and authorizers vary widely in their oversight. This could help authorizers make educational judgments that are grounded in data, defensible and less vulnerable to debate, controversy and political pressure.
 - Allow authorizers to augment state standards for renewal with additional rigorous, valid and reliable measures. This can be accomplished jointly with the charter schools.
 - While authorizers are the sole entity responsible for the oversight of the charter school it approves, they have no real authority to intervene if the charter school flounders academically. There is a process for authorizers prior to revocation, to send notice to cure letters to the charter outlining the issues and problems at the school and ask the charter to correct those issues. However, the authorizer has no authority to intervene if the charter struggles to correct the problems. Revocation is the next step. Revocation may not always be the appropriate answer for the students or the community. There needs to be an intermediate step between nothing and revocation that allows the authorizer to step in.
 - The state should require contracts or Memorandums of Understanding (MOU) between authorizers and charter schools that will outline the process for oversight and also the steps to be taken if problems at the school arise. Currently, MOU’s are optional and voluntary.

- How can transparency be improved for charter school governing boards?
 - CSBA sponsored a bill, AB 572, which would improve accountability and oversight of charter schools by applying to them, the Brown Act, the California Public Records Act, Government Code 1090 (prohibits

board members from contracting with their school), and the Political Reform Act. The Political Reform Act is enforced by the Fair Political Practices Commission. By making charters subject to the Political Reform Act, the FPPC would be able to impose intermediate steps, such as fines and penalties that may “fix” things and avoid revocation. These are public schools using public school funds. They are no different than traditional school districts in that respect. The public has a right to know how the money is being spent. There have been charter operators who have misused these funds and our bill would go a long way in protecting public monies and charter schools. We understand the concern from charter operators that it is important for teachers to sit on charter governing boards which is why we amended our bill to allow employees of the charter to sit on the board as long as they recuse themselves at the appropriate time.

- What are common facilities and site-related issues relating to charter schools?
 - There is an inherent conflict in the system when a charter school is approved because it automatically impacts the financial situation of the district. Requiring districts to hand over space and/or facilities only adds to this burden and often pits the needs of charter students against the needs of the children remaining in district schools.
 - The expanded definition of furnishings and equipment add to the fiscal burden districts must face. Including office equipment, software, computers, multi media equipment, etc. This usually requires the district to spend its general fund revenue on the charter school, which they are not supposed to do.
 - Too many charter schools do not act in good faith when it comes to facility requests. They submit a Proposition 39 request only to turn down the offer and ask for money instead. This wastes precious resources of the district.

- 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 local school boards?
 - The impact on local communities is immense. When a charter is approved by an authorizing agency not located near where the school proposes to open, the parents and families do not have an accountable authorizer to turn to when issues arise.
 - Local school boards are powerless since they have no oversight. Often the charter petition is denied for legitimate reasons and when the charter falters the local boards cannot respond.

- Oversight for the charters approved by remote authorizers cannot be done in an effective manner because it is too hard for the authorizer to visit the school and keep close tabs on the progress of the charter.
- Is California's current criteria for charter revocations and renewals sufficient? If not, how could it be strengthened?
 - Requiring that high academic achievement and/or progress can be the only measure for renewal would provide authorizers a renewal process free from favoritism, bias or political influence. Of course, this would also apply to appellate bodies.
 - Establishing clear measures of academic achievement is important. There is no current state law or policy that outlines what evidence should be measured or how it should be measured. If we want a transparent process for charter renewal the state must hold charters accountable in a way that allows local authorizers to perform their oversight duties appropriately.
 - Charter revocation regulations were introduced yesterday at the State Board of Education meeting. We will be monitoring these regulations to ensure fairness for both parties appealing a revocation.
- What role do statewide benefit charter organizations play in shaping the state's education landscape?
 - They have yet to play a role in changing the State's education landscape. While they may be affecting the students who attend the statewide benefit, the education community as a whole has not benefitted. They have the same effect as a locally approved charter or traditional school. The State Board of Education has not required updates about best practices from the schools they have approved nor have they tried to share that with the education community.
 - Also, it is CSBA's contention that these statewide charter schools have not been approved according to law and regulation. Education Code 47605.8(b) clearly states that the State Board cannot approve a statewide charter unless the proposed charter will provide instructional services of a statewide benefit that CANNOT be provided by a charter operating in only one school district or county. Regulations approved by the state board further clarify that the instructional services of a statewide benefit shall include, but not be limited to, the following factors: unique factors and circumstances related to the statewide benefit charter school's educational program that can only be accomplished as a statewide benefit charter and not as a single district- or single county-authorized charter, The three

statewide charter schools approved thus far do not meet these requirements as they were very successful as locally approved charters and were not being denied by local authorizers. As we are not seeing any statewide benefit to traditional education establishments, we believe it is necessary for the legislature to revisit this issue.