

Illinois State Board of Education Independent Charter School Authorizer Task Force

January 20, 2010

At 1:10 p.m. the sixth meeting of the Independent Charter School Authorizer Task Force was called to order by Darren Reisberg of the Illinois State Board of Education (ISBE).

After welcoming the task force members, Mr. Reisberg requested a roll call. All members were present or represented by a designee. A list of the task force members in attendance appears on the final page of this document. In addition to the appointed task force members, Nancy Grim Hunter from Chicago State University was also in attendance to represent Illinois institutions of higher education. Two guests attended the meeting, but neither of them spoke during the public participation period. The minutes from the December 14th meeting were unanimously approved by the task force.

Co-chair Reisberg opened the meeting by stating the purpose of this meeting was to discuss the recommendations the task force will make to the legislature and the governor. The task force will convene one more time in February to discuss a draft of the recommendations before concluding its work. Mr. Reisberg then outlined three options the task force has discussed to date.

- The first option is to maintain the status quo. The downside of this approach is that ISBE currently has neither the capacity nor the expertise to authorize charter schools if an appeal is overturned by the state in the future. In addition, some LEAs in the state might not have the interest or the commitment to authorize charters in their district. The creation of an independent state authorizer would respond to both of these concerns.
- The second and third options are two possible alternative approaches to describe district interaction with the statewide authorizer.
 - One of these approaches might resemble the Colorado model in which charter school applicants may apply directly to the statewide authorizer unless a district has demonstrated the capacity and commitment to receive exclusive authority to authorize in their district.
 - Another alternative would be the Idaho model in which, in all instances, charter school applicants first apply to the district. The district can then choose to defer to the independent statewide authorizer, approve the application, or deny the application.
- One option that was not discussed further at this meeting was the possibility that institutions of higher education might authorize charter schools. At previous task force meetings, representatives from higher education did express an interest in authorizing, but they do not currently have the expertise or the capacity to authorize charters statewide.

Todd Ziebarth then reviewed the report, *How State Charter Laws Rank Against the New Model Public Charter School Law*, that was recently published by the National Alliance for Public Charter Schools. This document follows up on the model charter school law that was published by the National Alliance in June. At the request of several states, the National Alliance reviewed the existing charter schools laws for each state, compared them to the model legislation, and developed a score card for each state. Mr. Ziebarth reviewed the sections of the Illinois score card related to charter school authorizing. Overall Illinois ranked 28th out of 40 jurisdictions with charter laws, with low scores on the components related to authorizing. In order to strengthen the state's existing law, Mr. Ziebarth recommended that Illinois focus on improving the language about authorization in the law by establishing a clear definition of authorizers, describing the powers and duties of authorizers, outlining the application process, and discussing the accountability mechanism for authorizers. Greg Richmond agreed that the state statute should be more specific about the components of the application process and the criteria that might be contained in a district's RFP.

Sharon Teefey stressed the importance of emphasizing local control in any recommendations that emerge from the task force. If the task force agrees to fund a statewide authorizer, she recommends that those resources go to ISBE to build the capacity of the state education agency (SEA) to authorize charters. She and Traci Cobb-Evans agreed that ISBE is currently underfunded and understaffed, so additional funding would enable them to invest more resources in the authorization process. Ms. Teefey further noted that if one of the goals of charter schools is to identify best practices, the SEA is the best vehicle to share those best practices statewide. In addition, this ISBE office could provide technical assistance to districts with authorizing practices to ensure that authorizing statewide is fair and transparent.

Co-chair Reisberg agreed that a statewide authorizer should be connected to ISBE because the SEA is ultimately responsible for ensuring that all schools in the state are meeting performance targets and complying with federal and state laws. However, he observed that his concern with sending additional resources to the SEA for this specific purpose is that it would be difficult to ensure that those resources were used exclusively for authorizing. Co-chairs Reisberg and Steans agreed that a better strategy might be to create a separate commission, which reports to ISBE, and then fund that commission with a separate line item in the state budget.

Collin Hitt strongly supported an independent agency to ensure that funding is not diverted to other functions of the SEA and because ISBE has not expressed an interest in authorizing. He argued that an independent agency would be better suited to hearing any future appeals and then authorizing the charter if the district's denial was overturned.

Greg Richmond observed that the process in Illinois currently respects local control, but provides an option for an appeal. However, after 14 years with the existing law, it is clear there is not a viable process for authorizing charters outside of Chicago because all appeals to the state have been denied. He argued that the state has demonstrated a lack of interest in authorizing because they are a compliance body, not an authorizing body. As such, they are better able to regulate conformity than to serve as an incubator of innovation. He described, as an example, a charter school applicant that was denied in Rockford because the district claimed not to have the resources to support a charter school. However, in the absence of the charter school, the district

continued to use their resources to fund low-quality traditional schools. The district's denial was supported both by ISBE and the courts. Laurie Preece observed that the same applicant tried again, was denied, and the appeal has been languishing at ISBE for 7 months. Mr. Richmond also described how Dr. Blondean Davis, superintendent of Matteson Elementary School District 162, has been supporting a charter high school because graduates of her elementary schools are not well served by the high school district in her community. As a result of situations like these in which districts are not approving charter schools that might provide higher quality options for students, he supports an independent statewide authorizer.

