

**SUBJECT**

Commission Education: Charter School Closure Process

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

The National Association of Charter School Authorizers (NACSA) views the act of closing schools as “an essential aspect of the charter school movement.” At the heart of the charter school movement is the belief that schools should be given freedom to innovate while also being held to a higher level of accountability. As a result, one of the key activities of the authorizer is to identify when closure is the appropriate response to a school’s inability to produce strong academic results or fiscal and operational stability.

Charter school closures may happen as a result of relinquishment, revocation, or non-renewal. While the reasons for closure have an impact on the timing and essential steps towards dissolution, the primary phases and activities remain the same. The most effective closures happen when the process and roles between parties are clearly identified and a closure plan is implemented with a focus on minimizing negative impacts on students, the community, and the state.

**DISCUSSION**

Alison Henken, Charter Schools Program Manager for the Idaho Public Charter School Commission, will discuss the charter school closure process and the roles of the school, the PCSC, and the SDE.

**IMPACT**

Information item only.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff has no comments or recommendations.

**COMMISSION ACTION**

Any action would be at the discretion of the Commission.

**February 13, 2013**

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February 13, 2013

**COMMISSION EDUCATION  
CHARTER SCHOOL CLOSURE PROCESS**

**APPLICABLE STATUTES**

- I.C. §33-1021
- I.C. §33-5206(9)
- I.C. §33-5209
- I.C. §67-5732A
- IDAPA 08.02.04.303

**EFFECTS OF VARYING REASONS FOR CLOSURE**

- Relinquishment vs. Revocation or Non-Renewal
- End-Year vs. Mid-Year

**IDAHO REQUIREMENTS / EXPECTATIONS**

**Reporting**

- Final independent financial audit
- Final ISEE report (as soon as possible upon closing)
- Final budget and reporting (within 120 days of closure)
- Final program reports (i.e. Title I, etc.)
- Report to PERSI, Department of Labor, etc.

**Records**

- Student records: Must be maintained indefinitely in a useable format; records must be transferred within 10 days of a request
- Personnel records:
- Federal records: Must be maintained for five years

**Asset Distribution**

- Appropriate assets must be returned to the PCSC for re-distribution per federal requirements and state law (I.C. §33-5206(9))
- Remaining assets must be disposed of according to applicable law (I.C. §67-5732A)

**TOOLS AND RESOURCES**

- NACSA: Issue Brief on Closure; Comprehensive Guide on School Closure
- Colorado School Closure Checklist
- School's Existing Contract (if applicable based on potential changes to statute)
- Legal counsel

**BALANCE OF ROLES**

Charter School Board & Administration	PCSC	SDE
<ul style="list-style-type: none"> <li>➤ Implement a comprehensive closure plan with support of PCSC and SDE that:                             <ul style="list-style-type: none"> <li>• is aligned with appropriate state and federal laws and requirements; and</li> <li>• minimizes negative impacts on students</li> </ul> </li> <li>➤ Communicate regularly with the PCSC and SDE to keep them informed on status of closure activities</li> </ul>	<ul style="list-style-type: none"> <li>➤ Oversee the closure process and ensure the closure process is completed according to state and federal laws and requirements</li> <li>➤ Provide support and guidance to the school as requested and/or necessary</li> </ul>	<ul style="list-style-type: none"> <li>➤ Provide technical assistance and support to the school throughout the closure process</li> <li>➤ Ensure that data and reports are received and accurate</li> <li>➤ Communicate with affected districts to minimize impacts on districts and students</li> </ul>

**RECOMMENDED BEST PRACTICES FOR THE CLOSURE PROCESS**

Immediately After Initial Closure Decision (before appeals or finalization)	
Authorizer	Charter School
<ul style="list-style-type: none"> <li>➤ PCSC staff meet with the SDE &amp; charter school leadership (ideally Administrator, Business Mngr &amp; Board)                             <ul style="list-style-type: none"> <li>• Build rapport</li> <li>• Clarify the process (including any reporting requirements) and support / resources available to the school</li> <li>• Discuss the development of a closure plan and/or recommend early preparations the school can undertake</li> <li>• If able (and applicable), identify key staff who act as communication leads</li> </ul> </li> <li>➤ School sends letters joint-signed by the school and PCSC to families and affected districts regarding initial decision, noting that changes / appeals could affect the final result</li> </ul>	<ul style="list-style-type: none"> <li>➤ Review closure frameworks and checklists to consider all important closure tasks and clarify Idaho and federal requirements for reporting, dealing with assets, etc.</li> <li>➤ Identify key staff, board, and other parties for roles in the closure process</li> <li>➤ Draft public announcements (with assistance from the PCSC &amp; SDE)</li> <li>➤ Meet with teachers and staff to notify them of the decision, reasons, and tentative process</li> <li>➤ Send letters joint-signed by the school and PCSC to families and affected districts regarding initial decision, noting that changes / appeals could affect the final result</li> <li>➤ Develop a plan for dealing with student, personnel and operational records, including transferring and storing</li> </ul>

**Immediately After Official / Final Closure Decision**

Authorizer	Charter School
<ul style="list-style-type: none"> <li>➤ School and PCSC make public announcement; school sends joint-signed letters to families and affected districts regarding final decision</li> <li>➤ PCSC staff remains in regular communication with SDE and charter school regarding process, and reminds the school of deadlines as needed</li> <li>➤ PCSC addresses questions of charter school staff, stakeholders, and the community</li> <li>➤ PCSC provides support to the school as requested</li> </ul>	<ul style="list-style-type: none"> <li>➤ School and PCSC make public announcement; school sends joint-signed letters to families and affected districts regarding final decision. This letter to families (or follow-up, depending on timing) should include:                             <ul style="list-style-type: none"> <li>• Reasons for closure</li> <li>• Schedule of any pre-closing events and final day of classes</li> <li>• A list of school options for students and, ideally, appropriate application or lottery deadlines</li> <li>• Information regarding how families can request transfer of student records</li> </ul> </li> <li>➤ School contacts all critical business contacts (creditors, debtors, contractors, lenders, insurance agents, benefits providers, etc.)</li> <li>➤ Make arrangements for a final fiscal audit, budget reporting, and final ISEE data submission</li> </ul>

**Charter School Wrap Up, Closure, and Dissolution**

Authorizer	Charter School
<ul style="list-style-type: none"> <li>➤ If applicable, PCSC staff monitors school's finances and operations to ensure the school can remain open until the end of the school year and provides the highest quality education possible</li> <li>➤ PCSC staff remains in regular communication with SDE and charter school regarding process, and reminds the school of deadlines as needed</li> <li>➤ PCSC addresses questions of charter school staff, stakeholders, and the community</li> <li>➤ PCSC provides support to the school as requested</li> <li>➤ PCSC and SDE staff communicate with each other and the school to ensure that closure and dissolution process is completed according to applicable laws and regulations</li> </ul>	<ul style="list-style-type: none"> <li>➤ Maintain and organize detailed paperwork:                             <ul style="list-style-type: none"> <li>• Financials</li> <li>• Personnel &amp; Students</li> <li>• Governance</li> </ul> </li> <li>➤ Transfer student and personnel records as requested; establish a location for long-term storage</li> <li>➤ Establish &amp; prioritize list of creditors and contractors</li> <li>➤ Request payments from debtors and final invoices from creditors and contractors</li> <li>➤ Inventory assets and distribute / dispose of assets according to applicable state and federal laws</li> <li>➤ Conduct a final financial audit</li> <li>➤ Submit final reports to the PCSC, SDE, and others as required</li> <li>➤ Dissolve charter school and non-profit organization and notify appropriate entities (Secretary of State, IRS, etc.)</li> </ul>

**February 13, 2013**

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COLORADO CHARTER SCHOOL

# Sample Closure Framework

January 2011



COLORADO LEAGUE of  
CHARTER SCHOOLS  
*focus on achievement*



cde Improving  
Academic  
Achievement



BUILDING CHARTER  
SCHOOL QUALITY

Funding for this project was provided by the U.S. Department of Education's Office of Innovation and Improvement as part of a National Activities Leadership Grant (Grant # U282N060030) for Building Charter School Quality: Strengthening Performance Management Among Schools, Authorizers, State Charter Support Organizations, and Funders.

## Background

This Sample Closure Framework provides a Colorado-specific guide to charter school closure, complementing the Colorado Charter School Standard Application, Checklist, and Review Rubric, A Resource for Developing Charter School Contracts, and Colorado Sample Contract Language and Attachments. All of these documents are a product of a collaborative initiative of the Colorado Department of Education, the Colorado League of Charter Schools, and the Colorado Charter School Institute, and are available at [www.charterschoolquality.org](http://www.charterschoolquality.org).

This Framework benefits from review by authorizers and charter schools. Additional feedback from authorizers and schools will be gathered over time to improve this document to ensure it continues to reflect best authorizing practices in Colorado.

This work is part of a larger four-year project entitled, "Building Charter School Quality: Strengthening Performance Management among Schools, Authorizers, State Charter Support Organizations and Funders," which was supported by a National Activities grant from the U.S. Department of Education.



## Table of Contents

Introduction . . . . .	4
Background . . . . .	5
Notification and Initial Steps . . . . .	7
Develop/Monitor Implementation of the Closure Plan . . . . .	8
Finalize School Affairs: Governance and Operations . . . . .	9
Finalize School Affairs: Finance . . . . .	11
Finalize School Affairs: Reporting . . . . .	13
Dissolution . . . . .	14



## Introduction

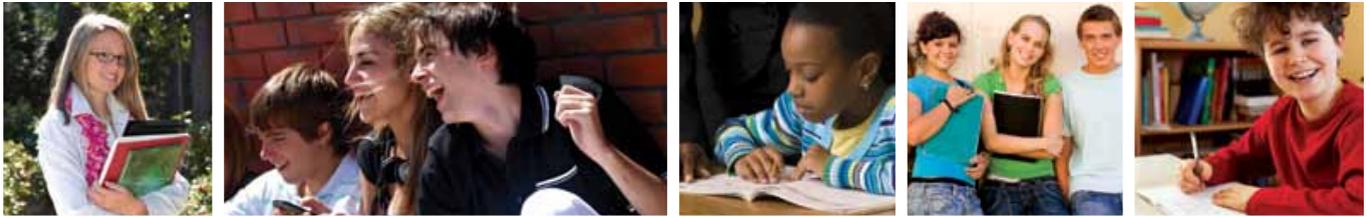
**CLOSING A CHARTER SCHOOL CAN PRESENT MANY CHALLENGES, GIVEN THE DATA THAT MUST BE COMPILED AND ANALYZED, PUBLIC MEETINGS THAT MUST BE HELD, AND THE POLITICAL CONSIDERATIONS THAT MUST BE ADDRESSED BEFORE A CHARTER SCHOOL CHOOSES TO VOLUNTARILY CLOSE OR BEFORE THE AUTHORIZER VOTES TO NOT RENEW OR TO REVOKE THE CHARTER SCHOOL CONTRACT.**

Given the challenges, a carefully developed, detailed school closure plan is a high priority. An orderly closure process providing for continuity of instruction until the closure date, identifying new school options for students, and meeting the school's financial, legal, and operational obligations is in the best interest of all parties. This Colorado-specific checklist of tasks in a template format was developed to assist authorizers and charter schools with the closure process.

This document draws heavily on several sources:

1. *Accountability in Action: A Comprehensive Guide to Charter School Closure*. Edited by Kim Wechtenhiser, Andrew Wade, and Margaret Lin. National Association of Charter School Authorizers (2010).
2. Colorado Charter School Institute Closure Project Plan (2010).
3. *Charter Renewal*. Charter Schools Institute, The State University of New York (SUNY).
4. *Pre-Opening Checklist and Closing Checklist*. Office of Education Innovation, Office of the Mayor, City of Indianapolis.
5. *2010-2011 Charter Renewal Guidelines*. District of Columbia Public Charter School Board.

Colorado charter school authorizers were helpful in reviewing this document to enhance usability and completeness. Additional feedback from authorizers and charter schools will be gathered over time to improve this document to ensure it continues to reflect best Colorado authorizing practices.



## Background

WHENEVER A CHARTER SCHOOL CLOSURES, THERE ARE MANY TASKS THAT MUST BE COMPLETED; HOWEVER, THE TASKS ASSOCIATED WITH THE WINDING UP OF BUSINESS WILL BE DIFFERENT FOR EACH AUTHORIZER AND CHARTER SCHOOL, REFLECTING THE CIRCUMSTANCES SURROUNDING THE CLOSURE.

These circumstances include the following:

1. Timing of closure – during or at the end of a school year.
2. Reasons for closure – for example, financial mismanagement, student performance, or lack of enrollment.
3. Charter school capacity – the extent to which the charter school can accomplish the tasks associated with closure.
4. Relationship of the parties – can the authorizer and the school work together cooperatively to close the school?
5. Expectation of closure – whether the authorizer and charter school expected and planned for the closure.
6. Appeals and legal action – the time period before a final decision is reached on closure.
7. Student reassignment – the availability of space, school options, and impact on school districts that will be receiving students.

The circumstances outlined above will be affected by whether or not the closure is voluntary. Voluntary closure typically occur when either the school does not seek renewal of its charter or when the school recognizes that it is no longer academically or financially viable.

Involuntary closure may occur when a charter renewal application is denied, but may also be precipitated by charter revocation due to a financial crisis or persistent low academic achievement. In such circumstances, the school and authorizer may have genuine disagreements about the school's performance. In other cases a charter school may believe that renewal is pro forma, ignoring the accountability-for-autonomy agreement that is the foundation of the charter school contract. In these circumstances, closure is unexpected in addition to being involuntary.

In rare circumstances, an involuntary closure may be preceded by an authorizer requesting that the Commissioner of Education invoke the Emergency Powers Act (C.R.S. 22-30.5-701 et seq.) In this case, closure is usually related to financial mismanagement, a threat to district or school property, and/or student safety. An involuntary closure, and especially one where the Emergency Powers Act has been invoked, is likely to present the authorizer with many more difficulties than a voluntary closure.

When the charter school closure is involuntary, an appeal of the decision to the State Board of Education is likely. The appeal process may add up to 90 days before a final decision on closure is reached (30 days to file an appeal and 60 days for the State Board to hear the appeal and make its findings). In rare cases, a second appeal could precede closure. This could result in an additional 90 days before a final decision (30 days for the local board to reconsider its decision and make a final decision, 30 days to file an appeal, and 30 days for the State Board to make a decision) (C.R.S. 22-30.5-108). In any case, an authorizer will need to have contingency plans to address the various scenarios that may occur.

Regardless of how the process unfolds, the authorizer's staff should meet with the charter school board and principal immediately after the initial closure decision to determine who will send letters to the school districts that are materially affected and to the school's parents notifying them of the decision. Ideally, all parties will agree on the content of the letters. Additional letters should be sent to parents and school districts updating them about the timing and outcome of any appeals.



Whether or not closure is scheduled during or after the school year is a key factor in developing the closure plan. An end-of-year closure is almost always in students' best academic and social interests; in addition, it simplifies the financial issues associated with the closure. In the event that the school is unable to operate until the end of the school year, the authorizer will need to consider whether its best interest is served by continuing to operate a school in the charter school facility until a smooth transition is possible.

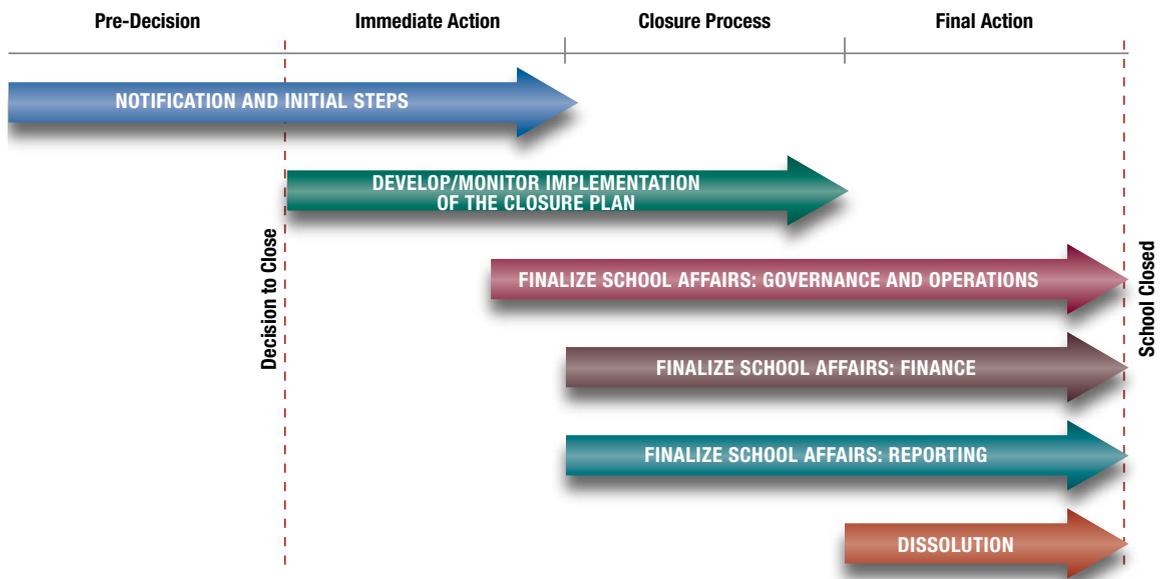
Regardless of the specifics of the closure plan, there are three primary goals to be accomplished in the winding up of the school's affairs:

1. Providing educational services in accordance with the charter contract until the end of the school year, or the agreed upon date when instruction will stop.
2. Reassigning students to schools that meet their educational needs.
3. Addressing the school's financial, legal and reporting obligations.

These goals should be given the highest priority during the closure process.

Based on the circumstances surrounding the closure, not all tasks in this framework may apply. The authorizer and charter school should meet prior to starting closure proceedings and agree which tasks will be necessary and how the authorizer wants to superintend the closure. During this meeting, responsible parties and completion dates should be agreed upon to ensure a transparent and smooth closure. The closure process has many tasks, which are illustrated in the chart below: 1) notification to affected school districts and families; 2) developing and monitoring the closure plan; 3) winding up the school's affairs in governance and operations, finance, and reporting; and 4) dissolution. The template that follows includes the basic tasks that will usually need to be addressed to close a school; the format allows for the insertion of responsible parties and dates of completion.

### A Conceptual Timeline for Closure



## Notification and Initial Steps

The following checklists can be downloaded at [www.charterschoolquality.org](http://www.charterschoolquality.org) > Publications & Tools > Authorizers.

