



nacsa
NATIONAL ASSOCIATION OF
CHARTER SCHOOL AUTHORIZERS

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June 21, 2016

The Honorable Tim Moore, Speaker of the House
The Honorable Larry D. Hall, Democratic Leader
N.C. House
16 W. Jones Street
Raleigh, NC 27601

RE: House Bill 242

Dear Speaker Moore and Representative Hall:

On behalf of the National Association of Charter School Authorizers (NACSA), I write to express our concerns with the proposed Education/Higher Education Committee substitute for House Bill 242 (dated 6/8/16). Since their inception 25 years ago, charter schools have promised families a quality choice in public education based on their flexibility to innovate while being held accountable for high standards of performance. This bill—together with last year's enactment of H 334—removes key levers of enforceable accountability from the hands of the State Board of Education.

At NACSA, we believe that every child deserves the opportunity to attend an excellent school and that high-quality public charter schools can help realize this ideal. But in order to fulfill that promise, policy, practice, and people must be mutually reinforcing. We must set high performance expectations and enforce consequences when charter schools do not live up to their promises to students and families.

H 242 undermines the policy component of a healthy charter sector. It removes statutory levers meant to hold schools accountable, weakens oversight requirements, and creates a loophole that allows failing schools to remain open longer than they should be. The proposed bill would create a charter school system that bears a striking resemblance to states with old, broken systems; states that are struggling to turn around their troubled charter sectors plagued by poor performance. Specifically:

- **Section 1.2 eliminates the high-stakes five-year review requirement and replaces it with language that would only require a charter school to be reviewed once, and at any point, during its entire 10-year charter term, to determine if the school is meeting the expected academic, financial and governance standards. This makes it possible for low-performing schools to escape or delay accountability for years.** In addition, this provision puts at risk millions of dollars as North Carolina would likely not maintain eligibility for this year's federal Charter Schools Program (CSP) grant funding, a federal grant program designed to help states grow high-quality charter schools. Under the CSP, a high-stakes review at least once every five years is required to receive a grant.

- **Section 1.7(b1) expressly prohibits the State Board from closing even those schools classified as “continually low-performing” solely on the basis of this classification if they are meeting minimal growth requirements or making “measurable progress” (undefined by the legislation) toward goals in a strategic improvement plan.** Under current law, the State Board has the discretionary ability to close a chronically failing charter school as long as the school has been in operation for at least five years. Section 1.7(b1) creates a loophole that allows failing schools to avoid any consequences for dismal achievement simply by offering a “plan” for improvement. The provision does not appear to give the State Board any authority to decide that a “continually low-performing” charter school is so deficient that it cannot successfully implement a quality improvement plan and should be closed. Essentially, this provision merely kicks the tough closure decision down the road, because every such school will be able to come up with an improvement plan, though research shows that few chronically failing schools are able to fulfill them.

Cumulatively, these changes gut the State Board’s public taxpayer function of charter school oversight and exacerbate the impact of changes enacted last year with the passage of H 334—NACSA issued a letter to the General Assembly with our concerns. That bill significantly weakened the charter school authorizer’s ability to close failing charter schools through the non-renewal process by creating an automatic assumption that schools seeking renewal should remain open for 10 more years unless they demonstrate a substantial, egregious failing. NACSA, an organization with decades of charter school authorizing experience, shared our concerns with this change because we know such unchallenged presumptions weaken the state’s charter schools. In a healthy charter school sector, charter schools are required to earn renewal through demonstrated success.

The combined impact of H 242 and H 334 is to leave the State Board with little explicit statutory ability to close failing schools. These bills make the ad hoc and less defined process of revocation more accessible than non-renewal, and create a loophole for continually low-performing charter schools to escape default closure.

North Carolina should demand the best from its charter school sector and allow authorizers to hold failing schools accountable. No school—whether charter, magnet or other public school—should have a perpetual right to exist regardless of outcomes. If a school persistently fails, we have a moral obligation to those students to provide them with a better education. H 242 undermines this central premise.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.E.H.", is positioned above the typed name.

John E. Hedstrom
Vice President, Policy & Advocacy
National Association of Charter School Authorizers

Cc: Members of the N.C. House of Representatives