Laurie Preece agreed with this position. She observed that the district is the best first place for charter school applicants to apply. However, the authorizer must be committed to high-quality authorization practices. If this capacity and commitment is lacking at the district, there should be another route for charter school applicants. Although Illinois respects local control, it is also important to respect the needs of families and to provide them with as many high-quality educational options as possible.

Todd Ziebarth observed that other states with strong traditions of local control, like Idaho and Colorado, have independent statewide authorizers. Consequently, it is possible to both respect local control and establish an independent alternative authorizer. He encouraged the task force to consider recommending an independent state authorizer to ensure that charter schools are options in districts that might have neither the capacity nor the commitment to authorize charters. He commented that, although Massachusetts does it well, the problem with authorizing being the responsibility of the SEA is that in other states, with for example 2-3% of students in charter schools, 50% of the state board's time has been spent on charter school issues. In order to prevent this problem, he argued that an independent commission should be created and staffed with full-time experts on authorizing to ensure that all of the resources that the state legislature commits to authorizing are dedicated to high-quality authorizing, beginning with the application process, and continuing with monitoring and oversight functions. He will share with the task force different ways in which other states make connections between independent statewide authorizers and the state board. One possible model for Illinois would be the Idaho example in which the LEA has 60 days to approve a charter school application, deny it, or defer to the statewide authorizer. The statewide authorizer is connected to state board, but it makes final decisions about authorization. Although Mr. Ziebarth recommends this model as one option, he would like to see Illinois provide charter school applicants with an opportunity to bypass the district and go directly to the independent statewide authorizer.

Jaime Guzman noted one potential problem with this approach. He would want districts, like Chicago, to continue to have exclusive authority to ensure that all charters in Chicago are authorized by the school district. For example, if a charter school application was rejected by Chicago, he would prefer that the applicant review the feedback from the district, revise the application and reapply to the district in the next round rather than appealing to a statewide commission which would then authorize the school. He commented that the task force should also consider issues of timing of the application cycle. In Chicago, for example, charter schools are approved and funding decisions are made in October or November to provide the applicant with nearly one year to prepare for the opening of the school the following fall.

Representative Burns observed that he sponsored a bill to create an independent statewide authorizer in the last session, but couldn't get it out of committee. Given the political situation in Illinois, he argued that any statewide authorizer would have to be connected in some way to the state board of education. Laurie Preece asked if there was a different climate now in Illinois given the federal support for charter schools in the RFPs for Race to the Top and Title I 1003(g) school improvement grants. Co-chair Steans did not think the state climate had changed, but did feel confident that the creation of a quasi-independent agency could work politically and could be funded with a separate line item in the budget.

Representative Burns contended that LEAs should prove they have the capacity and commitment to authorize before they are allowed to authorize. He would like to see a process in which each LEA applies to the state and is granted the right to authorize only if they meet a set of criteria and undergo training in high-quality authorization practices. Ms. Teefey argued that this process would create an undue burden on school board members who are volunteers. Paul Swanstrom agreed and commented that no district will step away from the authorizing responsibility because of the funding that would be lost to the charter school. He argued that his responsibility as a district leader is to make sure there are quality educational programs in his district. If he lost money to a charter school in his district, that would be unfair for the remaining students. As much as he favors charters, he would not recommend a charter school in his district if it would detract from his ability to serve other students. If the state could ensure this would be a cost-neutral proposal for districts and charters could be funded by some other mechanism, he might consider it. Laurie Preece noted that transition aid was designed to assist districts with the transition over a three-year period. Todd Ziebarth also commented that this problem was not insurmountable because districts with declining enrollments, regardless of the reason, have to develop strategies to reduce their budgets.

Before concluding the meeting, the co-chairs reviewed the route that currently appeared to have the most support amongst the task force members. The first contact for charter school applicants would be with districts to respect local control. The district would then choose to deny the charter school application, approve it, or defer to the statewide commission that is connected to ISBE. If the application is approved, the school would be authorized by the LEA. The state might then certify the LEA to authorize charters in the manner that Representative Burns suggested. If the application was denied or deferred by the district, the charter school applicant would take their application to the statewide commission. Thus, this commission would replace the current appeals process. If the application was approved, the statewide commission would become the authorizer for the school. The same process would apply for every district throughout the state.

The meeting was adjourned by co-chair Reisberg at 3:10 p.m.

**Illinois State Board of Education
Independent Charter School Authorizer Task Force**

Name	Organization	1/20/2010
Michael Bartlett	Illinois Association of School Boards	Present
Clarice Berry	Chicago Principals and Administrators Association	Represented by John Butterfield
Representative William Burns	Illinois General Assembly	Present
Traci Cobb-Evans	Chicago Teachers Union	Present
Sean Denney	Illinois Education Association	Present
Nicole Gales	Springfield Ball Charter School	Present
Jaime Guzman	Office of New Schools - Chicago Public Schools	Present
Collin Hitt	Illinois Policy Institute	Present
Dea Meyer	Civic Committee of the Commercial Club of Chicago	Present
Laurie Preece	Rockford Charter Schools Initiative	Present
<i>Co-Chair</i> Darren Reisberg	Illinois State Board of Education	Present
Greg Richmond	National Association of Charter School Authorizers	Present
<i>Co-Chair</i> Senator Heather Steans	Illinois General Assembly	Present
Paul Swanstrom	Superintendent, Joliet Township High School District 204	Present
Sharon Teefey	Illinois Federation of Teachers	Present
Todd Ziebarth	National Alliance for Public Charter Schools	Present