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Notify Parents / Guardians of Closure Decision</b></p> <p>Within one day of the authorizer’s decision to close the charter school, authorizer staff and charter staff/board collaborate to ensure that parents / guardians are notified regarding the closure decision. Such notification includes:</p> <ol style="list-style-type: none"> <li>1. If applicable, an explanation of the process for an appeal to the Colorado State Board of Education and possible litigation including the implications for families.</li> <li>2. Assurance that instruction will continue through the end of the school year or the date when instruction will cease.</li> <li>3. Assurance that after a final decision is reached, parents/students will be assisted in the reassignment process.</li> <li>4. FAQ about the charter closure process.</li> <li>5. Contact information for parents/guardians with questions.</li> </ol>			
<p><b>Notify School Districts Materially Impacted</b></p> <p>Within two days of the authorizer’s decision to close the charter school, notify districts materially impacted by the closure decision, including:</p> <ol style="list-style-type: none"> <li>1. Possible appeals and timeline for final decision.</li> <li>2. Copy of the letter sent to parents.</li> <li>3. Closure FAQ.</li> <li>4. Information about the plan being developed to ensure an orderly closure process.</li> <li>5. Contact information for questions.</li> </ol>			
<p><b>Review Budget</b></p> <ol style="list-style-type: none"> <li>1. Review budget to ensure that funds are sufficient to operate the school through the end of the school year, if applicable.</li> <li>2. Emphasize the legal requirement to limit expenditures to only those in the approved budget, while delaying approved expenditures that might no longer be necessary until a revised budget is approved.</li> <li>3. Acknowledge that there are unique expenditures associated with closure for both the authorizer and school and that the parties will meet to identify these expenditures and funding sources.</li> <li>4. Ensure that the school continues to collect revenues included in the school’s budget, if applicable.</li> </ol>			
<p><b>Meet with Charter School Faculty and Staff</b></p> <p>Principal and charter board chair meet with the faculty and staff to:</p> <ol style="list-style-type: none"> <li>1. Discuss reasons for closure, the status of appeals/legal action and likely timeline for a final decision.</li> <li>2. Emphasize importance of maintaining continuity of instruction through the end of the school year.</li> <li>3. Discuss plans for helping students find new schools.</li> <li>4. Identify date when last salary check will be issued, when benefits terminate, and last day of work.</li> <li>5. Describe assistance, if any, that will be provided to faculty and staff to find new positions.</li> </ol>			
<p><b>Send Additional and Final Notifications</b></p> <p>Notify parents and affected school districts in writing after key events (e.g., denial of an appeal) and when the closure decision is final. In the letter to parents after the closure decision is final, include:</p> <ol style="list-style-type: none"> <li>1. The last day of instruction.</li> <li>2. Any end-of-the-year activities that are planned to make the transition easier for parents and students.</li> <li>3. Assistance that will be provided to families in identifying new schools. This may include a list of school options, choice fairs, individual meetings with families, and prospective school visitations.</li> </ol>			

## Develop/Monitor Implementation of the Closure Plan

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Establish Transition Team, Develop Closure Plan, and Assign Roles</b>                      Transition team includes:</p> <ol style="list-style-type: none"> <li>1. Lead person from authorizer staff.</li> <li>2. Charter school board chair.</li> <li>3. Lead administrator from the charter school.</li> <li>4. Lead finance person from the charter school.</li> </ol> <p>Develop plan, exchange contact information and assign roles.</p>			
<p><b>Establish a Schedule for Meetings and Interim Status Reports</b>                      Agree on a meeting schedule to review progress and interim, written status reports to include:</p> <ol style="list-style-type: none"> <li>1. Reassignment of students.</li> <li>2. Return or distribution of assets.</li> <li>3. Transfer of student records.</li> <li>4. Notification to entities doing business with the school.</li> <li>5. The status of the school's finances.</li> <li>6. Submission of all required reports and data to the authorizer and/or state.</li> </ol>			
<p><b>Submit Final Report</b>                      Submit a final report to the authorizer detailing completion of the closure plan.</p>			

## Finalize School Affairs: Governance and Operations

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Maintain Identifiable Location</b> Maintain the school's current location through the winding up of its affairs or relocate its business records and remaining assets to a location with operational telephone service that has voice message capability.</p>			
<p><b>Notify Commercial Lenders / Bond Holders</b> Within 10 days after the final decision on the charter school closure and after all appeals have been exhausted, notify banks, bond holders, etc., of the school's closure and a likely date as to when an event of default will occur as well as the projected date of the last payment by the school toward its debt.</p>			
<p><b>Terminate EMO/CMO Agreement (if applicable)</b> Review the management agreement and take steps needed to terminate the agreement at the end of the school year or when the charter contract expires.</p> <ol style="list-style-type: none"> <li>1. The management company should be asked for a final invoice and accounting, including an accounting of any retained school funds and the status of grant funds.</li> <li>2. The school and the management company should agree upon how the company will continue to provide educational services until the last day of instruction.</li> <li>3. The school and the management company agree when other services including business services will end.</li> </ol>			
<p><b>Protect School Assets</b> Protect the school's assets and any assets in the school that belong to others against theft, misappropriation and deterioration.</p> <ol style="list-style-type: none"> <li>1. Maintain existing insurance coverage on assets, including facility and vehicles, until the disposal of such assets in accordance with the closure plan.</li> <li>2. Negotiate school facility insurance with entities that may take possession of school facility – lenders, mortgagors, bond holders, etc.</li> <li>3. Obtain or maintain appropriate security services. Action may include moving assets to secure storage after closure or loss of facility.</li> </ol>			
<p><b>Maintain Corporate Records</b> Maintain all corporate records related to:</p> <ol style="list-style-type: none"> <li>1. Loans, bonds, mortgages and other financing.</li> <li>2. Contracts.</li> <li>3. Leases.</li> <li>4. Assets and asset distribution.</li> <li>5. Grants -- records relating to federal grants must be kept in accordance with 34 CFR 80.42.</li> <li>6. Governance (minutes, bylaws, policies).</li> <li>7. Employees (background checks, personnel files).</li> <li>8. Accounting/audit, taxes and tax status, etc.</li> <li>9. Personnel.</li> <li>10. Employee benefit programs and benefits.</li> <li>11. Any other items listed in the closure plan.</li> </ol> <p>Determine where records will be stored after dissolution.</p>			

Finalize School Affairs: Governance and Operations (continued)

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Notify Employees and Benefit Providers</b></p> <p>Formally notify all employees of termination of employment at least 60 days before closure to include date of termination of all benefits in accordance with applicable law and regulations (i.e. COBRA) and eligibility for Colorado Unemployment Insurance pursuant to any regulations of the Colorado Department of Labor. Notify benefit providers of pending termination of all employees, to include:</p> <ol style="list-style-type: none"> <li>1. Medical, dental, vision plans.</li> <li>2. Life insurance.</li> <li>3. Cafeteria plans.</li> <li>4. 403(b), retirement plans.</li> <li>5. PERA.</li> </ol> <p>Consult legal counsel as specific rules and regulations may apply to such programs.</p>			
<p><b>Notify Contractors and Terminate Contracts</b></p> <ol style="list-style-type: none"> <li>1. Notify all contractors of school closure.</li> <li>2. Retain records of past contracts and payments.</li> <li>3. Terminate contracts for goods and services as of the last date such goods or services will be needed.</li> </ol>			
<p><b>Transfer Student Records and Testing Material</b></p> <p>Send student records, including final grades and evaluations, to the authorizer, including:</p> <ol style="list-style-type: none"> <li>1. Individual Education Programs (IEPs) and all records regarding special education and supplemental services.</li> <li>2. Student health / immunization records.</li> <li>3. Attendance record.</li> <li>4. Any testing materials required to be maintained by the school.</li> <li>5. Student transcripts and report cards.</li> <li>6. All other student records.</li> </ol> <p>Document the transfer of records to include:</p> <ol style="list-style-type: none"> <li>1. The number of general and special education records transferred.</li> <li>2. Date of transfer.</li> <li>3. Signature and printed name of the charter school representative releasing the records.</li> <li>4. Signature and printed name of the authorizer's representative who receives the records.</li> </ol>			
<p><b>Inventory assets</b></p> <p>Inventory school assets, and identify items:</p> <ol style="list-style-type: none"> <li>1. Loaned from other entities.</li> <li>2. Encumbered by the terms of a contingent gift, grant or donation, or a security interest.</li> <li>3. Belonging to the EMO/CMO, if applicable, or other contractors.</li> <li>4. Purchased with federal grants (dispose of such assets in accordance with federal regulations).</li> <li>5. Purchased with Public Charter School Program startup funds (transfer assets to another charter school within the district or state).</li> </ol> <p>Return assets not belonging to school where appropriate documentation exists. Keep records of assets returned.</p>			
<p><b>Notify Food and Transportation Services and Cancel Contracts</b></p> <p>Cancel school district or private food and/or transportation services for summer school and the next school year.</p>			

## Finalize School Affairs: Finance

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Review and Revise School Budget</b></p> <ol style="list-style-type: none"> <li>1. Review the school's budget and overall financial condition.</li> <li>2. Make revisions that take into account closure and associated expenses while prioritizing continuity of instruction.</li> <li>3. Identify acceptable use of reserve funds.</li> </ol>			
<p><b>Maintain IRS 501(c)(3) Status</b></p> <p>Maintain IRS 501(c)(3) status, including:</p> <ol style="list-style-type: none"> <li>1. Notify IRS regarding any address change.</li> <li>2. File required tax returns and reports.</li> </ol>			
<p><b>Notify Funding Sources / Charitable Partners</b></p> <p>Notify all funding sources, including charitable partners of school closure. Notify state and federal agencies overseeing the school's grants that the school will be closing.</p>			
<p><b>List all Creditors and Debtors</b></p> <p>Formulate a list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor.</p> <ol style="list-style-type: none"> <li>1. This list is not the same as the contractor list, above, but may include contractors.</li> <li>2. Creditors include lenders, mortgage holders, bond holders, equipment suppliers, service providers and secured and unsecured creditors. A UCC search should be performed to identify secured creditors.</li> <li>3. Debtors include persons who owe the school fees or credits, any lessees or sub-lessees of the school, and any person holding property of the school.</li> </ol>			
<p><b>Notify Creditors</b></p> <p>Notify all creditors of the school's closure and request a final bill.</p>			
<p><b>Notify Debtors</b></p> <p>Contact all debtors and request payment.</p>			
<p><b>Determine PERA Obligations</b></p> <p>Contact PERA to determine remaining liabilities for employee retirement program.</p>			
<p><b>Itemize Financials</b></p> <p>Review, prepare and make available the following:</p> <ol style="list-style-type: none"> <li>1. Fiscal year-end financial statements.</li> <li>2. Cash analysis.</li> <li>3. Bank statements for the year, investments, payables, unused checks, petty cash, bank accounts, and payroll reports including taxes.</li> </ol> <p>Collect and void all unused checks and destroy all credit and debit cards. Close accounts after transactions have cleared.</p>			
<p><b>Close Out All State and Federal Grants</b></p> <p>Close out state, federal, and other grants. This includes filing any required expenditure reports or receipts and any required program reports, including disposition of grant assets.</p>			
<p><b>Prepare Final Financial Statement</b></p> <p>Retain an independent accountant to prepare a final statement of the status of all contracts and other obligations of the school, and all funds owed to the school, showing:</p> <ol style="list-style-type: none"> <li>1. All assets and the value and location thereof.</li> <li>2. Each remaining creditor and amounts owed.</li> <li>3. Statement that all debts have been collected or that good faith efforts have been made to collect same.</li> <li>4. Each remaining debtor and the amounts owed.</li> </ol>			

Finalize School Affairs: Finance (continued)

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Complete Final Financial Audit</b> Complete a financial audit of the school in accordance with the Charter Schools Act by a date to be determined by the authorizer.</p>			
<p><b>Reconcile with Authorizer</b> Reconcile authorizer billings and payments, including special education payments or other “lagged” payments. If the school owes the authorizer money, it should list the authorizer as a creditor and treat it accordingly.</p>			

## Finalize School Affairs: Reporting

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Prepare End-of-Year Reports</b> Prepare and submit all required end-of-year reports to the authorizer.</p>			
<p><b>Prepare Final Report Cards and Student Records Notice</b> Provide parents / guardians with copies of final report cards and notice of where student records will be sent along with contact information.</p>			

## Dissolution

DESCRIPTION OF REQUIRED ACTIONS	RESPONSIBLE PARTY	COMPLETION DATE	STATUS
<p><b>Dissolve the Charter School</b></p> <ol style="list-style-type: none"> <li>The charter school board adopts a resolution to dissolve that indicates to whom the assets of the non-profit corporation will be distributed after all creditors have been paid.</li> <li>Unless otherwise provided in the bylaws, the members (if any) or board votes on the resolution to dissolve. A non-profit corporation is dissolved upon the effective date of its articles of dissolution. (C.R.S. 7-134-103).</li> </ol>			
<p><b>Notify the Secretary of State</b></p> <p>After the resolution to dissolve is authorized, dissolve the corporation by delivering to the Secretary of State for filing articles of dissolution setting forth:</p> <ol style="list-style-type: none"> <li>The name of the non-profit corporation.</li> <li>The address of the non-profit corporation's principal office.</li> <li>The date dissolution was authorized.</li> <li>If dissolution was authorized by the directors, a statement to that effect.</li> <li>If dissolution was approved by the members, a statement of the number of votes cast for the proposal to dissolve.</li> <li>Such additional information as the Secretary of State determines is necessary or appropriate.</li> </ol>			
<p><b>Notify Known Claimants</b></p> <p>Give written notice of the dissolution to known claimants within 90 days after the effective date of the dissolution.</p>			
<p><b>End Corporate Existence</b></p> <p>A dissolved non-profit corporation continues its corporate existence, but may not carry on any activities except as is appropriate to wind up and liquidate its affairs, including:</p> <ol style="list-style-type: none"> <li>Collecting its assets.</li> <li>Transferring, subject to any contractual or legal requirements, its assets as provided in or authorized by its articles of incorporation or bylaws.</li> <li>Discharging or making provision for discharging its liabilities.</li> <li>Doing every other act necessary to wind up and liquidate its assets and affairs. (C.R.S. 7-134-105).</li> </ol>			
<p><b>Notify IRS</b></p> <p>Notify the IRS of dissolution of the education corporation and its 501(c)(3) status and furnish a copy to the authorizer.</p>			

### Navigating the Closure Process

“ All of those who embark on this perilous journey of hope deserve our deepest gratitude and respect for embracing this challenge with courage, persistence, and good faith. But these virtues alone are not enough. Charter schools are not supposed to rest on good intentions and earnest effort; they are supposed to achieve meaningful results demonstrated by a sound body of evidence over the charter term. Charter schools that cannot deliver on that promise, either to their students or the broader public, need to be closed. This is the unpleasant but imperative responsibility of authorizers.”<sup>i</sup>

— James A. Peyser and Maura Marino. “*Why Good Authorizers Should Close Bad Schools*”

Charter school closure, though sometimes challenging and emotionally charged, is an essential aspect of the charter school movement. The purpose of this Issue Brief is to provide a practice-oriented resource for authorizers and other charter school stakeholders to navigate the closure process after the decision to close a school has been made. For additional information on charter school closure, please refer to NACSA’s *Accountability in Action: A Comprehensive Guide to Charter School Closure*, available for download at [www.qualitycharters.org](http://www.qualitycharters.org).

We have witnessed the impact of the closure of traditional schools across the country and have seen how challenging closures are for the students, parents, staff, and community of a closing school. When faced with possible school closure, stakeholders often fight to keep a school open regardless of the academic performance of the school. School closure displaces students and disenfranchises parents, who have little or no say in the decision.<sup>ii</sup> This is especially true of charter schools. Students do not land at charter schools by default; they, or their parents, choose to enroll in a charter school and, as a result, have a vested interest in seeing that the school they chose remains in existence.

When an authorizer decides to close a school through revocation or non-renewal, it puts itself at odds with the school’s stakeholders, especially the parents and students. Just as charter schools provide autonomy for school leaders, they represent choice for parents and students. School closure supersedes parents’ choice and leaves them powerless to effect change in any manner other than fighting for their school to remain open.



## Stakeholders and Closure

In order to navigate the closure minefields, the authorizer must understand why the process is painful for each stakeholder and anticipate the information that each stakeholder group will need throughout the school's wind-up. During the closure process, the authorizer will encounter the effects of pain and uncertainty as it hears from angry, anxious constituents. In particular, the authorizer should anticipate the following:

- **Students will be displaced.** They will lose the relationships that they have developed with adults and other students at the closing school. They will want to know where they are going in the following school year and what choices they will have to continue their education. Students who are invested heavily in their school may also face morale issues, taking the failure of the school personally, especially if the closure is due to academic performance.
- **Parents will be concerned about where their children will attend school.** They will likely feel powerless and angry that the school they explicitly chose will no longer be available for them. Parents will want to know what their options are and how they get their children in to good schools. Parents may also become skeptical about charter schools as a viable option for their children's education, or blame the authorizer for not stepping in sooner to prevent closure.
- **Staff will be worried about losing their jobs.** They will be concerned about getting paid through the end of the year and will have questions regarding their benefits and pensions. They may look for other jobs mid-year, which would leave the school in a precarious position since the school cannot easily replace teachers once the closure decision is made. Finally, the impending closure may crush their motivation, leading to sub-optimal instruction. While the staff are not the responsibility of the authorizer, the authorizer may have to coach the school in managing its staff during the closure process.

*Authorizing Matters Issue Briefs* are a publication of the National Association of Charter School Authorizers (NACSA), the trusted resource and innovative leader working with public officials and education leaders to increase the number of high-quality charter schools in cities and states across the nation. NACSA provides training, consulting, and policy guidance to authorizers and education leaders interested in increasing the number of high quality schools and improving student outcomes.

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- **Leaders/Founders are emotionally invested in the school.** They are watching their creation die and will likely react strongly to the closure decision. Even if the board of directors agrees with the closure process, the school leader may not. It is extremely important to engage the leaders in the closure process and obtain their buy-in for closure activities. A disengaged and disenfranchised school leader can have a toxic effect on the school.
- **Board members, like the school leaders, are invested in the school emotionally and often, financially.** The closure can leave the board frustrated and disappointed, and, as a result, uncooperative throughout the process. Board members may be concerned about their reputations and will most certainly feel burdened with a failing organization. As discussed below, the board's buy-in and active participation in the school closure activities will have a significant positive impact, ensuring that students and parents are well supported.

Additional stakeholders who will be impacted by the closure and may require the attention of the authorizer include:

- Community members who may view the school as a beacon in the community, especially if there are no other quality school options in the neighborhood;
- Receiving districts or schools, who must absorb displaced students;
- Government agencies, which must be involved due to state statute, regulation, or the charter agreement; and
- Other public and private entities, which will need reports and/or data from the school prior to or just after closure.

## Successful Closure Planning

“For many parents who exercise it, school choice is a lifeline—a critical chance to realize their hopes and dreams for their children. Unfortunately, not every charter school fulfills its mission and promises to the community, and, as a consequence, some schools must be closed.”<sup>iii</sup>

— Justin Testerman “Supporting Students and Families”

Strong authorizer management can mitigate stakeholder pain. A well-orchestrated closure can maximize other schooling options for parents and minimize disruption for students while ensuring that public funds are used

appropriately. There are three types of charter school closures: the charter holder relinquishes the charter, the authorizer revokes the charter, or the authorizer opts not to renew the charter. While these types of closures have their unique challenges, the authorizer's approach should be similar for each one. There are six steps that an authorizer can take before and immediately after the closure decision has been made that will help to ensure a successful process.

### **1. Partner with the school leadership**

Once the closure decision has been made, the critical first step is to meet with the board of directors of the school. The school's board of directors will manage most of the activities associated with the school's closure. The relationship that develops between the board and the authorizer will dictate, in large measure, how amicable the closure process will be. It is in the authorizer's best interest to meet with the board within 24 hours of the closure decision to establish that the authorizer is available to help the board manage the closure process. It is essential to arrive at this meeting with a closure process in hand that outlines the specific responsibilities of the board and the authorizer. In many instances, the board accepts that the closure decision has been made and welcomes the guidance and support of the authorizer. However, the authorizer must hold this meeting and inform the board of its responsibilities, even if the board is uncooperative or is fighting the school closure.

There are several key aspects of the partnership that will help to make the closure run smoothly. Among the most important is that the school and authorizer work in a coordinated effort to support students and parents as they search for schooling options for the next school year. This collaboration will instill confidence that the school and the authorizer are committed to helping students and families in their new school searches. Partnering with the board of directors also helps to ensure that the school and the authorizer are consistent in their messaging, which in turn eases the anxiety, mistrust, and confusion that many parents will experience. A collaborative relationship will allow the school to define the areas in which it needs the support and guidance of the authorizer. Collaboration will also make it easier for the authorizer to monitor the school's progress with the closure requirements.

One critical outcome from the initial meeting with the board of directors is the creation of a transition team or wind-up committee to prepare for closure. The team will include a main point of contact for both the school and authorizer, as well as other individuals from the school who have financial, legal, and school administration experience. This team may

also include staff, parent, and community representatives. The board should identify the charter school's members of the team and schedule a strategic planning meeting within the first 24–48 hours after the closure decision. The goal of the transition team's initial meeting is to review the closure plan, assign responsibilities to team members, and set deadlines. This team should meet weekly to discuss the status of wind-up activities.

### **2. Be aware of timing considerations**

There are many considerations that should impact the timing of school closure decisions and announcements. Ideally, decisions are made early enough in the school year to allow students to become informed about and to apply for other schools of choice, including charter, magnet, and private schools. However, there are unintended outcomes related to announcing a closure decision too early in the school year. Announcements of school closure often result in diminished teaching and learning. In fact, the *Consortium on Chicago School Research* found that the announcement of a school closing negatively impacted academic achievement for the remainder of the school year.<sup>iv</sup> In addition, if a closure decision is announced at the beginning of the school year, teachers may pursue other jobs, leaving vacant positions that will be hard to fill. There is also a risk of a student mass exodus. Dramatic changes in enrollment could have a significant impact on school finances, which in turn could force a school to close its doors mid-year. There is tension between giving parents the time to make choices for the upcoming year and providing students with a high-quality education for the remainder of the school year. However, it is most important to notify parents prior to the schools of choice application deadlines whenever possible.

Authorizers have a tremendous amount of control regarding the timing and announcement of a school closure. Since the closure decision is often related to a charter renewal or school evaluation process, the authorizer should plan these activities with the ideal closure announcement date in mind. While there is no clear right or wrong decision regarding timing, the authorizer should make its decision in the context of what is best for students and parents.

### **3. Develop a plan prior to the closure decision**

A clear and detailed closure process is one of the most critical success factors. The closure plan will delineate which parties are responsible for the myriad activities that start as soon as the closure decision is made and continue through the fall of the following school year (in some cases there is a longer timeframe). A strong plan will serve as

a blueprint that provides transparency and direction to a group of emotional, confused, and angry stakeholders. The plan will establish key dates and milestones for the work associated with the school closure. It is important to remember that charter school closures are much more complicated than the closures of traditional schools. When a traditional school closes, the school district absorbs the vast majority of the complex issues. This is not the case for charter schools. Most of the time, the primary role for the authorizer is to oversee the process and support the charter school with certain specific closure activities. Unlike a school district closing a traditional school, charter school authorizers should not assume any of the school's operational responsibilities.

Charter school closures are often further complicated because they are accompanied by corporate dissolution.<sup>v</sup> A sound closure plan considers three distinct periods: the first weeks immediately following the announcement, the remainder of the school year, and the period after the end of classes.

### The closure plan should include:

- Notifications to all stakeholders, including parents, students, community members, the press, funders, creditors, debtors, contractors, receiving schools or districts, and state education agencies;
- Creation of a closure team that includes a project manager from the authorizer and one from the school, as well as individuals with expertise in law, finance, and school administration;
- Detailed instructions regarding the treatment of student records;
- Detailed instructions regarding the treatment of corporate records;
- Financial reporting requirements (note, these may differ from the "normal" reporting requirements);
- Treatment of debtors, creditors, and assets;
- Development of a post-end-of-classes plan that addresses the corporate activities that must occur, such as closing bank accounts, terminating staff, and making final tax payments; and
- A process for protection and disposition of assets.

There is a tremendous amount of activity for both the authorizer and the school that should occur in the first days and weeks following the announcement. These activities should focus on:

- Initial written notification to stakeholders;
- Preparation of a press release;
- Development of talking points for different constituencies;
- Meetings for parents, staff, and the community; and
- Provision of detailed financial information to the authorizer.

It is important that the notification of different stakeholders occur concurrently and within the first 24–48 hours after the closure decision has been made. This will help to stave off rumors and misinformation.

The middle period requires a significant amount of work for the school and monitoring for the authorizer. During this timeframe, the school should be actively working to support student placement for the following school year and securing student records. In addition, the school must use this time to work with creditors, debtors, and other business interests while preparing for the wind-up period after the end of classes. The school should also continue to provide faculty and parents ongoing information on a regular basis through meetings and written communications. Finally, the school should continue instruction and operate the strongest education program possible. Although the authorizer is not responsible for the staff, it should work closely with the school's board of directors to support the continuation of high-quality instruction through the end of the school year.

During the post-end-of-classes period, the key activities should focus on student records; corporate records; asset liquidation; preparation of any and all reports due to the local, state, and federal governments; and final agreements with creditors and lenders. In addition, the school must finalize all financial activity to prepare for and execute the audit. The school should also provide parents with final report cards, transcripts, and the contact information for a student records custodian. All wind-up activities should be carefully documented and provided to the authorizer.

### 4. Anticipate the need for authorizer personnel

School closures are incredibly time consuming for authorizers and may require hiring external individuals. As mentioned above, the authorizer should assign a project manager to lead the team and serve as the information hub and single point of contact for the authorizer. The project

manager can be a member of the staff or a third-party consultant. This role requires coordination between the authorizer, parents and students, the community at-large, the receiving district, the state education agency (SEA), and the school. The project manager will need access to legal counsel, financial personnel, and public relations experts during the course of the closure process. A smooth and well-organized closure could require several days a week of the project manager's time, while a contentious closure could easily require the project manager's full-time attention as well as a significant amount of time from the authorizer's lawyers. When a school closure is battled out in the press, the authorizer's public relations personnel or consultant will have to invest a substantial amount of time as well.

The project manager will monitor the closure process against the benchmarks established in the closure plan to ensure that the school is taking the necessary steps to meet stakeholder needs and prepare for the wind-up of activities. If possible, the project manager should be onsite at the school regularly to gauge progress; take pulse of the students, faculty, and administration; be available to answer questions; and demonstrate that the authorizer is a partner in the process. The school's stakeholders often view the authorizer as a wrongdoer that has betrayed their trust. A physical presence helps to address this perception and facilitate a successful end of the school year. In cases where the school is not fully compliant with the work plan (or does not have the capacity to complete the tasks), the authorizer may need to step in and offer assistance in a select set of areas, including assistance with student transition, securing student records, and inventorying assets.

The project manager must have the financial acumen or rely on financial personnel to assess the school's ability to remain open for the remainder of the school year in order to avoid a mid-year closure. While there are a few situations that warrant mid-year closures, they should be avoided whenever possible as they cause tremendous distress and anxiety to families and interrupt instruction. School finances are one of the root causes of mid-year closures. A school that runs out of money and cannot meet payroll cannot stay open. If the authorizer is actively reviewing the school's financials, there is no reason for the authorizer to be caught off guard with an unexpected mid-year closure. As a part of the closure plan, authorizers should require an immediate assessment of the school's finances, its obligations to creditors, and its anticipated receipts from debtors. The school should prepare financial statements, a year-to-date budget-to-actual analysis, and a cash flow plan for the remainder of the school year. These should be updated and reviewed monthly through dissolution.

## **5. Develop a communications plan**

The communications plan should be created in advance of the decision to close a school. It is extraordinarily important to maintain a clear and consistent message, especially to the parents, students, school officials, and the press. Rumors and misleading information about regarding school closures. A coordinated communications plan will help to ensure that the same information is provided to all stakeholders, which in turn will reduce their confusion and minimize anger and anxiety. To this end, communications with stakeholders should occur frequently through the end of the school year. The initial communications plan should focus on the first notifications to stakeholders as well as the communications during the two to three weeks following the announcement. The plan should include immediate action on several levels:

- Identify the project manager or another key player as the primary spokesperson regarding the closure process;
- Identify the school's primary point of contact for closure communications;
- Distribute contact information to stakeholders;
- Draft talking points for delivery to different stakeholders;
- Prepare a press release; and
- Write a letter to parents and school staff that explains why the school is being closed, outlines the transition plan, and establishes the date for at least an initial parent meeting.

This initial plan should focus on the near term, as it will inevitably need to be adapted as events unfold. After the first week following the announcement, the transition team should further develop the communications plan through the end of the school year.

### **Initial Notifications**

To the extent that the school is fully cooperating with the authorizer, it is ideal for the initial letter to parents to come from both the school and the authorizer, as this will instill trust and confidence. When the school and authorizer are implementing the communications plan in tandem, they should determine which party will address each stakeholder. In general, the school administration/board of directors should be responsible for communications with staff, funders, partnering agencies (public and private), the charter management or education management organization (if applicable),

as well as corporate contacts such as creditors, debtors, contractors, lenders, insurance agents, benefits providers, and pension agencies. The school and authorizer should jointly notify parents, students, state and local education agencies, the community at-large, and other government partners. All written communications regarding the school closure should be copied to the authorizer.

If the school is not complying with the closure plan, it is important that the authorizer communicate directly with families. Authorizers should include a provision in the charter contract that clearly establishes communication channels with parents in the event of a school closure decision. This will ensure that the authorizer can immediately contact parents whether or not the school complies with the closure plan. In this situation, the authorizer's basic message should not change; however, it is important to recognize that in this situation, parents and community members are likely receiving conflicting information. In fact, the school may organize parents and other community members to fight to keep the school open. In this circumstance, the authorizer must be prepared for a significant level of media interest as well as parental resistance to any type of transition plan. If the parents challenge the closure decision they are likely hoping that the school will remain open and not looking at options for the following school year. It is imperative that the authorizer addresses the reasons for closure and provides information regarding transition options, regardless of the parents' position vis-à-vis the school closure. The authorizer's initial letter to parents should accomplish four things:

1. The authorizer should convey to families that their individual and collective needs are the top priority of the authorizer.
2. The letter should explain why the school is being closed. This should be an objective, fact-based account that includes a description of the authorizer's responsibility to hold schools accountable according to their charter agreements.
3. The authorizer should outline the transition plan for students. This plan should include an explanation of the supports that the authorizer is putting in place for parents and students, as well as a set of forums to discuss educational options for the following year. It should also include contact information for the authorizer's project manager.
4. The letter should provide a detailed timeline of activities related to the school closure as well as the application, selection, and transition to a new school.

### Subsequent Communications

The authorizer and school should prepare a follow-up to the initial notification letter to parents within the first few weeks after the announcement is made. The second letter should provide more detailed and practical information such as the last day of classes, cancellation of summer school, information regarding student records, and dates for meetings and school fairs, as well as school choice information. Please note that the charter school is responsible for preparing a similar transition letter to the staff as well as any and all communication with vendors, debtors, creditors, and other partners.

The authorizer should plan to hold a series of meetings and school fairs for parents and the community. These meetings will provide parents and community members with the chance to ask questions about the closure and the transition planning for the next school year. It is important to note that the meetings should be informational, not political. The authorizer should make certain that parents and other stakeholders understand that the meetings are not a forum for discussing the rationale for closing the school or an opportunity for parents to protest the closure decision. As discussed, the timing of the closure announcement should provide ample opportunity for parents and students to learn about and apply to other schools of choice. A school fair should include officials from the receiving district schools, magnet or other district schools of choice, charter schools, and private schools. At these meetings, the authorizer should distribute applications, contact information, and literature from these potential receiving schools.<sup>vi</sup>

The authorizer should monitor and review the school's communications to verify that all stakeholders have been contacted and that the requisite information has been included. If there are any gaps the authorizer should prompt the school to reach out to stakeholders as necessary. It is important to note that the authorizer should not take on the responsibility of formally contacting the school's vendors or creditors, as this may create legal problems for the authorizer.

### 6. Require an escrow account

Schools that are closing are often in financial distress and have few or no assets at the end of the school year. This is a problem, as there are significant expenses associated with the wind-up activities, the final audit, and corporate dissolution. Many authorizers require an escrow account in order to ensure that funds are available for these activities. For example, State University of New York's (SUNY) Charter Schools Institute requires that \$25,000 be placed in escrow for each of the first three years of

operation. Should the school close, the \$75,000 escrow is used for audit and legal fees, and bankruptcy fines. According to Ralph Rossi, the vice president and general counsel to the SUNY Charter Schools Institute, these funds are usually used in full during a school closure process.

### School Wind-Up Process

For the most part, the school's board of directors should engage in all activities that take place during the wind-up process. As discussed above, the authorizer may become directly involved in the student transition supports but should work behind the scenes in other areas. The authorizer's job is to monitor the school's progress against the benchmarks established in the closure plan. This is a time-consuming and critical task. The authorizer should make sure that the school is positioned to provide high-quality instruction for the remainder of the school year. This requires the school leaders to actively manage the finances, provide staff members with detailed information regarding final payments and benefits, and keep the students engaged. Additionally, the school should be preparing student and corporate records for closure.

Among the most important functions during this timeframe is oversight of the school's financial wind-up activities. The authorizer should make certain that the school has appropriately notified all debtors and creditors, and terminated all contracts. Furthermore, the school must have an up-to-date inventory and a plan in place for liquidating fixed assets. The assets purchased with state or federal funds should be identified separately and disposed of according to the applicable government requirements. The school should be required to prepare a monthly cash flow projection through the end of the fiscal year, which includes all essential expenditures including payment in full for staff, payroll taxes, pension funds, and benefits. The cash flow projection should also take into account any lost revenue related to decreases in enrollment as well as any overpayments from the state or school district that must be returned. Monitoring these activities will require monthly reviews and ongoing dialogue with the school's business officials. The authorizer needs to have confidence in the projections in order to know with certainty whether or not the school will remain open through the end of the school year. Authorizers should not be involved in negotiations with creditors and should not make any decisions regarding which creditors get paid prior to speaking with legal counsel about possible liabilities.

If the school is not making adequate progress according to the closure plan, or is not providing sufficient documentation, the authorizer may wish to use remaining school payments as leverage. The authorizer may opt to

directly withhold payments and/or work with the state to withhold payments as allowable in the charter school contract.<sup>viii</sup> If payments are made quarterly or semi-annually, the authorizer may also seek to shift to monthly payments. This will provide a more significant degree of control to the authorizer. As with the entire process, it is important to be transparent with any action that changes the way the school will receive funds.

Securing, preparing, and distributing student records represents another area where the authorizer can become directly involved in the process if necessary. Ideally, the school should complete this work shortly after the last day of classes. Proper management of the student records is necessary for students to smoothly transition to their new schools. This task can be incredibly time consuming and, if the school does not prepare the records for transfer, the authorizer may find itself with no choice but to take on this responsibility. The treatment of student records must adhere to the Family Educational Rights and Privacy Act, as well as to any state or local laws or regulations. Furthermore, there should be a clearly detailed process for transferring the student records to receiving schools, the local or state education agency, or the authorizer. Documentation of the transfer of student records should be sent to the authorizer. A word of caution: while the authorizer can work with student records, it should not work with or take responsibility for the corporate records, as this may create legal problems down the road.

### Conclusion

School closure is difficult for all stakeholders, including the authorizer. However, the authorizer, in conjunction with the school leadership, has the opportunity to orchestrate a smooth, successful closure. Even when the school is actively fighting the closure decision, the board of directors and the authorizer should be able to find common ground by agreeing to make students' and families' needs the number one priority. A school that is fighting the closure process should be encouraged to advise its students to apply to other schools to ensure that they have educational options for the following year, if the school's appeals are unsuccessful. Putting students and families first entails keeping the school open through the end of the school year, assisting students and parents in exploring and applying to new schools, and securing the student records. If these three conditions are met, the school closure process should be considered a success.

For additional resources to aid authorizers in the closure process, including *NACSA's Accountability in Action: A Comprehensive Guide to Charter School Closure*, please visit [www.qualitycharters.org](http://www.qualitycharters.org).



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### ENDNOTES

- i James A. Peyser and Maura Marino. "Why Good Authorizers Should Close Bad Schools." In *Accountability in Action: A Comprehensive Guide to Charter School Closure*, edited by Kim Wechtenhiser, Andrew Wade and Margaret Lin. Chicago: National Association of Charter School Authorizers, 2010, p. 9.
- ii Justin Testerman "Supporting Students and Families." In *Accountability in Action: A Comprehensive Guide to Charter School Closure*, edited by Kim Wechtenhiser, Andrew Wade and Margaret Lin. Chicago: National Association of Charter School Authorizers, 2010, p. 39.
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- vi Testerman "Supporting Students and Families.", p. 43-44
- vii Testerman "Supporting Students and Families.", p. 41

NACSA develops quality authorizing environments that lead to a greater number of quality charter schools. Learn more about NACSA at [www.qualitycharters.org](http://www.qualitycharters.org).

National Association of Charter School Authorizers, 2011

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February 13, 2013



# Accountability in Action: A Comprehensive Guide to Charter School Closure

School Closure Guide



School  
Closure

*Edited by Kim Wechtenhiser,  
Andrew Wade and Margaret Lin*

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## TABLE OF CONTENTS

---

Introduction	<i>Greg Richmond, NACSA President &amp; CEO</i>	2
CHAPTER 1	Why Good Authorizers Should Close Bad Schools <i>James A. Peyser &amp; Maura Marino</i>	3
CHAPTER 2	The Evidence Base Needed for School Closure <i>Margaret Lin</i>	11
CHAPTER 3	Closure: Timing, Process and Appeals <i>Ralph A. Rossi II</i>	21
CHAPTER 4	Authorizing Boards and Executives <i>Edward F. Cox &amp; Randy A. Daniels</i>	33
CHAPTER 5	Supporting Students and Families <i>Justin Testerman</i>	39
CHAPTER 6	Message Matters in Closure Decisions <i>Joe Williams</i>	47
Appendices		53

## Introduction

**Closing a failing charter school is difficult, but it can be done.** In fact, it has been done hundreds of times across the country. However, if you are on the staff or the board of a charter school authorizing agency that is facing a closure decision, the fact that other authorizers have closed schools may be of small comfort. You are facing a daunting collection of academic, financial, compliance, legal, political, philosophical and personal information. Some of that information will suggest that you take bold action to close the school; other information may suggest more cautious strategies. Many authorizing staff and board members end up feeling overwhelmed and frustrated. Those feelings themselves often lead authorizers to become cautious and to keep a failing school open.

Yet other authorizers have been in your situation. They have faced the same complexities and emotions and then successfully closed a failing school. This *Comprehensive Guide to Charter School Closure* is designed to assist the staff and board members of authorizing agencies as they address the wide array of challenges involved in any closure decision. It draws directly upon the successful experiences of other authorizers across the country. Yes, closing a failing charter school is difficult. It *should* be difficult. Yet that difficulty must not stop us from making the tough decisions in the best interests of children. Far too many children in America, especially low-income children and children of color, are attending schools that are failing them — both charter schools and traditional district schools. As the staff and board of an authorizing agency, you are entrusted by the public with unique and extraordinary powers to approve new good charter schools and to close those that fail. This *guide* provides you with information and tools to help you fulfill those responsibilities so that more children attend only high-quality schools that successfully prepare them for their futures.



Greg Richmond  
President & CEO  
National Association of Charter School Authorizers

CHAPTER 1



# Why Good Authorizers Should Close Bad Schools

*James A. Peyser & Maura Marino*

CHAPTER 1  
GUIDANCE

- Define performance expectations up front.
- Identify red flags and build an evidence base.
- Make a strong case.
- Don't balk.

Charter schools serve a variety of purposes. They empower parents by giving them more educational options from which to choose; they provide opportunities for innovative educators to implement new approaches to teaching and learning; they create schools for specific student populations or neighborhoods that are underserved by local school systems; and they put competitive pressure on school districts to change and improve.

The charter sector is thus driven by diverse purposes, and authorizers have different reasons and motivations for chartering schools. Despite these differences, a bedrock principle of the movement is that charter schools must have the freedom to determine their own course within the broad parameters of their charters, and in return, they must be held accountable for their results.

This chapter provides an overview of charter school closure and the need for matching solid evidence with political will.

## Reasons Bad Charters Remain Open

An explicit part of the autonomy-for-accountability bargain is that bad charter schools will be closed by their authorizers. While hundreds of low-performing charter schools have closed, many others are allowed to remain open year after year, from one charter renewal to the next. The reasons are complex and varied, and each case presents unique circumstances. Nevertheless, it is possible to generalize about why authorizers balk at revoking or not renewing charters.

**Reason #1:**

**The absence of clear or meaningful performance criteria**

In some cases, authorizers have not established clear performance criteria for charter schools at all; in others, the standards are vague or ambiguous. This is particularly common for special-purpose or highly innovative schools that are often focused on hard-to-measure outcomes other than academic achievement on state or other standardized assessments. In other cases charter school accountability agreements or contracts<sup>1</sup> have specific and measurable performance objectives, but they are aspirational rather than achievable (at least during the charter term), making it problematic at renewal time for authorizers to determine how much progress towards the goal is enough.

**Reason #2:**

**The absence of a strong body of evidence gathered over the charter term**

Often even when authorizers have established clear renewal criteria, they fail to gather a strong body of performance data and evidence over the charter term. Insufficient monitoring and inadequate evidence renders authorizers unable to build a solid, publicly defensible case for closure even when schools are on shaky ground.

**Reason #3:**

**The absence of better alternatives in the surrounding neighborhood**

Closing a low-performing charter school often means that displaced students will have to enroll in an equally weak (or even worse) district school. Compounding the problem is the troubling reality that former charter students may be forced to attend schools that are not only educationally unsound, but downright unsafe.

**Reason #4:**

**Community and political support for the failing school**

Even bad charter schools tend to have devoted parents, students and staff members who in turn are supported by local community leaders and public officials. This presents authorizers with two challenges. First, closing a well-loved school is contrary to the goal of parent empowerment, which most authorizers value highly. Second, bucking a mobilized group of parents and politicians is a tough assignment, especially when there is little or no countervailing public pressure in favor of closure. When it comes time to decide, authorizers are inevitably left alone to take the heat and can find themselves evaluating political costs and benefits, rather than the educational and organizational merits of the case or the best interests of the students affected.

These reasons for inaction are real and powerful. Some of them can be addressed directly by authorizers themselves. For example, authorizers should establish clear and achievable performance goals in each school's charter contract. Similarly, authorizers should develop clear closure protocols and policies that ensure options and orderly transition for affected students and families, such as providing admissions preferences at quality charter or district schools. Other reasons for inaction, including the poor quality of local district schools, may be beyond the immediate control of authorizers. But no matter how difficult it is to close bad schools, authorizers have an obligation to fulfill the promise of charter accountability by ensuring that all their schools meet basic standards of performance. In the face of powerful forces that favor keeping persistently low-performing schools open, what are the most compelling and defensible reasons for shutting them down?

## Identifying a “Bad” School: Red Flags and Evidence Basis

Before examining several policy arguments for closing bad charter schools, we first have to define what “bad” means, as well as how to determine how to know a bad school when you see one. While it is impossible to reach consensus on exactly where to set the bar, it is possible to identify several red flags that should at least trigger consideration of school closure:

- Academic Underperformance.** The inability to deliver the student outcomes promised by a school’s charter is cause for serious concern and careful scrutiny. Minimum performance expectations for all charter schools should include reliable measures of academic achievement and attainment, including rigorous measures of student learning growth over time. A school’s promised outcomes may also include valid non-academic measures, provided that the authorizer approves their quality and reliability. Defining high-quality, multidimensional measures of success is especially important for schools serving specialized populations, such as former dropouts or students with disabilities, or schools with a particular mission (such as an arts or environmental focus) whose breadth of accomplishment may be only partially measured by state assessments. Authorizers need to ensure that rigorous, well-constructed performance measures and clearly defined targets or thresholds for acceptable performance form the basis for charter school performance contracts. In no case should authorizers use other failing schools as their benchmark; better than the worst is not good enough.
- Financial Mismanagement.** Often, the most obvious indicator of a troubled school is financial mismanagement. A charter school that is teetering on the brink of insolvency can certainly be characterized as bad, whether its condition is the result of misfeasance or malfeasance. Regardless of the strength of its academic program, a charter school that cannot pay its bills is a failure waiting to happen whether or not an authorizer intervenes to administer the last rites.
- Organizational Incompetence.** Struggling charter schools that are in organizational disarray or that lack the will and capacity to change and improve should also be candidates for closure — even if they are nominally meeting other minimum performance standards. These characteristics would disqualify a founding team from receiving a charter in the first place; they should also give an authorizer pause when evaluating an application for renewal.
- Non-compliance.** Finally, any school that is consistently or seriously out of compliance with applicable state or federal regulations governing public schools must be placed in jeopardy by its authorizer. Some compliance issues can be addressed short of school closure, but others — including those involving student safety or access to mandated special education services — may reflect either a disregard for public accountability or a level of incompetence that could justify non-renewal or revocation.

Analyzing such data over the charter term is essential for authorizers to make well-informed judgments, including closure decisions, that stand up to the scrutiny of a skeptical public.

## Making the Case for Closure: Key Policy Rationales

To determine which schools are too weak to justify continued operation, authorizers should collect and analyze data over the full charter term (except in cases of mismanagement so egregious as to merit mid-term revocation). Assuming the authorizer has sufficient data to support a case for closure, it still needs to justify a closure verdict and avoid yielding to public or political pressure to give the school another chance. There are several broad policy rationales that support closure decisions when authorizers might otherwise be tempted to take the path of least resistance. Depending on the specific facts of a situation and the authorizer’s approach, the arguments for closing bad charter schools fall into three basic

categories: 1) safeguarding students and parents; 2) creating leverage for broader reform; and 3) protecting the public interest.

### 1. Safeguarding students and parents from schools that fail to meet basic standards

Protecting the interests of students and their families is a primary responsibility of authorizers. This obviously includes ensuring a safe learning environment in which students are protected from physical or emotional harm. It equally applies to ensuring that students are receiving the educational services they were promised and have a right to expect. Schools are not daycare centers; they are not simply charged with safely warehousing children between the hours of 8 am and 3 pm. Schools exist to prepare young people for higher levels of education, to open doors of opportunity in the workplace, to develop informed and engaged citizens, and to cultivate in each student an understanding and appreciation of themselves and the world around them. Schools that fail in this great mission — notwithstanding the good intentions of their leaders and staff — are not just wasting taxpayers' money, they are profoundly degrading the life chances of a generation and limiting the potential of America's future. This must not be brushed aside in an attempt to protect adults from embarrassment or unemployment. Given that students' futures are at stake, charter schools must be able to demonstrate that they are at least meeting the same minimum performance standards applicable to all public schools in their respective states and localities, even if many district schools fail to meet those standards.

### 2. Creating leverage for broader reform by raising the bar

For those authorizers who see charter schools as a vehicle for closing the achievement gap or driving system-wide reform, simply fulfilling the existing expectations for public education will not get the job done. If charter schools are providing a level of education that is only comparable to or even slightly better than the average district school, how will they ever catalyze the kind of transformational change that so many low-performing districts and low-income communities desperately need? Given the scarcity of human, financial and political capital needed to support charter school development, authorizers must set a high, yet attainable bar and be prepared to close schools that cannot meet it, so that others can come forward to take their place. In this way, an authorizer's portfolio of schools can strengthen over time, even if its growth is constrained by caps on the number of charter schools or by limited resources. The opportunity cost of sustaining a mediocre school is arguably far greater than the temporary dislocation caused by its closure.

### 3. Protecting the public interest from poor governance or mismanagement

As publicly-funded institutions, charter schools must be held accountable as reliable and productive stewards of tax dollars. That means the management and board must behave in a competent fashion to assure the public and its representatives that the school will continue to function in accordance with all applicable laws and regulations. Equally important is that the financial affairs of each school are in order, both in terms of fiscal health and internal controls over the use of resources. Basic standards for effective governance are rightly applied to all public agencies, even if they do not always live up to them. As public schools operating on tax dollars, charter schools must adhere to those same standards. Those that do not or cannot justify the public's trust should be closed.

If charter schools are to have any hope of transforming public education, they cannot settle for simply being pretty good or just above average — especially when that average is well below what students need to succeed in the world. From this perspective, charter schools need to be about excellence. Specifically they need to prove that excellence is possible and achievable at scale and under difficult circumstances, even with students whom others may have given up on.

## Case Studies

A few recent real-world examples bring to life these arguments for charter school closure. In each of these cases, the authorizer's decision was difficult and controversial, though there was little doubt that the school in question was struggling operationally and falling short of its performance goals.

### ROXBURY CHARTER HIGH SCHOOL

#### CASE STUDY

#### *Reasons for Closure: Protecting the Public Interest; Safeguarding Students and Parents*

Roxbury Charter High School for Business, Finance and Entrepreneurship (RCHS) received a charter in 2002 from the Massachusetts Board of Education and opened its doors to 75 9th grade students in the fall of 2003. It was intended to grow to eventually serve 400 Boston students in grades 9 through 12 and prepare students both for college and vocational paths, with a strong grounding in business education.

While RCHS presented a strong charter proposal, it struggled to develop systems that could deliver on its performance commitments. RCHS's charter agreement detailed several distinctive features of the school, including a curricular focus on business, finance and entrepreneurship; a longer school year and school day; and individual learning plans for all students. In practice, the curricular emphasis was not fully developed, nor did the individual learning plans come to fruition. RCHS was open for a longer school day, but not a longer school year.

Operationally, RCHS was unable to meet many of its goals. Though plans called for 100 9th-grade students, RCHS had only 63 its first year. In its second year, RCHS had filled only 59% of its available spaces. Low enrollment strained RCHS's financial position, and it ended its first year of operations with an \$84,000 deficit. Cash-flow problems continued during RCHS's second year, though the school made attempts to cut costs and stem its financial decline.<sup>2</sup>

School governance was weak and the organization was in "deep turmoil and paralysis" by the fall of 2004.<sup>3</sup> The Board of Trustees was not able to effectively oversee school finances, nor manage the CEO or School Director.

While the Department of Education considered interventions and support to help the school improve, Massachusetts' Commissioner of Education David Driscoll ultimately recommended revocation of the charter on the basis of organizational disarray and financial mismanagement. The Commissioner's findings included the following:

- Significant cash-flow problems, largely stemming from under-enrollment;
- Lack of facilities plan;
- Ineffective oversight by the school's Board of Trustees;
- Failure to implement educational programs related to special education and English language immersion;
- Non-compliance with state and federal requirements for recordkeeping and documentation of Title I eligibility.<sup>4</sup>

In December of 2004, the Massachusetts Board of Education voted unanimously to revoke RCHS's charter, effective at the close of its second school year.

In May of 2005, the RCHS board asked that the decision be reconsidered, in light of increased organizational stability, the hiring of a new principal, and a donor who agreed to keep RCHS financially solvent. The State Board of Education decided not to reverse its decision, explaining that "a charter is a public trust that cannot be granted — or restored — lightly. And the decision must be grounded in evidence, not hope or wishful thinking."<sup>5</sup>

**INTERNATIONAL CHARTER SCHOOL OF SCHENECTADY**

*Reasons for Closure: Protecting the Public Interest; Safeguarding Students and Parents*

International Charter School of Schenectady (ICSS) opened in September 2002, with 267 students in kindergarten through 4th grade and a management contract with SABIS Educational Systems. The school was authorized by the Charter Schools Institute at the State University of New York (the Institute), with the following mission:

**International Charter School of Schenectady will be recognized as a provider of top-quality education for a highly diverse student body. It will prepare all students for success in college, equip them with the ability and desire for life-long learning, and strengthen their civic, ethical and moral values. The School will maintain high standards of efficiency and accountability throughout its operation.**

When ICSS came up for renewal in the spring of 2007, the Institute planned to recommend short-term renewal for a term of three years based on “the conclusion that the school has a varied or mixed record of educational achievement, and now has in place an academic program of sufficient strength and effectiveness that will likely result in the school’s meeting...those goals at the end of the three-year period.”<sup>6</sup> However, as the State University of New York’s Board of Trustees was preparing to consider the staff’s renewal recommendation, ICSS decided to terminate its school management contract with SABIS. As a result, ICSS was granted only a one-year renewal, with an option for an extension pending implementation of its transition plan from SABIS to self-management.<sup>7</sup>

When ICSS returned in the spring of 2008, the Institute found that “the personnel, programs and structures in place are not sufficient in terms of quantity or quality...to make it likely that the school would meet or come close to meeting its Accountability Plan goals.” ICSS had again fallen short of its goals on New York’s state assessments, with its students performing on par or slightly below their peers in the Schenectady City School District. The school had not implemented many components of its transition plan, and the school board was “unprepared” to make critical decisions to support high-quality self-management. The “lack of rigorous oversight and organizational planning” resulted in under-enrollment and a weakened, albeit stable, financial condition.

In looking at the prospects for ICSS’s future, the Institute found that “to the extent International Charter School of Schenectady has not achieved its key academic goals, continues to implement an educational program that does not support achieving those goals, operates as an ineffective organization, and its financial condition has weakened, its plans to continue to implement the educational program as currently constituted for the next charter period do not appear to be reasonable, feasible or achievable.”<sup>8</sup> In sum, the Institute argued that ICSS had failed in its governance responsibilities and in its obligation to provide students with an educationally sound program.

While some parents of ICSS students expressed concern about the non-renewal decision because it meant sending students back to the Schenectady City School District and its many “failing” schools,<sup>9</sup> ultimately the State University board concurred with the Institute’s recommendation and voted to close ICSS.

**FREDERICK DOUGLASS CHARTER SCHOOL***Reason for Closure: Safeguarding Students and Parents; Creating Leverage for Broader Reform*

Frederick Douglass Charter School (FDCS) in Boston, Massachusetts, opened in 2000 and was designed to serve grades 6 through 12. Its mission focused on college preparation through research, writing and public speaking, as well as on emulating Frederick Douglass's values of justice, integrity and personal responsibility.

By its fifth year of operation, FDCS served 349 students in grades 6-10, and had 93 students on its waiting list. It planned to reach full capacity by the fall of 2006. Founder Ben Anderson described FDCS as “an environment for children who had had unsuccessful, unsatisfactory experiences in other schools...our children were behind and really put off by education.” Ninety percent of students were African-American and 60 percent qualified for free or reduced-price lunch.<sup>10</sup>

Academically, FDCS students performed similarly or slightly below most other Boston public schools, which was well below the state average. In 2003, FDCS made Adequate Yearly Progress (AYP) in English/Language Arts (ELA) and Math; in 2004 it made AYP in ELA only. National norm-referenced exams showed few significant gains or declines during the school's charter term.

By January 2005, FDCS was in an “unsound and unstable” financial position, according to the Massachusetts Department of Education. The school ran a deficit of over \$250,000 in fiscal year 2004, which management attributed largely to relocation expenses. While FDCS had met a majority of its organizational performance goals, it fell short on its targets for student and teacher retention. Although retention rates were improving, they still remained high enough to create instability.<sup>11</sup>

When FDCS came up for renewal, parents and students fought to keep the school open. Although state Commissioner of Education David P. Driscoll empathized with the FDCS families, he concluded that “the school clearly has not met the standards for renewal of a charter.” In February 2005, Commissioner Driscoll recommended non-renewal based on “low academic performance, high teacher turnover, the financial situation, and other issues.” The Board of Education voted unanimously not to renew the FDCS charter.<sup>12</sup>

While state officials certainly had concerns about the organizational capacity of FDCS, their decision was based primarily on their unwillingness to accept weak academic performance, even though other schools in the district were worse. Underlying this position was the belief that the power of charters to drive broader change depended on their ability to rise above the prevailing mediocrity: “If charter schools serve only to expand parental choice without significantly raising the bar of student achievement, this innovative and ambitious reform will have little or no impact on the wider landscape of public education.”<sup>13</sup>

Starting and running a charter school is hard work. It requires an around-the-clock commitment and a willingness to do anything and everything — from painting walls to raising money to recruiting new students — all within an often uncertain and contentious environment, and in some states hamstrung by threatening lawsuits and unfriendly legislation.

All of those who embark on this perilous journey of hope deserve our deepest gratitude and respect for embracing this challenge with courage, persistence and good faith. But these virtues alone are not enough. Charter schools are not supposed to rest on good intentions and earnest effort; they are supposed to achieve meaningful results demonstrated by a sound body of evidence over the charter term. Charter schools that cannot deliver on that promise, either to their students or the broader public, need to be closed. This is the unpleasant, but imperative responsibility of authorizers.

### ABOUT THE AUTHORS

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### ENDNOTES

- <sup>1</sup> Different authorizers and jurisdictions may use terms such as “charter contract,” “performance contract,” “charter,” “memorandum of understanding,” “accountability plan” and “accountability agreement” for similar purposes.
- <sup>2</sup> 2004-2005 Site Visit Report, Massachusetts Department of Education, Charter School Office, <http://www.doe.mass.edu/charter/reports/default.html>.
- <sup>3</sup> Hearing Officer's Initial Decision, Docket No. CSO-05-01, Massachusetts Department of Education, 2005.
- <sup>4</sup> “BOE Votes to Close Roxbury Charter High School in June,” Massachusetts Department of Education, December 21, 2004, [www.doe.mass.edu/news/news.asp?id=2173](http://www.doe.mass.edu/news/news.asp?id=2173).
- <sup>5</sup> “Statement on Roxbury Charter High School,” Massachusetts Department of Education, May 24, 2005, [www.doe.mass.edu/boe/chairman/05\\_0524rcs.html](http://www.doe.mass.edu/boe/chairman/05_0524rcs.html).
- <sup>6</sup> Renewal Report: International Charter School of Schenectady, Charter Schools Institute at the State University of New York, March 9, 2007, [www.newyorkcharters.org/documents/ICSSFFINALReport.3-07withAddendum.pdf](http://www.newyorkcharters.org/documents/ICSSFFINALReport.3-07withAddendum.pdf).
- <sup>7</sup> Addendum Regarding the Renewal Report of the International Charter School of Schenectady, Charter Schools Institute at SUNY, March 20, 2007, [www.newyorkcharters.org/documents/ICSSFFINALReport.3-07withAddendum.pdf](http://www.newyorkcharters.org/documents/ICSSFFINALReport.3-07withAddendum.pdf).
- <sup>8</sup> Renewal Report: International Charter School of Schenectady, Charter Schools Institute at SUNY, February 27, 2008, [www.newyorkcharters.org/ICSSFFINALRenewalreport2-08.pdf](http://www.newyorkcharters.org/ICSSFFINALRenewalreport2-08.pdf).
- <sup>9</sup> “State Recommends Closing Schenectady Charter School,” *Schenectady Daily Gazette*, February 12, 2008.
- <sup>10</sup> *Frederick Douglass Charter School: The Renewal Decision*, by Childress, S. & Kozler, D. Harvard Business School case study, March 20, 2006, [www.harvardbusinessonline.hbsp.harvard.edu](http://www.harvardbusinessonline.hbsp.harvard.edu).
- <sup>11</sup> Summary of Review: Frederick Douglass Charter School, Massachusetts Board of Education, January 14, 2005.
- <sup>12</sup> “Commissioner to Make Multiple Charter School Recommendations to Board of Education,” Massachusetts Board of Education, February 10, 2005, [www.doe.mass.edu/news/news.asp?id=2269](http://www.doe.mass.edu/news/news.asp?id=2269).
- <sup>13</sup> Statement by Chairman James A. Peyser, Massachusetts Board of Education, February 15, 2005, [www.doe.mass.edu/boe/minutes.html?yr=2005](http://www.doe.mass.edu/boe/minutes.html?yr=2005).

## CHAPTER 2

2  
CHAPTER 2

# It Depends on the **Meaning of “Bad”**: The Evidence Base Needed for School Closure

*Margaret Lin*

## CHAPTER 2 GUIDANCE

- Incorporate performance expectations into contract.
- Build evidence throughout charter term.
- Use common core of indicators, measures and metrics of quality performance.

A central tenet — almost a mantra — of the charter school movement is that “bad schools will be closed.” When taken seriously, this accountability linchpin is pivotal to the fates of individual charter schools as well as the students who attend them. Yet across the country today, there is almost as much variation in how states and individual authorizers define “low-performing,” “bad” or “failing” as there is in charter school names and designs.

The movement that is often characterized, for better or worse, as “letting a thousand flowers bloom” has grown alongside almost as many different types of accountability systems and definitions of failure, created by authorizers as well as states. Indeed, authorizers often identify bad schools differently because they are looking at different evidence — or even the same evidence in different ways.

How an authorizer defines a “bad” school — and what is *so bad* as to merit closure — must be defined at the outset in the charter performance contract, where it is clear and agreed to by both the authorizer and the school. And to work toward the eventual judgment (whether it is ultimately for renewal or closure), the authorizer needs two critical tools — the first immediately, and the second built over time:

- 1) **A clear performance contract<sup>14</sup> —** executed before the school begins operating, that sets forth a) the essential academic and operational performance standards and expectations the school must meet to earn charter renewal, and b) the types of data that will inform the authorizer’s judgment.

2) **A strong body of evidence** —

sound, multidimensional data as specified in the contract and that has been collected, analyzed and reported at least annually by the authorizer over the school's charter term.

The performance contract for any charter school should be based on an essential accountability framework that sets forth minimum elements and standards for both academic and operational performance as well as related data requirements. Operational performance accountability should include areas such as:

- financial performance and sustainability;
- Board performance and stewardship, including oversight of school leadership; and
- compliance with all applicable laws, regulations, and the terms of the charter contract.

Most state charter school laws explicitly state that financial mismanagement or material violation of applicable laws is grounds for revoking or not renewing a charter. As it turns out, a high proportion of charter closure decisions are explicitly based on reasons other than academic performance.<sup>15</sup> This may be because financial or organizational failures are often more black-and-white — and are evident earlier — than educational failings.

In addition, financial management and legal compliance lend themselves to readily objective measures — such as balance sheets or audits — that authorizers can apply and cite concretely, unlike many educational judgments that are more debatable.

Authorizers can do much to make their educational judgments less debatable, by building well-founded judgments of “good” or “bad” from a sound, broadly accepted body of evidence. To help authorizers plan and build the educational evidence needed for firmly defensible high-stakes judgments — including closure decisions — this chapter will present a *Framework for Academic Quality* that was developed by a national consensus panel under NACSA's co-leadership. The chapter will also discuss several substantive issues concerning how to use the *Framework* in evaluating charter school performance. Lastly, the chapter will discuss important practices in data collection and analysis building up to a renewal or closure decision, whichever the case may be.

**Building the Standards and Body of Evidence:  
A Framework for Academic Quality**

A few key principles governing a framework for assessing charter school academic quality include:

1. The framework should be based on **objective, measurable data** tied to performance outcomes — not inputs (such as mere participation in an activity) or subjective data.
2. Performance expectations should be tied to **clear standards at least equal** to state and local standards for district schools.
3. Adequate Yearly Progress (AYP), as defined by the state under the No Child Left Behind Act, should be included but should constitute only **one performance metric** in the framework. The framework shared in this chapter will present several performance measures and metrics in addition to AYP that are essential to a clear-eyed understanding of a school's academic performance.

The performance framework and minimum data elements described in this section are drawn from the recommendations of Building Charter School Quality, a national leadership project funded by the U.S. Department of Education and spearheaded by NACSA, the National Alliance for Public Charter Schools, CREDO at Stanford University and the Colorado League of Charter Schools. This project convened two

national Consensus Panels — composed of a diverse group of charter school operators, authorizers, support organizations, policy leaders, researchers, and charter school funders — to develop a performance framework to inform and improve evaluation of charter school quality across states. The work of the Consensus Panels represents a grassroots initiative to set quality standards to strengthen and advance the charter school sector.<sup>16</sup>

The *Framework for Academic Quality* is built around four essential indicators of academic quality and associated measures, metrics and benchmark comparisons. It is intended as a practical tool to spur and guide improvement throughout the charter sector, and it is designed to be applicable to all charter schools regardless of their particular mission or student population.

For authorizers, this *Framework* provides a common core of quality indicators, measures, metrics and benchmarks to guide evaluation of all the charter schools they oversee. Authorizers who already have a charter school accountability framework, plan or system can check it against the *Framework for Academic Quality* to ensure that they are collecting and evaluating this essential body of data at a minimum, even if they might use different terminology for particular elements. Likewise, new authorizers can use the *Framework* as a foundation on which to build a complete system for evaluating schools.

A few practical reminders to help authorizers use this *Framework* appropriately<sup>18</sup>:

- **The *Framework* is a minimum foundation.** This *Framework* outlines a core, minimum body of evidence recommended for authorizers as a foundation for evaluating charter school academic performance. Authorizers may choose to include additional indicators, measures and metrics in their performance contracts and evaluations, but the following should be part of the foundation for forming well-informed judgments of school academic quality.
- **Set performance targets for each measure and metric.** Clear performance targets are an essential element of the complete *Framework* and necessary to determine whether a school has met expectations. The following *Framework* overview does not include specific targets because these should be set by authorizers in conjunction with schools, as guided by federal, state, and local or authorizer policy. Authorizers should work with the charter schools they oversee to ensure that each school's performance contract includes clear, meaningful and measurable targets aligned with the *Framework for Academic Quality*.
- **Use the entire *Framework*.** Authorizers using this *Framework* for school evaluation and particularly for high-stakes judgments should use it in its entirety (subject to obvious grade-level limitations for certain elements), not selectively. It would not be appropriate to use only some measures in the *Framework* while ignoring others applicable

## PERFORMANCE FRAMEWORK: KEY TERMS<sup>17</sup>

Key elements of the *Framework for Academic Quality* include (from the most general to the most specific):

### Indicators > Measures > Metrics > Targets

Following is an overview of key terms used in *Framework*:

**Indicators.** Indicators represent general dimensions of academic quality or achievement, such as “**Postsecondary Readiness and Success.**”

**Measures.** Measures are general instruments or means to assess performance in each area defined by an indicator. Measures require the application of specific metrics or calculation methods (see below). For example, a measure of postsecondary readiness is **high school completion.**

**Metrics.** Metrics specify a quantification, calculation method or formula for a given measure. For example, the typical high school completion metric is a graduation rate, such as “**the percentage of ninth-graders graduating in four years.**”

**Targets.** Taking metrics a step further, targets are specific, quantifiable objectives that set expectations or define what will constitute success on particular measures within a certain period of time. For example, a graduation-rate target might be “**90% of ninth-graders graduating within four years.**” Likewise, **state-mandated performance levels are common targets.**

to the same grade levels. Likewise, no single source of data or benchmark comparison (explained below) issuing from the *Framework* should be the sole basis for high-stakes judgments concerning a school.

Following are the core elements of the *Framework for Academic Quality* (excluding performance targets, which authorizers should work with schools to establish for each measure and metric):

**Framework for Academic Quality<sup>19</sup>**

**INDICATOR #1: STUDENT ACHIEVEMENT LEVEL (STATUS)**

MEASURES	METRICS
Proficiency Levels on State Assessments by Grade and Subject	<ul style="list-style-type: none"> <li>• Percentage of students scoring at proficiency</li> <li>• Percentage of students scoring at each state performance level (e.g., Advanced, Proficient, Below Proficient)</li> <li>• Attainment of Adequate Yearly Progress (AYP)</li> </ul>
College Entrance Exam (e.g., ACT or SAT) Composite and Subtest Scores	<ul style="list-style-type: none"> <li>• Percentage of students reaching score predictive of college success on exam (as determined by the test publisher)</li> <li>• Median score</li> <li>• Percentage of students taking college entrance exam</li> </ul>
High School Exit Exam (if applicable)	<ul style="list-style-type: none"> <li>• Percentage of students passing</li> </ul>

**INDICATOR #2: STUDENT PROGRESS OVER TIME (GROWTH)**

MEASURES	METRICS
Annual Gains for Same (Matched) Students	<ul style="list-style-type: none"> <li>• Percentage of students achieving or exceeding targeted gains</li> </ul>
Longitudinal Growth Based on Similar Starting Points	<ul style="list-style-type: none"> <li>• Typical or average growth rate</li> <li>• Percentage of students achieving or exceeding typical or average growth rate</li> <li>• Percentage of students making or exceeding target growth rate</li> </ul>
Criterion-Referenced Longitudinal Growth	<ul style="list-style-type: none"> <li>• Percentage of students making adequate growth to reach or maintain proficiency during a certain period of time</li> <li>• Percentage of students already proficient or advanced who maintain or improve their performance level</li> <li>• Percentage of students moving to a higher performance level</li> </ul>

**INDICATOR #3: POSTSECONDARY READINESS & SUCCESS (FOR HIGH SCHOOLS)**

MEASURES	METRICS
Postsecondary Access & Opportunity	<ul style="list-style-type: none"> <li>• Percentage of students enrolled in a college-prep curriculum (as defined by state high school standards or admission standards for in-state public 4-year colleges)</li> <li>• Percentage of graduates submitting applications to postsecondary institutions, by type of program (4-year and 2-year colleges, trade and apprentice programs)</li> </ul>
High School Completion	<ul style="list-style-type: none"> <li>• Graduation rate calculated as recommended by the National Governors Association<sup>20</sup></li> </ul>
Postsecondary Admission	<ul style="list-style-type: none"> <li>• Percentage of students gaining admission to postsecondary institutions (4-year and 2-year colleges, trade and apprentice programs)</li> <li>• Percentage of students submitting a complete Federal Application for Financial Student Aid (FAFSA)</li> <li>• Percentage of Free/Reduced-Price Lunch students admitted to postsecondary institutions</li> </ul>
Postsecondary Enrollment or Employment	<ul style="list-style-type: none"> <li>• Percentage of graduates, by cohort, enrolled in postsecondary institutions (college, trade and apprentice programs) by February of Year 1 after graduating from high school</li> <li>• Percentage of students, by cohort, not enrolled in postsecondary institutions but employed full-time or enlisted in the military by February of Year 1 after graduating from high school</li> <li>• Percentage of students, by cohort, enrolled in remedial courses during their first year of postsecondary education</li> </ul>

**INDICATOR #4: STUDENT ENGAGEMENT**

MEASURES	METRICS
Student Attendance	<ul style="list-style-type: none"> <li>• Average Daily Attendance rate</li> <li>• Percentage of students attending a target percentage of days</li> </ul>
Continuous Enrollment	<ul style="list-style-type: none"> <li>• Percentage of students continuously enrolled throughout the year</li> <li>• Percentage of students re-enrolled from one year to the next</li> <li>• Percentage of students continuously enrolled for multiple years</li> </ul>
Truancy	<ul style="list-style-type: none"> <li>• Percentage of students exceeding a particular number of truanies in a given period of time</li> </ul>

To implement this *Framework* well, several issues are important to understand:

**Rigorous Measures of Student Academic Growth:** Many state and authorizer accountability systems still judge school academic quality on the basis of a single indicator: school-wide achievement level or status.<sup>21</sup> This is simply an aggregate “snapshot” — like a photo of the whole student body — that reveals nothing about school productivity or how much schools improve (or fail to improve) student learning over time, given students’ individual starting points. Rigorously measuring student academic growth over time is necessary to reveal what schools are accomplishing or *not* accomplishing with their students and often provides a dramatically different picture of school achievement. In many ways, it lifts the shades on educational performance. It may reveal, for example, that a school that would be judged as “low-performing” on status alone is actually accelerating student learning far faster than any other school in the district. Conversely, it can show that a school always praised as “high-performing” is simply maintaining students at the same level, rather than challenging and helping them achieve more each year.

For this reason, sound growth measures and data are essential for the evidence needed to support a charter renewal or closure decision. Measuring growth requires appropriate assessments and methodologically sound data analysis, and authorizers must ensure that they are measuring student growth according to a sound model.<sup>22</sup>

Assuming they have a strong system in place for assessing individual student growth, authorizers then need to determine how to weigh growth versus school-status measures in their performance framework. If this is not already established by their state accountability system, authorizers would be wise to give greater weight to growth measures because of the depth and quality of performance insight they provide. For example, the State of Colorado has established a ratio of 75/25 for weighting growth over status measures in its accreditation system.

**Benchmark Comparisons:** Authorizers and other stakeholders often wish to compare charter school performance to that of other schools — and valid, well-constructed comparisons are a valuable component of a performance framework. Across the country, however, there is wide variation in the types of comparisons used to judge charter schools, and some comparisons are so poorly constructed, limited in perspective, or misleading that they should not be used for high-stakes evaluation purposes.

A common pitfall lies in comparing school performance only to that of “similar” schools, usually identified by socioeconomic or demographic factors. This type of comparison may imply lower expectations for typically lower-achieving demographic categories of students. In contrast, building comparisons based on academic baseline data for all students is essential to understand school productivity and progress, and to enable “apples-to-apples” comparisons of school performance.

To help authorizers and other stakeholders construct valid, meaningful performance comparisons, the national Consensus Panel identified two types of benchmark comparisons — industry exemplars — for use alongside the *Framework for Academic Quality*.<sup>23</sup> These recommended benchmarks identify two types of meaningful comparison groups for any charter school and can be applied to both metrics and targets:

**Benchmark (Comparison Group) 1:**

**The best-performing nonselective public schools in the chartering jurisdiction, state, and nation** — defined as those demonstrating the highest sustained achievement and/or the highest sustained student growth, *without* adjusting for student race or socioeconomic status; and

**Benchmark (Comparison Group) 2:**

**The best-performing comparable schools in the chartering jurisdiction, state, and nation** — defined as those demonstrating the highest sustained achievement and/or the highest sustained student growth among schools with equivalent individual student academic histories,<sup>24</sup> *without* adjusting for race or socioeconomic status.

Note: While the Consensus Panel recommends identifying local, state and national benchmarks for broad perspective, many authorizers may not have easy access to such performance data. In these cases, identifying local benchmark schools for the above two types of comparisons is still useful and recommended.

**Non-Traditional and Mission-Specific Measures:** In addition to the above elements for judging academic quality, it can be valuable to include in charter performance evaluations additional rigorous, valid and reliable measures and metrics that a charter school may propose, provided that the authorizer approves their quality and rigor.<sup>25</sup>

In developing the *Framework for Academic Quality*, the panel recognized that standardized tests and other conventional measures do not completely capture all dimensions of school performance and quality that may be central to a charter school's mission and its promises. For some schools more than others (depending on the school's mission and design), it may be particularly important to establish valid, reliable performance measures beyond standardized tests and traditional measures. Non-traditional performance measures are often necessary to assess and demonstrate a school's achievement of its unique mission and educational promises. These might pertain, for example, to the arts, technology, entrepreneurship or environmental education; or to character development, service learning, leadership skills or foreign-language proficiency. The panel agreed that non-traditional measures can be valuable if well-developed, and that schools and authorizers should work to develop and use valid, reliable measures and metrics for dimensions of school achievement not captured by standardized tests or other traditional means.<sup>26</sup>

**Setting Performance Expectations and Targets:** As noted earlier, a charter school's performance contract should include clear, measurable performance targets for each measure and metric, so that it is clear from the outset to both the school and authorizer what the school must achieve in order to earn charter renewal.

In setting contractual performance expectations for charter schools, authorizers usually have some latitude, though they are guided by federal, state and local policy. At the least, authorizers should generally require charter schools to meet the **same minimum performance standards and expectations as district schools** in the state or locality. This makes sense even if not explicitly required by state law, to ensure that the "floor" for charter school performance does not sink below general standards for district schools. Authorizers may leave room for discretion to grant exceptions in certain high-stakes cases, where warranted by concrete evidence of substantial school improvement or other special circumstances. Exceptions should be rare, though, and authorizers should report strong countervailing data to justify any exceptions granted in renewal or other high-stakes decisions.

**Holding All Schools Equally Accountable:** Many charter schools target students who are marginalized or underserved in mainstream district schools — such as students with disabilities, English learners, students at risk of dropping out, or court-involved youth. The *Framework's* attention to student academic growth as well as other indicators makes it highly applicable and meaningful for the many special populations served by charter schools, including those that may be classified as alternative schools. Charter schools serving non-mainstream populations may require tailored attention, but should be **no less accountable** for student outcomes. Performance evaluation for such schools should include all the core indicators, measures and metrics in the *Framework* above, and may include additional performance indicators and objective, valid and reliable measures and metrics that permit meaningful, informative benchmarking of student achievement and preparation for postsecondary success, as approved or required by the authorizer.

### Establishing the Evidence: Collecting and Analyzing the Data

Following are a few practical reminders to help authorizers use the above *Framework* appropriately and establish a solid evidence base for any charter renewal or closure decision:

- **High-stakes judgments require several years of disaggregated, rigorously analyzed data.** High-stakes decisions based on academic performance call for a rich body of multidimensional data gathered and carefully analyzed over the entire charter term. At least five years of data are preferable, to enable the authorizer to assess trends within the school beyond the start-up years. In states where charter terms are limited to fewer years, authorizers should collect the maximum years of data possible before drawing conclusions. Analysis of all student performance data should be disaggregated to the greatest extent possible (by grade, class and major student groups and subgroups) to clarify student achievement and school successes as well as needs for improvement.
- **Authorizers are responsible for collecting and analyzing data.** To ensure the accuracy, validity and reliability of school performance data used to evaluate charter schools, authorizers should maintain responsibility for collecting, analyzing and reporting all charter school data from state or other required external assessments. The importance of authorizer “quality control” over such data is perhaps nowhere more evident than in the area of longitudinal growth data and analysis, where analysis is necessarily technical and must be performed with consistent, rigorous methodology across schools. As part of ongoing oversight and evaluation, authorizers should give schools adequate opportunity to review the authorizer’s annual as well as culminating (renewal) analyses and reports, and to submit corrections, clarifications or supplemental information for the record.

Of course, some performance data, such as for school-developed assessments, will be self-reported by schools. In such cases, authorizers should verify that schools have appropriate protocols in place to ensure the validity, reliability, and general credibility of school-reported data that may be incorporated into the authorizer’s evaluations. At the same time, authorizers should maintain responsibility for collecting and analyzing the external assessment data that form the core evidence base for each school.

- **Every campus is individually accountable.** In cases where multiple campuses operate under a single charter, campuses should be individually accountable for performance, with their academic and financial data reported and analyzed independently of other campuses. Multi-campus charter contracts should be structured to reflect such individual-campus accountability for ongoing as well as renewal evaluation.

### Conclusion

Building the body of evidence to support the ultimate decision on a school's fate is a critical ongoing task for authorizers, starting from the school's first day of operation. To support a closure decision — and defend it before the school community and the broader public — authorizers will need to have amassed a strong body of data over the school's charter term. The evidence must stack up to show that the school has failed to meet the standards and expectations agreed to in its contract. The *Framework for Academic Quality* outlined above guides authorizers in constructing a minimum foundation of educational evidence needed to inform and support a high-stakes charter judgment. In cases of school closure, the greatest reason for an authorizer's painstaking data collection and analysis over the charter term is not to be able to stand up to shouting parents or media scrutiny or a school's powerful patrons. It is to be able to look students in the eye and know, without question, that the decision to close their school is based on clear and strong evidence of the school's failings, and ultimately will best serve those students.

### ABOUT THE AUTHOR

Margaret Lin consults nationally on charter school authorizing, accountability, governance and policy for a variety of education agencies, nonprofit organizations and foundations. She co-founded and served as the first executive director of NACSA, and has authored numerous publications and resources for charter schools, authorizers and policy leaders.

### ENDNOTES

- <sup>14</sup> Different authorizers and jurisdictions may use terms such as “performance contract,” “charter,” “charter contract,” “accountability plan,” and “accountability agreement” for similar purposes. This chapter uses the term “performance contract” to signify the contract, agreement or plan that sets forth the performance terms and expectations that guide how an authorizer will judge a charter school.
- <sup>15</sup> A national study shows that two-thirds of mid-term charter revocations have occurred for reasons other than academic performance. Gau, R., *Trends in Charter Authorizing*, Thomas B. Fordham Institute (2006), at 10.
- <sup>16</sup> The complete *framework*, explanatory notes and recommendations of the national Consensus Panels are available in two reports, *A Framework for Academic Quality* and *A Framework for Operational Quality*, available at [www.bcsq.org](http://www.bcsq.org) and [www.qualitycharters.org](http://www.qualitycharters.org).
- <sup>17</sup> Adapted from *A Framework for Academic Quality: A Report from the National Consensus Panel on Charter School Academic Quality*, *Building Charter School Quality Initiative* (2008), at 7, available at [www.bcsq.org](http://www.bcsq.org) and [www.qualitycharters.org](http://www.qualitycharters.org).
- <sup>18</sup> Adapted from *A Framework for Academic Quality*, at 6.
- <sup>19</sup> Adapted from *A Framework for Academic Quality*, at 8-14.
- <sup>20</sup> “The NGA graduation rate formula divides the number of graduates in a particular year by the number of students entering the ninth grade for the first time four years before, plus the difference between the number of students who transfer in and out over the same four years. That is: [On-time graduates in Year X] / [(first-time entering ninth-graders in Year X – 4) + (transfers in – transfers out over the 4-year period)]. See *Graduation Counts: A Compact on State High School Graduation Data*, National Governors Association, 2005.” *A Framework for Academic Quality*, at 13.
- <sup>21</sup> Fortunately, the U.S. Department of Education is encouraging and approving more states each year to implement high-quality growth models to improve their state accountability systems.
- <sup>22</sup> For example, improvement in a school’s school-wide achievement level from one year to the next is not a measure of student academic growth. It is simply a *status improvement* — which could easily occur due to changes in the student population, rather than indicating academic growth for students who have stayed in the school continuously. For a fuller explanation of what authorizers need to know about growth measures and why rigorously measuring student academic growth is critical to valid school evaluation, see Ernst, J. and Wenning, R., “Leave No Charter Behind: An Authorizer’s Guide to the Use of Growth Data,” NACSA Issue Brief No. 19 (July 2009).
- <sup>23</sup> *A Framework for Academic Quality*, at 7.
- <sup>24</sup> “Individual student academic histories” reflect the students’ baseline achievement or academic starting points upon enrolling in the school. *A Framework for Academic Quality*, at 7.
- <sup>25</sup> A recommended resource for charter schools and authorizers working to develop or approve rigorous mission-specific accountability measures is Lin, M., *Making the Mission Matter: Charting a MAP to School Mission Success*, The Center for Charter Schools at Central Michigan University (2009), available at [www.thecenterforcharters.org](http://www.thecenterforcharters.org).
- <sup>26</sup> *A Framework for Academic Quality*, at 16.

CHAPTER 3



3  
CHAPTER 3

# Planning and Managing School Closure: Timing, Process and Appeals

*Ralph A. Rossi II*

CHAPTER 3  
GUIDANCE

- Expected and unexpected closures differ in timing and process.
- Authorizers need to balance practical concerns with political realities.
- Expect wildcards.
- Transparency is key.

Making school closure decisions is the ultimate responsibility of authorizers, and managing the closure process is the ultimate test of the quality and the capacity of those authorizers. A poorly handled closure, or one that is reversed for reasons attributed to the authorizer, can have serious negative consequences for all parties, starting with the students whose educations are disrupted, and certainly including the authorizer.

The timing, execution and follow-through of a closure process — from the first staff discussion through the final appeal<sup>27</sup> — are vital to the authorizer’s effectiveness, and must be accompanied by thorough planning and careful attention throughout.

This chapter provides perspectives and advice for authorizers in planning and carrying out a strong, sound closure process, focusing on the following key topics:

- A Practical, Factual Approach to Timing
- Timing Wildcards
- Creating and Carrying Out a Transparent Process
- Making the Decision: The Authorizing Board and Opportunities for Internal Appeal
- Formal Appeals

From the authorizer’s perspective, there are two types of charter school closures — expected and unexpected. These types largely dictate the planning and timing of a closure decision and its implementation. Some closures are planned and intended. These expected closures include the “normal” situation in which a charter contract comes to the end of its term<sup>28</sup> and the authorizer performs some type of high-stakes review associated with continuing the charter, which the school fails. As a result, the authorizer closes the school. Expected closures may also include the voluntary surrender of a charter, as well as a negotiated agreement in which the charter school realizes that its chances for charter renewal are slim, and is therefore willing to relinquish its charter.

Some closures, however, are unexpected. They happen suddenly and without ample warning, due to some unforeseen event or circumstance. They may be largely beyond the control of the parties involved and occur when a school experiences a financial, governance, facility, legal or other crisis that destroys its ability to continue. Violations of state or federal law may be driving factors in these scenarios. For example, a school’s inability to meet its payroll may cause it to close or face legal liability through the application of state labor law. Involuntary bankruptcy by school creditors may be included in this category as well.<sup>29</sup> An unexpected closure may also be triggered by a governmental actor, such as a state attorney general or the Internal Revenue Service, which has statutory authority to revoke a charter school’s tax-exempt status or corporate existence.

The distinction between expected and unexpected closure is important for both timing and process. Furthermore, within the category of expected closures, the demands on the authorizer will vary depending on whether the closure is voluntary (mutually agreed to) or not. In cases of involuntary, yet expected closure — almost certainly to be opposed by the school — the authorizer must be proactive to ensure that it carefully follows due process and that appropriate policies and procedures are in place to guide the authorizer to a correct resolution. The authorizer must also plan and allocate time for evidence-gathering, reporting, decision-making, and internal and external appeals (both of which this chapter will discuss). In contrast, the timing of a voluntary closure may be less hurried, allowing authorizer policies and efforts to focus more directly on securing the surrender of the charter and a smooth transition for students. On the other hand, an unexpected closure puts the authorizer in a reactive mode that no existing policy can completely anticipate. In this situation, the authorizer must rely on experience and its general preparedness for expected closures to adapt to the exigencies of the unexpected closure.

Shades of gray surround these broad categories, but to the authorizer the differences are real. The authorizer must have the capacity to handle both expected and unexpected closures, including resources to effectively monitor school performance, fiscal health and governance. Given that authorizers can more effectively plan for the known than the unknown, this chapter largely focuses on expected closure situations in which the authorizer is exercising discretion to close a school for poor academic, fiscal or other performance.

### **A Practical, Factual Approach to Timing**

This chapter focuses on “high-stakes timing,” or the time it takes to decide the closure issue through the exhaustion of all appeals. The authorizer must carefully consider the timing of its decision in the context of both the school year and where the school falls in its charter term, as every decision and mistake carries very real consequences.

At a minimum, an authorizer should possess a thorough understanding of the statutory, contractual, financial, educational and practical guideposts along the road to closure. These include anticipating the school’s reactions at each stage of the closure timeline, effectively handling the public debate, and convincing all involved that closure is in students’ best interest. An authorizer should approach closure with a focus on

planning; clear goals, comprehensive policies and procedures, appropriate allocations of resources, overall transparency, and the will and ability to make decisions (even if tough or politically unpopular). A few key principles will help authorizers organize and smoothly carry out the work of closure:

**1. Put Students First.** When taking steps that may lead to school closure, an authorizer must remember that the education of children is always the first priority — a simple fact that can be overlooked once a closure decision is under consideration. Where possible, the closure decision should be resolved by the end of the school year, so as to minimize disruption to children, parents and school staff.

**2. Balance Practical Concerns with Political Realities.** Neat timing can soon unravel when the authorizer digs deeply into statutory obligations, its own policy duties, and the competing interests of the school leaders, the management company (if applicable), parents, students, community members and politicians. To ensure that the authorizer fulfills its obligations and anticipates the demands of other stakeholders, it can be helpful to chart, at the outset, all closure-related events and considerations with appropriate “if/then” branches. This enables the authorizer to follow each potential path to its theoretical end, estimate extra time needed, and plan backwards to set the start of the process accordingly.

Specifically, the closure timeline should take the following needs and milestones into account:

- the release and availability of relevant student achievement data;
- the number of days an authorizer allows for a school to respond with factual corrections to its recommendations on renewal or closure;
- the authorizing board’s meeting schedule and other key decision points;
- applicable open-meeting rules or other notice provisions in the statute or contract;
- the number of days allowed by statute or policy for a school to indicate its intent to file an appeal; and
- the school calendar and the schedule for parents to exercise other school choice options.

**3. Stay Informed.** When carefully constructed plans go awry, it is the authorizer’s command of facts and relevant information about the school that can put the process back on track. An authorizer must stay informed of the status of a school facing closure at all times to anticipate key concerns, such as whether the school has enough funds to make it to the end of the school year. An authorizer’s monitoring systems should be strong enough to pick up indications of potential problems before they can undermine the school. If not, the authorizer should procure the needed capacity or institute mandatory self-reporting by the school to serve as an early-warning function. The authorizer should build an information-access provision into the charter agreement, if allowable. Equipped with proper information, the authorizer is better prepared to persuade, cajole, direct, arbitrate or assume other roles as necessary to fulfill its responsibilities. These facts are also useful in constructing a wall between the authorizer and efforts to exert political influence on the closure process.

## Timing Wildcards

Admittedly, it is easier to write about closure than to execute it, especially if the authorizer is carrying out a closure for the first time. Unexpected variables can arise that make reasonable planning difficult if not impossible. Considering these potential wildcards reinforces the wisdom of planning authorizer closure practices far in advance of an actual closure situation. Following are general practices that can help authorizers minimize common wildcards and manage them when they do arise:

**1. Build in More Time to Listen.** Lack of cooperation from an understandably upset school is only one factor that can stretch a closure decision longer than anticipated. Unexpected delays and issues also may arise from within the walls of the authorizer's shop. Some staff may not believe closure is the right decision based on their understanding of the facts, law or policy. Philosophically, some authorizer employees may be of the "let a thousand flowers bloom" mindset in their personal vision of the charter movement, or may simply always want to give the benefit of the doubt to the school. Ensuring that staffs have the opportunity to voice their opinions fully helps to alleviate frustration and complications that can result from staff discord. Another option may be to employ outside consultants to lend objectivity and detachment to the evidence-gathering and decision-making process.

An authorizer will also need time to brief its governing body or chief executive on its closure recommendation, and then gather more evidence to satisfy their questions and concerns. Authorizers should not expect the final decision-makers to be as familiar as staff with the closure situation, facts and policy nuances, and so should come prepared with a logical but succinct presentation of the case. Such work will not be wasted and may well be the basis for a subsequent public presentation of the closure case, or a response to an appeal.

**2. Consult with Legal Counsel.** An authorizer may want to consult with its counsel or labor or bankruptcy attorneys to be certain applicable state and federal legal requirements related to worker notice and other matters are followed and incorporated into the authorizer's timeline. While some of these notification requirements may be an obligation of the school's governing body, an authorizer should take care to avoid creating a situation where the school could violate the law or the terms of any collective bargaining agreement by following the authorizer's timeline. Counsel can also highlight liability and administrative procedure issues that need accommodation.

**3. Communicate with the School's Governing Board, School Leader, and Lawyers.** Charter schools facing potential closure often feel overwhelmed by the perceived vast resources of their authorizer, and so turn to lawyers to communicate with the authorizer and represent their case. School lawyers are the norm in today's litigious society, and can be helpful to the authorizer as well as its client. Lawyers who are not extreme advocates may be far more rational than their clients in assessing the school's odds of overturning the authorizer's closure decision. This may make them easier to reason with regarding closure procedures, appeals and ground rules than a school staff whose positions may have hardened. As professionals, lawyers are expected to follow ethical rules even when flying a "Save Our School" flag, and usually will not want to engage in the scorched-earth tactics that may seem appropriate to school personnel who are fighting for survival. Lawyers tend to focus on the big picture, and this is exactly what the authorizer must do as well — dispassionately communicate the facts and policy that comprise the case for closure.

Working in the interest of their client, a charter school's lawyer may delay and derail timing and procedures in an effort to gain a perceived advantage. The authorizer must convince the school that sticking to the closure timeline is in everyone's best interest, check the opinions of the school's lawyer against its own, and keep all involved focused on the ultimate determination rather than be derailed by an errant piece of data or other extraneous details. Authorizers must also understand that if a school

lawyer exercises the option of engaging in litigation specifically designed to prevent the authorizer from closing a school, such as filing an injunction against the authorizer, then all bets regarding the timing of school closure are off until the litigation is decided.

**4. Anticipate the Politics of the Situation and Educate Political Stakeholders.** Politics are the true timing wildcard of school closure. The politics of a school closure are often predictable. For example, in a voluntary closure situation, politicians who are typically opposed to charter schools may have heard from parents in their district and then seek to keep the school open. Conversely, politicians and organizations that generally support charter schools may oppose the authorizer because they disagree with a particular closure decision. Both opponents and proponents of school closure may come from the highest levels of the legislative and executive branches of government. To successfully weather this storm, the authorizer must have a strong policy in place that allows the closure decision to stand, as justified by solid supporting evidence. It may be tempting for an authorizer to adopt the arguments of a traditional political opponent that supports the closure at hand, such as a school district that opposes charter schools and wants the school at issue to be closed. To the extent possible, the authorizer should resist engaging in the individual or situational politics of the many stakeholders who will weigh in, and should seek help from other authorizers if needed.

One goal of the authorizer must be to educate the various politicians, advocates and the school itself on the fact that delaying action on the closure decision will not serve the interests of the children and could jeopardize the availability of other school choice options. Given the level of competition for good school options, the parties opposing the closure are not likely to be successful in extending deadlines or reserving seats for charter school children who miss the normal admissions deadlines. Even school districts should not bend the rules or set aside seats to accommodate charter school parents who intentionally miss deadlines to show support for a school faced with closure. Such accommodation penalizes non-charter parents who are exercising their own form of school choice. However, if a fair and equitable solution can be worked out, such as a uniform extension of a deadline to all parents within a district, an authorizer may support extending that courtesy.

As both the closing school and its authorizer have in some sense failed the school's students and parents, it is incumbent on authorizers to try to accommodate their needs if at all possible. Sadly, many parents believe unrealistically that they or the school will be able to overturn the closure decision and do not exercise their choice options, ultimately winding up in schools of last resort. That is why good authorizers maintain communication with parents, and if the school is not cooperative in this regard, take action to directly communicate with them (see Chapter 5).

**5. Build in Time for Reasonable Delays.** Authorizers must know which deadlines are more important than others and which may be waived or modified. For example, if the authorizer's governing board is meeting on a certain date that cannot be changed, and moving a decision to a later meeting will throw off the closure timing completely, that must be made clear to the school up front. Similarly, if moving a less important deadline — such as allowing an extra week to respond to a draft non-renewal report — then the authorizer should give the extra time, perhaps earning a little goodwill in the process.

**6. Deal with Unexpected Closures When Necessary.** A relatively new closure phenomenon has emerged in which external governmental actors (such as a state auditor or an Attorney General) try to bring about the closure of a charter school. An authorizer facing a closure situation triggered from the outside should ask itself fundamental questions about whether it is fulfilling its statutory oversight role for the charter schools in its charge. An authorizer that is proactive about monitoring all charter schools and closing failing ones reduces the likelihood of externally triggered closure attempts, and invariably finds itself in a stronger position than an authorizer that takes no action until externally pushed.

The overall lesson of such worst-case scenarios is that closure is a necessary part of authorizing. While active planning for closure need not start the moment an authorizer approves a charter application, the potential for closure as a consequence of failure should be explicitly recognized from the beginning. Fleshed-out closure processes and protocols should certainly be in place by the time an authorizer is contemplating renewal or other reviews that could end in closure. Authorizers must have resources and practices in place to handle both expected and unexpected school closures, including capabilities to effectively monitor school performance, fiscal health and governance. Lastly, authorizers are advised to plan accordingly and allot more time than anticipated for most tasks.

### **Creating and Carrying Out a Transparent Process**

When dealing with any closure, an authorizer should retain transparency in all aspects of the decision. Several actions and practices contribute to an effective and transparent process:

**1. Guide the Process with Clear, Strong and Consistent Policy.** Authorizers need both internal and external written policies and procedures for renewal, revocation and any other situation that may result in closing a school. These must explicitly detail the pitfalls schools should avoid, and should be part of the authorizer's information flow to its schools. If a school only learns that it is likely to be closed when it is too late to do anything about it, then the authorizer has failed, even if it has met its strict legal obligations. Schools, their employees, parents, investors and other stakeholders should not have to guess about the future — they should be able to read the proverbial writing on the wall to know where the school stands and take corrective action when needed. Just as schools need to know the academic, fiscal, legal and other performance or compliance thresholds that result in closure, authorizers must know their roles and responsibilities thoroughly, even though some are not often exercised.

Authorizer policies and procedures should be flexible enough to deal with a reasonable range of unusual situations that may arise. For example, if the authorizer needs to assemble a review team to make another visit to a school facing closure, it should have the discretion and resources to do so. Similarly, if a school's performance is abysmal and the authorizer has all the evidence it needs, its policies should not force it to conduct an unnecessary visit. When things do not go as planned (and they often do not), producing a situation not explicitly covered by the authorizer's policies, the authorizer should follow its mission statement. An authorizer that is visibly evenhanded and consistent will be able to push the envelope farther than one whose behavior appears aberrant.

**2. Be Consistent.** An authorizer's process should apply the same standards for closure to all its schools. This is true from a moral perspective, for public perception and potentially as a defense to an appeal. If an authorizer treats schools with similar academic performance or financial problems in different ways, it can give credence to allegations of discrimination, placing the authorizer in the unenviable position of having to prove it is not biased. To keep such distractions to a minimum, the authorizer should review its past closure experiences each time it faces a new decision. If the authorizer's approach or policies have evolved, it should articulate the reasons for the changes.<sup>30</sup>

**3. Fully Document the Decision and Evidence.** Every closure decision should be accompanied by a clear written explanation backed by a full array of current and historical evidence that justifies closing the school. Every aspect of the closure decision, including the rationale, details of evidence-gathering and how the consideration for closure arose may be called into question during an appeal or in litigation. An authorizer should be prepared for such scrutiny from the onset, fully justify its decision and not hesitate to cite evidence of school academic or operational failures or persistent internal problems. Lastly, if the authorizer must satisfy any statutory requirements to justify a closure, its report should detail how it fulfilled them.

In keeping with the mandate for transparency, authorizer policies should make public all reports supporting closure, including the details of the final decision, even if this disclosure is not required by law. The educational, emotional and political ramifications of closure actions demand it. This documentation also adds value to future closure decisions by showing other schools a precedent of high standards and the consequences for not meeting them. In addition, transparency reinforces consistency by allowing the authorizer to easily access its decisions and the logic behind them for future reference.

**4. Play the Devil's Advocate.** Internally reviewing and critiquing the evidence prior to making a closure decision only strengthens the process. If staff members raise counterarguments, the authorizer will be better prepared to address them when they are raised by the school in its initial response, on appeal or in court. This internal exercise may be structured as a presentation to the authorizer's chief executive or as a defense by the staff team responsible for renewal or closure. As with other parts of the process, time must be budgeted for this work. Authorizers should strive for consensus while allowing its policies to override minor sympathetic arguments to keep a failing school open.

A quality authorizer has nothing to fear from a transparent process. No authorizer should close a school based on invalid evidence, a flawed or unfair process, or for the wrong reasons. By exposing the authorizer's decision-making process to scrutiny, facts are clarified, mistakes corrected, misconceptions corrected and gaps in logic or evidence closed. It is easier to correct the record early in the process than to do so during the appeal phase (if there is one), when mistakes can mean waiting a school year or more before the authorizer can take action. Transparency also builds confidence among the authorizer's other schools — and within the public — that the process is fair and designed with the best interests of students in mind.

### **Making the Decision: The Authorizing Board and Opportunities for Internal Appeal**

When the authorizer has multiple tiers within its organization or is a legal entity staffed by a distinct but subordinate organization,<sup>31</sup> there are typically opportunities for the authorizing board to hear the case for school closure from the staff. These exchanges provide an additional level of oversight and scrutiny by allowing a fresh look at the evidence by the ultimate decision-makers, who have not been immersed in day-to-day oversight of the school. Following are key steps for authorizers to take at this stage to ensure a thorough review, including an opportunity for the school to present its case directly to the authorizing board:

**1. Present the Evidence.** The authorizing board should receive the staff's recommendation and a written report in advance, followed by a summary presentation of the evidence at a meeting of the authorizing board. After the presentation of evidence, board members may actively question staff regarding the recommendation. Such a system, whether structured as an internal appeal or as general due diligence, affords a rare opportunity for staff to educate the decision-makers about its closure practices and the overall benefits of taking action to stop the perpetuation of school failure. The staff may have to summarize and refute novel arguments made by a school to stay open, or address aspects of the closure decision questioned by a member of the authorizing board, all of which are likely to be raised on appeal or in litigation. If defects in the process or evidence are discovered, they may be remedied at a subsequent meeting by gathering more evidence or presenting the same evidence better.

**2. Provide an Opportunity for Internal Appeal.** A school should have the opportunity to present the final decision-makers with facts, explanations or legal arguments that make the school's case. Assuming the staff has used sound reasoning supported by a deep fact base, it should have nothing to fear from parent, community or school district input. Regardless of whether it is required by statute,

an open and transparent process will give the public a window into the authorizer's high standards and the rigor and judiciousness of its decision-making.

Another advantage of an internal appeal is that it may satisfy the school that the authorizing board — a relative third party in such situations — has heard its arguments and weighed them fairly against recommendations by the staff that conducted the closure review. This may help dissipate the school's desire to press the appeal further or resort to litigation. If preceded by adequate notice, the internal review may also satisfy some due process requirements.

**3. Document Each Step of the Review.** The authorizer should keep a record of all closure decisions, proceedings and related material received by the authorizing body and its staff, including meeting minutes and any internal appeals. Any final public report on the closure decision should explain the review process and any internal appeal proceedings, including a summary of the arguments made in defense of the school.

Implicit in allowing for such extensive proceedings is that the authorizer can reverse course after any of these points. Thus, the authorizer's policies must allow for such flexibility or discretion without having to restart the entire closure review or wait another school year. Whatever the layers of internal review or appeal, an authorizer's policies on closure should make clear when the authorizer has issued its final report and made its final decision, which typically triggers any right to a formal or statutory appeal.

To ensure that valuable lessons are not left behind, after each significant stage of the process the authorizer must debrief, document its learning, shore up weaknesses and adjust budgets accordingly to remedy any resource issues. Like any other authorizer process, school closure should not be static — it should evolve and improve every time an authorizer has to close a school.

### Formal Appeals

Formal external appeals of closure decisions or charter revocations exist only because a state statute permits them, making them an intended part of the authorizing process. Preparing for such appeals will prepare the authorizer for any other legal wrangling. This section provides some perspectives and advice on formal appeals, for authorizers in states that allow them.

Like informal reviews, appeals to a neutral third party (administrative appeals) or a court (judicial appeals) serve important purposes, not the least of which is providing a balance on the power of an authorizer. Even the threat of an appeal can be a useful check on the authorizer's work. It makes the authorizer rigorously prepare to defend its closure decision, and should over time improve the quality of all closure decisions. For the authorizer that has done its homework in the earlier stages of the closure process and throughout the school's charter term, the hard work is done and there is nothing to fear from an appeal.

Appeals should not be a deterrent to undertaking a school closure; rather, they can be viewed as an opportunity to validate the authorizer's work. The appeal may serve as a forum to review any issues that may have been overlooked. It may provide both sides with an opportunity to address the closure more publicly. Appeals also reinforce the concept of transparency. While it is not possible in this chapter to completely prepare an authorizer for even the non-legal aspects of an appeal, the following overview may be helpful in preparing for an appeal:

**1. Types of Appeals.** Initial appeals, whether administrative or judicial, generally fall into two categories: a) appeals as of right, or automatic appeals; and b) permissive appeals that require an application to the court or body that will hear the appeal, and which may be granted or denied. In some states, before an appeal will be heard the school must exhaust its internal administrative remedies, which may involve the authorizer or another entity. Most later-stage judicial appeals are permissive.

**2. Characteristics of Appeals.** All appeals should share similar characteristics. The authorizer should give specific notice to the school of its right to appeal, including any related time restrictions. The authorizer should keep a public record (which may consist of minutes, electronic recording or stenography) of all appeal proceedings and the submissions of both the school and the authorizer. These records can facilitate later appeals, provide source material for other schools facing closure and provide transparency for the public.

As part of an appeal, the school facing closure has an opportunity to be heard and present evidence. The appeal authority may reasonably limit the presentation in terms of time, page limits or other restrictions, such as not allowing oral testimony. Facts, judgments and arguments presented by the authorizer during the appeal should be consistent with those used for the initial decision, but may be augmented. For example, an authorizer should not base closure on poor academic performance initially and then, when faced with spruced-up data by the school, shift its argument to financial difficulty. Rather, an authorizer should either make both arguments in the initial decision and supplement later as needed, or stick with one strong argument throughout.

**3. Staff Input on Appeals.** As with its other functions, the authorizer's staff should have input into the substance of the appeal. However, to set consistent practice or standards for other potential closures, it may be important that arguments or evidence be presented in a certain way or that there be no internal negotiation on certain topics. Such parameters must be made clear to those handling the appeal.

**4. Formal Appeals Signal Finality.** For a school facing closure, the administrative appeal is likely the school's last best chance of surviving. Schools may more readily accept the loss of an administrative appeal because they have tried everything and exhausted their options. Having had their day in court, the governing body of the school may now be ready to both stop fighting and wind up affairs in an orderly fashion.

Moreover, political constituents of the school may now be satisfied that the school has done all it can to challenge the judgment of an authorizer that thought it knew better than parents and the community. Given this, an authorizer should not dread an appeal; rather it should prepare for it and view it as an opportunity to wrap up a thorough and fair process.

**5. Formal Appeals May Mislead School Communities.** Unfortunately, some schools facing closure can and will waste time and resources on an appeal that has little chance of success, to the detriment of students and the broader constituency. Instead of focusing on the realities of closure, they may be misled by their supporters into believing the school will not close. The authorizer is then challenged to counter this perception without appearing biased against the school or the appellate process.

An authorizer need not trade blow for blow with the school at any stage of the process. Once the authorizer has amassed the evidence and made the case for closure, it should focus on closing the school (or keeping it closed) — avoiding distraction from the merits of the case. The authorizer must also continually reinforce to the school's board, administration or attorney those items that must be handled properly to avoid jeopardizing students if the appeal fails. These may include gathering student records and providing information about other school options for the students.

**6. Gain Knowledge of the Appellate Process from Counsel.** Most appeals are won or lost before they are ever submitted to a hearing officer, court or other appellate body. The authorizer must know the appellate process thoroughly, including the rules of evidence and the standards that the appellate body will apply to its work. For example, the authorizer's decision may be automatically upheld unless it is determined to be "arbitrary and capricious," unsupported by the evidence or discriminatory according to a legal definition. The authorizer must have some idea of how these terms translate into actual practice. The burden of proof is usually on the school requesting the appeal, but the authorizer must ascertain this. Explanation of these matters is the role of the authorizer's lawyer, who may be in-house, outside counsel or assigned by the state, such as the state attorney general.

Most important, the authorizer must know whether the appellate review will take in original evidence that the authorizer must prepare, draw solely upon the previous record of the closure decision, or follow other rules. These procedures determine what and how evidence is introduced or excluded, and the authorizer must build such consideration into its planning from the beginning of the closure process. An authorizer should consult its lawyer about appellate issues when it first believes it will undertake a school closure; this will help chart a course for all subsequent steps, including appeals.

**7. Educate Your Lawyer About Closure.** The authorizer may also need to educate its lawyer about charter schools, the authorizing role, the state charter statute and relevant federal laws. This is especially true if the lawyer is not in-house, such as when the authorizer is defended by a state attorney general. Do not expect that your attorney will know as much about authorizing and closure as you do.

While many appeals are decided on arcane points of law or procedure, your attorney must be versed in the facts of the closure, the authorizer's processes, and the claims and actions of the school at issue. The authorizer's staff, even if not attorneys, should read any appellate briefs and question anything that strikes them as factually inaccurate. Not all attorneys will expect such input and should be told in advance and advised to build it into their briefing schedule. Remember, the authorizer is the client, even if it is not directly paying the legal fee.

A few important points on educating the lawyer about closure:

- a) It will take time, which the authorizer will need to build into its internal timeline;
- b) The authorizer may need to retain an attorney sooner than normal or demand one with experience in the matter; and
- c) The authorizer needs to think about which staff internally will manage this work.

Last, if there has been a mistake by a member of the authorizer's team, or if the school does have a valid argument against closure, promptly bring that to the attention of your attorney. It may not be as bad as the authorizer believes, and the attorney will be able to better prepare the appeal if all the weak spots are known.

### Conclusion

Schools facing closure can feel trapped, and are not likely to easily give up a cause they are committed to. Their lawyers can turn to risky or untried maneuvers to keep the schools open. They may challenge the constitutionality of the statute that established the authorizer, or attack the authorizer as prejudiced or acting unconstitutionally. A school's lawyers may try to procedurally outflank the authorizer by filing preliminary injunctions to prevent the closure, attempt to get the school into court sooner to avoid administrative proceedings that will not likely go the school's way, or even turn to the legislative branch to keep the school open. At a certain level, such legal devices are simply distractions that must be endured. The defense is simple — hire an experienced lawyer, stick to the facts, rely on the mission, and remain focused on the best interests of students. The hard work of gathering evidence and building the case for school closure is done.

If this chapter has given the impression that timing, process and appeals related to charter school closure are difficult and take considerable effort, it has relayed the correct message. However, if an authorizer chooses not to invest in these steps to properly close a failing school, it will jeopardize the ultimate goal of protecting students' best interests. There is no substitute for careful planning, diligent execution and follow-through.

# 3

### ABOUT THE AUTHOR

Ralph A. Rossi II, Esq. is Vice President and General Counsel to the State University of New York's Charter Schools Institute. Formerly with the New York State Office of Inspector General, Mr. Rossi has guided the Institute's efforts in charter contracting, monitoring and making renewal decisions since 2004.

### ENDNOTES

- <sup>27</sup> The types of formal appeals (if any) available to charter schools facing closure are dictated by state law. This chapter discusses both a) informal, internal appeals that an authorizer may allow at its discretion; and b) formal, external appeals that may be provided for in state law.
- <sup>28</sup> If legally allowable, it may be possible for an authorizer to use the charter contract to shorten a school's charter term (if the maximum statutory term could potentially permit too many years of poor performance).
- <sup>29</sup> Bankruptcy, whether voluntary or involuntary, is a highly specialized area of law (and school closure) and is beyond the scope of this publication. Legal counsel is always needed when dealing with a school bankruptcy situation, or to determine whether a school can declare bankruptcy at all.
- <sup>30</sup> Changes in policy may intersect with contract law or state statutes in a situation like the following: If a school's accountability plan is part of its charter, and the authorizer would like to increase minimum performance expectations mid-term, the authorizer may not be able to do so without the assent of the school, or it may have to wait until renewal when another charter contract is executed. While proposed adjustments may be requested for reasons unique to the school in question, without a clear explanation of those reasons observers unfamiliar with the circumstances may perceive them as evidence of different standards for similar schools.
- <sup>31</sup> Examples of the latter include the Center for Charter Schools at Central Michigan University and the Charter Schools Institute of the State University of New York.

## CHAPTER 4

4  
CHAPTER 4

# Reaching **Closure Decisions:** The Roles of Authorizing Boards and Staff

*Edward F. Cox & Randy A. Daniels*

## CHAPTER 4 GUIDANCE

- Boards should have a clear renewal policy and process.
- Anticipate lobbying efforts.
- Allow for additional input following staff recommendations.
- Base decision on body of evidence.

In a nation where the demand for quality public education far exceeds available supply, the success of every charter school matters. Recognizing this, charter authorizing boards are giving greater attention to their most fundamental accountability role: closing failing schools.

At the end of each closure, the strongest authorizing boards and executives *know* their decision to close a charter school was sound, based on the evidence they heard, the policies that guided them and a focus on the best interests of children. This knowledge does not always come easily, yet it is essential to discuss and ultimately reach closure decisions in public. Doing so underscores an authorizing board's commitment to transparency and ensures that members of the school community can hear decisions first hand.

This chapter focuses on the role of authorizing board members and the importance of professional staff work in preparing them for making charter renewal decisions.

### Effective Policy and Transparent Process

If the best interests of children are the focal point for closure, a comprehensive renewal policy and transparent process are the tools of the trade. With so much at stake and so many stakeholders involved, renewal decisions cannot be handled by any authorizer in an ad-hoc fashion. A consistent, comprehensive and transparent approach is essential for authorizing boards, particularly when it comes to making a recommendation of non-renewal.

Multiple factors figure into a renewal policy. Renewal must align with the fundamental promise of charter schools — independence and autonomy in exchange for performance accountability. Renewal actions must reflect the priority to put the best interests of children first. Expectations must be clear and consistently communicated to all stakeholders.

The State University of New York (SUNY) is one of the nation's largest authorizers and one of two statewide authorizers in New York. SUNY has voted to not renew the charters of 7 out of its 56 authorized schools opened to date, leading to their closure. A quick overview of the renewal policy followed by SUNY provides a reference point for exploring the roles of authorizing boards and the staff that supports and informs them:

#### Building Blocks of SUNY's Renewal Policy<sup>32</sup>

- Formalized process by which schools set goals and measures for academic progress.<sup>33</sup>
- Specific renewal criteria benchmarked to practices in successful schools.<sup>34</sup>
- Regular reporting on the school's progress to the school and community.<sup>35</sup>
- Distinct criteria set for initial renewal term, recognizing that new schools often have limited or ambiguous data available. (Data clarity is expected to improve as the school establishes a performance record.)
- Clear communication at every step of the review process — from the receipt of the renewal application to the final decision by the authorizing board.

An authorizer's renewal policy sets the framework within which each authorizing board and staff operates. It is important for each authorizer to present this policy and framework clearly in a document and distribute it widely in order to convey the authorizer's expectations of high standards and meaningful accountability to its schools and the community. For example, the SUNY renewal policy is distributed to all schools, featured in a comprehensive Renewal Handbook and posted online. For the policy to be clearly understood and fairly applied, it must be well-documented, highly visible, and provided to all charter schools as early as possible. This means that new authorizers should make it a priority to develop and publicize their renewal policy as soon as the outset of a charter term. Authorizers that have been operating longer should automatically provide their renewal policy to all charter applicants and newly chartered schools, so that all schools are fully informed as to the charter renewal criteria and process from the day they begin operating.

#### Structuring the Renewal Evaluation Process

The diverse authorizers across the country have widely varying capacities and resources, ranging from a small charter office in a school district or state education agency to a robust authorizing board supported by a full professional staff led by a chief executive. Regardless of these organizational differences, all authorizing boards should develop ways to build multiple tiers into the charter renewal evaluation process, in order to engage multiple participants and provide broad expertise in the evaluation of data and other factors to be considered.

For example, a system in which staff makes recommendations to a committee of the authorizing board creates checks and balances that give the board greater confidence in the recommendations it considers. This approach also allows for charter school arguments against a closure recommendation to be handled at different levels of the authorizer's organization, allowing the determination of the authorizing board to stand as final.

An authorizer's renewal policy and framework should ensure that no school is ever surprised by a non-renewal recommendation. For example, the SUNY Charter School Institute staff conducts periodic inspection visits at each school over its initial five-year charter term, with the inspection protocols and the resulting school evaluation reports guided by the authorizer's renewal decision-making criteria.<sup>36</sup>

### Overview of SUNY's Charter Renewal Process

- 1) The Charter Schools Institute reviews a school's application for renewal in conjunction with data and records on file for the school, including previously completed school evaluation reports.
- 2) The Institute conducts an extensive and comprehensive renewal inspection visit at the school in the final year of its charter. The four-day site visit follows a structured protocol and is conducted by a team of Institute staff and external consultants including experts in education, finance and school law.
- 3) The Institute prepares a draft Renewal Report based on all available data accumulated over the current charter term and the evidence gathered during the renewal visit. After internal review, the Institute sends the school the draft Renewal Report with a preliminary renewal (or non-renewal) recommendation.
- 4) The school is invited to comment and offer factual corrections to ensure the accuracy of evidence provided in the draft Renewal Report, generally within 10 to 14 days:
  - The school may submit factual corrections, opposition arguments and additional evidence.
  - In the case of a non-renewal recommendation, the school may invite Institute staff members to a meeting of the school community to hear a presentation by the school community.
  - The Institute adjusts the report and/or recommendation, as appropriate, to produce a Final Renewal Report, which is sent to the school and the Committee on Charter Schools.
- 5) The Committee on Charter Schools (a committee of SUNY's Board of Trustees) considers the Final Renewal Report and acts on the Institute's recommendation regarding renewal:
  - In the case of a non-renewal recommendation, the school may request to be heard by the Committee.
  - The Committee accepts or denies the request, and usually asks the school to put its appeal in writing to the Institute.
  - The Institute presents its recommendation and evidence at a Committee meeting. If the school has submitted a written appeal, the Institute presents its response to the appeal.
  - Committee members may ask for remarks from a representative of the school.
  - The Committee takes action on the Institute's recommendation and forwards its recommendation to the full SUNY Board of Trustees.
- 6) The SUNY Board of Trustees considers and acts on the Committee recommendation:
  - The Institute senior officer presents the evidence, typically with comment from Committee Chair.
  - The full board votes after discussion.

Through these site visits and annual performance data, the Institute can identify any schools in danger of non-renewal before the end of their third year of operation. The Institute then notifies any schools in this category of their status and offers to make a special presentation to the school's board detailing issues that are endangering the school. Some schools in danger of non-renewal receive an additional school visit in the fourth (second-to-last) year of their charter. Finally, at the end of the renewal visit conducted in the fifth

and final year of a school's initial charter, Institute staff directly share their preliminary observations with the school's leaders and board chair.<sup>37</sup> All of these actions precede the submission of a renewal recommendation to the board.

### **Responding to Lobbying in the Renewal Process**

Despite such efforts to give schools plenty of notice about problems and plenty of opportunity to improve, many charter schools are still stunned when they see the words “non-renewal” in a draft report at renewal time. The response is in many ways akin to the seven stages of grief: first shock, then denial, and so on. The prospective closure of a school is almost always dismaying to the school community. Upon hearing of the non-renewal recommendation, the school community will likely begin a lobbying effort to try to change the recommendation. Parents, students, and community groups are likely to rise up in vocal protest and community and political leaders will pressure the authorizer to keep the school open.

At this stage or earlier, it is critical that authorizing boards begin a dialogue with executive staff to prepare for the school's lobbying efforts. Staff members who deal regularly with school personnel may need encouragement to maintain a dispassionate perspective. Regular conversations between the authorizer's board and staff can prepare the entire team for a process that quickly becomes emotionally charged. Such dialogue also keeps board members apprised and knowledgeable of the process as it unfolds. This information pipeline becomes particularly important once pleas to keep the school open begin to reach the authorizing board.

Lobbying typically comes in the form of phone calls from elected leaders, letters from parents and handwritten pleas on colored construction paper from young students who love their school. Authorizers that hold community meetings or public hearings should be prepared for emotional outpourings by parents, students, school staff, and community members or leaders. News reports of varying focus will appear, ranging from pleas from parents, students and faculty to keep the school open to investigations into inadequate test scores or other problems that have suddenly become quite public. On the flip side, the authorizer may also receive calls, letters and emails supporting non-renewal from parents dissatisfied with the school, or — in the case of non-district authorizers (like SUNY) — from the superintendent of the district in which the school is located.

Such reactions are to be expected, and can quickly escalate to the level of an emotional battle that may tempt authorizers to delay their decision or veer from the evidence that has been collected over the charter term. It is incumbent upon the entire authorizer team to strive for objectivity, while remaining open to additional evidence on all sides of the case.

A thoughtful renewal policy and transparent processes are an authorizer's best tools. While the drama and political pressure that come with school closure are real, the decision itself takes place in the realm of policy, where clear criteria, a dispassionate review of evidence and transparent processes can come together to advance the best interests of students.

### **Weighing the Evidence**

As the process unwinds, the time approaches when the authorizing board is faced with the closure decision itself. Prior to making that decision, authorizing boards and their members must carefully review the evidence and other materials supporting the staff recommendation for closure. This evidence should include a comprehensive school description that provides a historical narrative of the school, including enrollment and grades served over time and a summary of key demographic data. The remainder of the evidence should summarize the school's performance over the term of the charter — its academic attainment and improvement, data on student learning growth over time, organizational effectiveness and fiscal soundness — and the school's plans for the future.

This evidence in its totality is likely to be extensive. For more efficient review, the authorizing board may ask its staff to prepare an addendum that lists the school's current board of trustees and provides an at-a-glance look at the school's performance as compared to agreed-upon goals. Such an addendum or overview is useful because it focuses on two priorities in renewal decision-making:

- First, it focuses the authorizing board's attention on the school **governing board** — the holders of the charter. There is strong anecdotal evidence that many school failures are either directly or indirectly the result of poor board-level leadership or stewardship.
- Second, an at-a-glance performance overview focuses the authorizing board's review on **academic achievement outcomes**, rather than inputs. This addendum enables the authorizer to review trends over time and question unusual indicators, such as a school achieving two consecutive years of positive progress, then experiencing a sudden drop in test scores. The addendum should also allow the authorizing board to evaluate how the school performed in comparison to the local school district and similar schools state-wide.

To aid its evaluation, the authorizing board should take full advantage of the professional expertise of its staff. The board should ask staff to provide additional information that supports their written recommendation and to provide all possible documentations of trends on state assessments or other measures of academic growth.

### Making the Final Decision

At this point, the authorizing board will be prepared to act on the staff's recommendation.

In most cases, after carefully evaluating all the evidence prepared by staff and reviewing new information revealed through follow-up questions and the school's written and oral testimony, the authorizing board reaches the same conclusions as its staff and votes to close the school.

However, there are occasions when the authorizing board may, in its discretion, reach a different conclusion from the staff recommendation. Such a decision does not diminish the validity or accuracy of the staff work or the value of the board's renewal policy, framework and processes. The staff is charged with making recommendations in accordance with policy. Their diligence actually frees the authorizing board to exercise its judgment to move in a different direction. If the renewal policy is strong, well-communicated and consistently applied, departures from staff recommendations will be rare exceptions.

When staff recommendations ensue from a clearly stated renewal policy and framework, it keeps the onus of responsibility for the school's performance where it belongs — on the school. Too often authorizing boards find themselves reviewing a school that has consistently failed its students and whose board cannot identify the school's shortcomings but instead pleads, "Just tell us what to do and we'll do it." Authorizers execute their duty appropriately by setting the standard, but leaving schools to find the best ways to meet it. Just as authorizers must be prepared to hold schools accountable, schools must be able to make the most of the independence and autonomy they have been given.

Charter schools must *earn* renewal. When they do not, it is the responsibility of authorizing boards to close them in the best interests of the children they serve. No policy itself makes the decision to close a charter school — in the end it is people who must make the difficult call. Yet with good policy, process and staff work behind them, authorizing boards will make thoughtful, fair decisions supported by sound data, and when the day is done, will *know* they did the right thing.

### ABOUT THE AUTHORS

Edward F. Cox and Randy A. Daniels both served as Trustees to the State University of New York and as co-chairs of the Charter School Committee overseeing the work of the State University's Charter Schools Institute. Mr. Daniels, formerly New York's Secretary of State, served on the board from 1997 to 2006. Mr. Daniels is a former international correspondent for CBS News and currently works with international real estate investments focusing on Asian markets. Appointed to the board in 1995, Mr. Cox is a partner in the Manhattan law firm of Patterson, Belknap, Webb and Tyler, LLP. Mr. Cox continues to serve as a Trustee and as chair of the Charter Schools Committee.

### ENDNOTES

- <sup>32</sup> *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the Board of Trustees of the State University of New York*, SUNY Charter Schools Institute, [www.newyorkcharters.org/schoolsRenewOverview.htm](http://www.newyorkcharters.org/schoolsRenewOverview.htm).
- <sup>33</sup> *Guidelines for Developing an Accountability Plan*, SUNY Charter Schools Institute, [www.newyorkcharters.org/schoolsAccountability.htm](http://www.newyorkcharters.org/schoolsAccountability.htm).
- <sup>34</sup> *State University of New York Charter Renewal Benchmarks*, SUNY Charter Schools Institute, [www.newyorkcharters.org/schoolsRenewOverview.htm](http://www.newyorkcharters.org/schoolsRenewOverview.htm).
- <sup>35</sup> *School Oversight and Evaluation*, SUNY Charter Schools Institute, [www.newyorkcharters.org/schoolsPubsReports.htm](http://www.newyorkcharters.org/schoolsPubsReports.htm).
- <sup>36</sup> *Charter Renewal Practices*, SUNY Charter Schools Institute, [www.newyorkcharters.org/schoolsRenewOverview.htm](http://www.newyorkcharters.org/schoolsRenewOverview.htm).
- <sup>37</sup> For schools that have been renewed and thus are operating in subsequent charter terms, the Institute adjusts its oversight to the circumstances and performance record of each school, while maintaining overall focus on the renewal criteria.

CHAPTER 5



5  
CHAPTER 5

# Supporting Students and Families through the Closure Transition

*Justin Testerman*

CHAPTER 5  
GUIDANCE

- Set students and parents as top priority.
- Identify transition team.
- Define transition plan.
- Communicate options.

For many parents who exercise it, school choice is a lifeline — a critical chance to realize their hopes and dreams for their children. Unfortunately, not every charter school fulfills its mission and promises to the community, and as a consequence, some schools must be closed.

While it is true that closing a low-performing school ultimately serves the best interests of students and families, it can also cause them a great deal of hardship and distress. School closure tears the fabric of everyday life for these families, disrupting their educational continuity, social networks, daily routines and more. The closure of a low-performing charter school can send shock waves throughout an entire community. Closing a school often unleashes a sense of grievous injury to the community, as a trusted public institution fails and families that may already be vulnerable are left feeling even more disenfranchised. Because of this, authorizers must do their utmost to protect the best interests of displaced students and ensure successful transitions for all. The students and parents caught in the trap of a failed school should not be punished for the school's shortcomings. They deserve nothing less than individual assistance to transition smoothly from a closing charter school to a viable education option.

*“I’m just so disappointed. I chose to go with charters because I trusted that it would be a more personal experience. This is something I would have never imagined would happen to us.”<sup>38</sup>*

– Parent of student in a closed charter school

The authorizer must address the concerns of many different stakeholders throughout the closure process — the school employees who lose their jobs, the landlord stuck with an empty building, creditors gone unpaid and most important, the students and families left without a school. It is essential to remember that students and their families are most deeply impacted by closure, and deserve authorizers' attention and support throughout the entire process. When a charter school fails, the authorizer must focus not only on the “business” or operational aspects of the closure, but also on the human side — ensuring that every student is placed in an appropriate school. Indeed, overseeing satisfactory transitions for all students is a central closure responsibility for authorizers.

This chapter will discuss several important ways that authorizers can use their limited resources to support students and families effectively through the transition to a new school. These include working closely with school staff to coordinate transition tasks and ensure that student records are handled appropriately, educating parents about available educational choices, and collaborating with the local education community to facilitate student transfers.

The following actions are essential for authorizers to minimize the burdens students and parents face when their school is closed and pave the way for a smooth transition to their new school:

- Establish Students and Parents as the First Priority
- Create a Student Transition Committee and Transition Plan
- Use Leverage When Necessary
- Secure Student Records
- Communicate with Parents and Students
- Hold Community Meetings
- Organize a School Choice Fair
- Consider Your Timing

This chapter will discuss each of these important steps in some detail.

### **1. Establish Students and Parents as the First Priority**

School closures are almost always contentious and often engender a climate of fear and distrust between school operators and authorizers. All parties agree, however, that the interests of students and families must come first. The authorizer can be a powerful advocate for the interests of those attending the school by establishing and safeguarding this priority, which should be communicated clearly and consistently to the school and the community. This starts before the closure notice is served by appointing a single person on the authorizer's staff to serve as the School Closure Coordinator. This individual coordinates the entire closure process, including support services to students and families, and serves as the single point of contact with the authorizer. The School Closure Coordinator should be equipped with clear and consistent messages — concise talking points are helpful — describing why the authorizer is closing the school and what actions it is taking to help parents identify an appropriate educational placement for their child. The size and scope of the School Closure Coordinator's job will vary depending on resources and the circumstances and needs surrounding each closure, but they can range from the bare minimum discussed in this chapter to a full-time office at the school throughout the closure process.

## 2. Create a Student Transition Committee and Transition Plan

Immediately following the announcement of the school closure, the authorizer should move to form a Student Transition Committee consisting of members of the charter school's board and leadership as appropriate, the School Closure Coordinator, parents and members of local charter support organizations. The Student Transition Committee will assist the authorizer in planning all activities related to student and family support during the closure process and will actively engage parents, local media and the community. The authorizer will need to remain responsible for coordinating or overseeing the actual implementation of all plans to ensure their completion.

Engaging key school stakeholders in this process will help to increase trust in what are often tense and difficult times. It will also help to assure the school community that the authorizer holds the interests of students as a top priority and will thereby encourage students and families to take advantage of transitional services. Though some stakeholders are likely to be hostile towards the authorizer, the lasting benefits of working in a collaborative manner far outweigh the temporary discomfort authorizers may feel. The goal of the Student Transition Committee is to make the transition to a new school as painless as possible for students and their families.

The Student Transition Committee should move quickly to establish a Student Transition Plan that focuses on the single goal of getting students enrolled in a new and appropriate school as quickly as possible. Where possible, the authorizer should work with quality local charter and district schools to establish enrollment preferences for students being displaced by the closure. The Student Transition Plan should include written communication to parents, multiple public meetings, individualized assistance to parents, and collaboration with the broader educational community. The plan should also take into account the specific needs of parents and families, such as providing written materials in appropriate home languages and offering meetings at different times of the day to accommodate parents with different work schedules. The authorizer should provide contact information for the School Closure Coordinator, so that all families have a direct line of support to answer questions and help them through the transition.

The Student Transition Plan must establish clear deadlines for key activities and should not be considered completed until every student has enrolled in a new school (except for cases where a student's parents have declined transitional assistance). The time sensitivity of the Student Transition Plan can be affected by the timing of the closure — be it a mid-year revocation or an end-of-charter non-renewal — but usually the plan must be implemented in a matter of days or weeks. Ensuring the continuity of every student's education is of utmost importance. The execution of the Student Transition Plan will happen in a very condensed time frame and will require special attention from the authorizer to ensure timely completion and satisfactory placements for all students.

## 3. Use Leverage When Necessary

In cases where the breach between the authorizer and the school operator is too great to permit effective collaboration, or when the operator is simply uncooperative, it may be necessary for the authorizer to use available leverage to ensure the Student Transition Plan is carried out. The threat of closure is one of the most important tools that an authorizer has to induce schools to take a specific course of action. It would seem that once this threat is carried out, the authorizer loses all leverage with a school, but this is not the case. For example, the authorizer may create leverage by working with the state Department of Education to withhold outstanding funding or final payments to the school until certain conditions are met, including completing implementation of the Student Transition Plan. Another potential lever may be to offer — conditioned on the operator's cooperation — a more favorable public-relations spin on the closure to help the operator "save face" in the community, though this may not be possible or advisable in cases of egregious mismanagement or fraud. When necessary, authorizers may need to find creative ways to ensure that the operators of a closing school cooperate in carrying out the Student Transition Plan.

#### 4. Secure Student Records

Student records contain sensitive, confidential information such as assessment and educational data, immunization and other health records, discipline records and information about families. These records are vital to appropriate student placement in a new school and to ensure continuity of all services a student may be receiving. Student records are private and must be handled in accordance with privacy rules set forth in the Family Education Rights and Privacy Act (FERPA).<sup>39</sup> Most states provide guidance on how student records should be handled in the event of a school closure.

State or authorizer policies often call for student records to be transferred to the school district in which the charter school is located, or alternatively, to the district in which the student resides. Whatever policy your organization or state has established, it is important to communicate it to the school as early in the closure process as possible. The School Closure Coordinator should work closely with the charter school and districts receiving the records to ensure an orderly, complete and secure transfer of records. If records are being sent to multiple school districts, the authorizer should require the closing charter school to submit a listing of where each student's record has been sent to allow for future tracking if needed.

#### 5. Communicate with Parents and Students

Parents of students enrolled in a school slated for closure (not to mention the students themselves) may feel angry, betrayed and confused. They often do not possess all the facts of the case or fully understand the requirements of charter school accountability. It is important to create and use simple communications tools (talking points, fact sheets) to maintain a clear and consistent message on the reasons for school closure. Communications with parents and students will need to be repeated and reinforced to ensure that your intended messages cut through the rumors, misinformation and superficial media coverage surrounding and often clouding the closure. Communicating promptly, clearly, accurately and frequently with students and their families — and being responsive to their questions and concerns — is an important supportive service that authorizers should provide to families throughout the closure process.

Communication with parents should take place both in writing and in person, and should be provided in the home language of the family. All written communications with parents or guardians should include information on:

- **Available educational options** — Authorizers should provide students and parents with a list of all available education options (district, charter, and private) with contact information, addresses, program descriptions, student performance data (test scores), enrollment openings and application deadlines for each school. The process of contacting local schools to gather information on enrollment availabilities — and where possible, to establish or negotiate enrollment preferences for displaced students — will also give the School Closure Coordinator the opportunity to communicate pertinent information about the school closure and will help receiving schools be better prepared to meet the needs of transferring students.
- **Student records** — Communications with parents should also include information on the transfer of student records and assurances regarding their privacy and safety. Information should also be provided to parents on where these records will be housed. The authorizer should identify the School Closure Coordinator as the contact person for any parent questions or concerns regarding student records.
- **Schedule of public meetings** — Communications with parents should publicize the dates, times and locations of multiple public meetings along with any other pertinent information such as the availability

ty of child care or transportation. As stated earlier, the authorizer should offer meetings on different dates and at different times of day to accommodate parents' varying work schedules.

The Student Transition Committee should determine if it would be more effective for the communications with parents to come from the school or the authorizer. If it is determined that it is best for communications to come from the school, the authorizer should take steps to ensure that these communications are distributed promptly to parents. If the communications are to be distributed by the authorizer, the authorizer should obtain a roster of student contact information and be assured that it is comprehensive and accurate. In either case, the authorizer must work closely with school staff to make sure the information is distributed to all families as quickly as possible.

The authorizer should distribute these communications to parents multiple times and through multiple channels. In addition to mailing letters to the students' home addresses, authorizers should consider sending them home with students, providing copies to community or government organizations that serve the community (e.g., churches, city or county services, local nonprofits including parent education-advocacy groups), and posting them on school property as well as both the school's and authorizer's websites. Though most parents should receive the information from one of these methods, it is wise to issue a press release to the local media — primarily city and community newspapers and radio stations — announcing the dates, times and locations of community meetings. Frequent attempts and diverse methods of written communication will increase the likelihood that parents will use your transition services and attend the planned community meetings.

### 6. Hold Community Meetings

Community meetings give students and parents opportunities to learn more about the closure process, find out about available educational options, and ask questions of the authorizer and school operator. While it will almost certainly be necessary to address the reasons for school closure, the authorizer should make clear that the purpose of the meeting is to focus on successfully transitioning students to new schools, not to rehash the closure decision. Community meetings are often difficult because of anger and confusion surrounding closure decisions, but they are important and necessary avenues for communicating accurate information and providing valuable assistance to students and families. Again, it will be helpful to employ concise fact sheets or talking points to ensure that the authorizer is sending a clear and consistent message on the school closure. Any written information previously sent to parents should be made available at the meetings.<sup>40</sup>

It is ideal for all members of the Student Transition Committee to be present at each meeting. In addition, the authorizer should send multiple representatives to all community meetings in order to facilitate as much individual assistance as possible. The content of the community meetings will depend on the context of each situation, but should closely mirror any previous written information given to parents. The School Closure Coordinator should be available at the end of each meeting to provide individual assistance to parents requesting it.

Authorizers should schedule multiple community meetings at various times of the day to accommodate the varying needs of parents. The Student Transition Committee should determine any need to provide on-site translators for families whose first language is not English. It would also be useful for the committee to consider other ways to boost parent participation and attendance, such as providing (and publicizing) on-site child care during the meeting, as well as transportation or reimbursement for public transit.

Community meetings should be held at the school, if possible. Other potential sites could be public libraries, community centers or the authorizer's office if it is located near the school. All meeting sites should be accessible by public transportation and ADA-compliant.

### 7. Organize a School Choice Fair

The authorizer and the Student Transition Committee can greatly increase successful placements for students by organizing accompanying school choice fairs. Many working parents do not have the time or ability to conduct extensive research on potential schools for their children by visiting multiple school sites, researching how well students in each school perform and reviewing different educational models. Bringing together as many potential schools for their children as possible is an invaluable service to these families. In most cases, a majority of students can be successfully transitioned to a new school through school choice fairs.

The authorizer should invite all well-performing local schools (district, private and charter ) to send representatives to provide information on their programs. All invited schools should be given basic information on the school closure and any pertinent information on characteristics of the student body, school performance data and the like. Public and parochial district offices are likely to be willing partners in such an effort, as they would stand to potentially increase their enrollments. Charter support organizations, if not already involved on the Student Transition Committee, should also be willing to help organize a school choice fair. The authorizer will need to establish the ground rules with participating schools to make sure their recruiting efforts are appropriate and respectful.

A school choice fair can be organized in a variety of ways, all of which are focused on creating a marketplace for students and parents to learn more about their options. The Student Transition Committee may decide to provide table space to all participating schools and/or allow each an allotted amount of time to present at the meeting. The Student Transition Committee may also work with charter support organizations to develop a “tip sheet” for parents on important factors to consider when selecting a school for their child. This could also take the form of a checklist on which parents could make notes about different programs as they move about the fair. It is important to ensure that the choices are presented in a fair and even-handed manner, and to make clear that the authorizer is not endorsing any particular program.

### 8. Consider Your Timing

Charter school authorizers sometimes have little control over the timing of a school closure, particularly when a closure decision is triggered by the discovery of illegal activity or severe financial difficulties. In some cases, however, closure is the culmination of intensive intervention efforts or a long and thoughtful renewal decision-making process. In these instances, authorizers should carefully consider how non-renewal/closure timelines affect parents and students. For example, in many cities, student applications for other charter schools, selective-enrollment public schools, and private institutions must be submitted as early as February. In light of this, charter school authorizers should familiarize themselves with enrollment timelines for local schools (district, private and charter) and take them into consideration when possible. While it may not always be possible to adjust the timing of a school closure based on these enrollment timelines, it is important for authorizers to consider them in order to provide the best possible assistance to displaced students and families.

It is not uncommon for parents and community members to rally around low-performing schools. Though they may not be making the grade academically or financially, parents may feel they are safer for their children than the alternative. A charter school may also be locally beloved as a familiar, family-like community-based institution that empowers its disenfranchised population. For these and other reasons, a school closure is likely to trigger emotions and protests that often have little to do with the school's actual educational merits. It is common for anger to be directed at the authorizer during a school closure, making it tempting for the authorizer to retreat into a defensive mode and avoid further obligations to students and their families.

A quality authorizer will rise above the fray and recognize its obligation to the school's displaced students and families, who will suffer double injury if not transitioned successfully to better schools. Implementing the activities outlined in this chapter requires some investment of time and energy by the authorizer, but will pay big dividends in the long run for both the authorizer and the students involved. The support provided to families will ensure educational continuity for their children, which in turn can begin to repair the community fallout that can be expected as a result of the closure decision. The point of closing a low-performing school is to improve student learning and life opportunities, and to protect students' best interests. It is incumbent on authorizers to take the important steps discussed above to ensure satisfactory transition for all students and prevent further harm.

# 5

CHAPTER 5

### ABOUT THE AUTHOR

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<sup>38</sup> Labbe, Theola. "Charter School Closures Strand DC Students," *Washington Post*, August 17, 2006.

<sup>39</sup> See [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html).

<sup>40</sup> This information is also useful in communicating with media representatives attending these and other public meetings. See Chapter 6 for more information.

## CHAPTER 6

6  
CHAPTER 6

## Message Matters in Closure Decisions

*Joe Williams*

### CHAPTER 6 GUIDANCE

- Good messaging matters.
- Anticipate reactions to your actions.
- Keep your eye on the big picture.

The job of charter school authorizer is difficult enough, even without the glare from the public spotlight that invariably comes with a decision to close a failing school. The concept of shuttering failing schools may seem straightforward in theory, but is hard work to execute in the real world.

Authorizers who use their most potent accountability tool can find themselves, as the Fordham Foundation notes, “in a very lonely spot faced with a hostile [school] board, disgruntled staff, angry parents and students, and curious media.”<sup>41</sup>

It is no wonder many authorizers agonize over the media aspects of a school closing. Authorizers have seen their share of media coverage where the emotional aspects or salacious details of a particular closing distort or obscure the larger issues of accountability and educational quality, or unfairly taint the accomplishments of successful charter schools. Engaging with the media can also seem contrary to the authorizers’ duty to be politically detached, evidence-driven decision makers whose first priority is the best interests of children.

While uncomfortable in many respects, the intense attention that charter school closures attract does offer golden opportunities for authorizers to convey larger points about school accountability and public education generally. As decision makers, authorizers are expected to provide information and explanations to the press and public. The messages authorizers use to organize and give meaning to the story are critical to shaping public understanding — with the power to build support for the authorizer’s resolve, or conversely, to swirl into a public- and community-relations

fiasco. This chapter provides media perspectives and advice on effective messaging for authorizers facing the highly sensitive situation of closing a school.

### **Controversy Makes News**

The fact that charter school closures can appear so messy is also what makes them so unquestionably newsworthy in the minds of reporters and editors. Most failing charter schools don't close themselves willingly. Whether their reactions take the form of denial ("Our school isn't that awful."), unwarranted optimism ("We're about to turn the corner."), or stubborn resistance ("How dare they criticize our school!"), the charter school's board, leadership, parents, teachers and students cannot be expected to be happy about the prospect of losing their school.

These sentiments will become immediately apparent to reporters, who understand the value of conflict and emotions to constructing compelling copy. As storylines start to develop, the authorizer can quickly be assigned the role of villain, with the failing school treated as the victim. Even if the authorizer is able to steer the debate toward accountability for the first story, charter closures take place over a series of steps, and at any point the narrative is likely to veer into the good guy/bad guy paradigm of typical media coverage.

No authorizer wants to be characterized in this way, of course. Thus, every authorizer confronting a school closure should be proactive in sharing the evidence and process that led to the decision, explaining the actions being taken to smooth the transition for affected students and challenging reporters to dig deeply into the reasons students have so few quality education choices in the first place. The goal is to show journalists that closing a low-performing charter school signifies the strength and integrity of the charter school concept — an unpleasant, but compassionately made decision that ultimately serves the students better than leaving them in a languishing school would.

### **A New Era Demands New Messaging**

Good messaging matters. Messaging for today's charter school closings needs to respond to the reality that charter school parents are increasingly sophisticated education consumers, support for charter schooling in many communities is less cautious than it once was, and even the hard questions of skeptics have shifted in ways that may be healthy, such as demanding more clarity about how accountability serves students. A movement that prides itself on allowing charter schools to be nimble enough to make midcourse corrections must similarly be willing to adapt its messages in ways that do justice to the complexity of the issue.

Good messaging always addresses the end goals. In the case of charters, the end goal involves providing children with a demonstrably better education than they would otherwise be getting. Secondly, authorizers have an interest in building and strengthening the broader charter school movement. But the specifics and circumstances are constantly evolving, as the challenge of school closure illustrates. In the 1990s many charter school supporters worried that the "charter school experiment" would be deemed a failure if and when bad schools were closed. Today, in many communities, the problem is reversed — the charter movement is labeled a failure if it doesn't close more failing schools.

It remains important that when ineffective charter schools are closed, authorizers point to the closure as a sign of accountability in action. But there are many pitfalls if that is the only message authorizers deliver. The reality is that because the situation is much more complicated than that, the messages describing it must consequently be deeper.

For example, given the limited supply of quality public education in many communities where charter schools are an option, an authorizer's efforts to hold charter schools accountable bring the risk of sending some students back into the inferior schools they fled in the first place. The problem here isn't that a single

underperforming charter school is being shut down; it is that the expectations and accountability for performance in our traditional public school systems are intolerably low. In their messages to the public and the media, authorizers must make it clear that for public education to work properly, tough-minded, sometimes painful accountability is necessary in all quarters — and that good authorizers are fulfilling their responsibility when they close failing schools.

In some cases, if the media perceive that low-income families are struggling alone through a dramatic transition, a narrow focus on accountability can also feed the media's inclination to typecast authorizers unfairly as the "bad guy." Once such a storyline unfolds, it can become impossible to move beyond it. From a messaging standpoint, that means authorizers must chronicle their efforts to smooth the transition for affected students (see Chapter 5 for detailed advice) and never let the debilitating effects of underperforming, unaccountable schools be forgotten.

Finally, if inadequate messaging simply raises alarm about charter school quality and creates a perception that "not enough is being done" to weed out bad schools, it can invite drastic measures that create more problems than they solve. As the charter school movement has matured, the propensity of even well-intentioned legislators to re-regulate has intensified. A charter school closing story that runs amok can lead to a proliferation of red-tape solutions to save the day. For example, when Fresno, California school officials closed the GateWay Academy Charter School in 2002 following allegations of financial improprieties, religious instruction and other infractions, legislators in Sacramento proposed numerous fixes that would have reined in all charter schools in the state. "We could see a situation where every time one charter caught a cold, the legislature was going to prescribe penicillin for everyone," said Caprice Young, then-CEO of the California Charter Schools Association,<sup>42</sup> which was created in the wake of this legislative backlash to strengthen and support California's charter movement.

One law of physics states that for every action there is an equal and opposite reaction. Effective messaging in school closing cases needs to anticipate both the action and the reaction; that is, the action of the closure decision and the reaction of the school community and others who would weigh in. This narrative doesn't have to fall solely on the shoulders of the authorizer — every charter community includes advocates for school quality and the ultimate accountability of closing failed schools. As decision makers, authorizers will be asked to explain their decision to the press and the public at large. If the closure policy and decision process are rigorous, transparent and complete, the messages authorizers deliver will align with and reinforce the work they have completed, and provide guidance useful to all who support the closure decision.

### **Messaging in Action: Starting with Student Needs**

The 2004 closing of California's largest charter school operator — California Charter Academy (CCA) — perfectly illustrates what it looks like to nail the "action and reaction" in one messaging strategy. This case highlights the messaging conducted by a charter advocacy group rather than the authorizer, since in this case the authorizing was clearly part of the problem in the first place. Nevertheless, this case exemplifies effective message management that a quality authorizer could deploy to explain and defend a closure decision to the public.

In the summer of 2004, CCA was forced to close 60 of its campuses following a California Department of Education investigation into its academic and financial practices. The California charter community found itself looking at nearly 2,600 displaced students only weeks before the school year was to begin, all in the context of a bad news story that could taint all charter schools.

In this case, the California Charter Schools Association played an integral role in raising awareness of the CCA problem in the first place and then moving quickly to mobilize the broader charter school community to make sure the students landed in high-performing charter schools in their areas. Gary Larson, a strategist

who works with charter school groups and led communications at the California Charter Schools Association at the time of the CCA closing, said sending the right signals to the public was crucial.

“I am more and more convinced that unless school closures are done very thoughtfully, the public will have a strong backlash against charter schools,” Larson said. “No matter how we try to position these things, the public wonders, ‘Where will the kids go?’”<sup>43</sup>

The message strategy in the CCA situation began by answering that question — the children would be taken care of by the far-reaching charter school community — while simultaneously distancing the state’s good charters from the “bad apple” that was CCA. In fact, the Association pretty much drove the news coverage of the episode as it unfolded. Not only did it ensure that most of the displaced students found seats in other charter schools, it also produced a report highlighting its work and taking responsibility for both the action (policing its own and pushing to close a bad charter) and the reaction (making sure that all students landed at a higher-performing school).

Genuinely feeling the pain of the families impacted by the closing is a critical lesson to learn. While authorizers must clearly communicate that their decision stemmed from a careful process and dispassionate evaluation of evidence, they must also avoid the risk of being perceived as bureaucrats hiding behind the shield of their job descriptions. The world is full of people who faithfully do their job yet feel horrible about the circumstances. Authorizers must understand that if they act human, they will have a much greater chance of being treated as human in the press.

This approach paid off handsomely in the CCA case. In fact, it is hard to imagine a better outcome than the September 14, 2004, story in the *Los Angeles Times*. The first three paragraphs quoted below hit all the important points. In short: There was a problem, it was handled effectively, and students are better off today.

*More than 2,600 students who were displaced last month after their campuses closed due to legal and financial turmoil are now enrolled in charter schools, according to a report Monday by a state charter school group.*

*The findings were released a month after the Victorville-based California Charter Academy shut down 60 campuses under pressure from new state laws and a California Department of Education investigation into its academic and financial practices. The nonprofit California Charter Schools Association, which serves the state’s 537 charter schools, compiled the report based on state education department and campus surveys.*

*“After no longer tolerating this one bad apple, the charter school community rallied together to ensure that their former students have a soft landing into high-quality programs,” said Caprice Young, chief executive of the California Charter Schools Association, which has no affiliation with the California Charter Academy.<sup>44</sup>*

Closing an underperforming or severely mismanaged charter school is one of the toughest things an authorizer must do, for all of the reasons highlighted in this and other chapters. The authorizer will face tremendous pressure from all directions, including from the press. Surviving and thriving in such situations depend largely on how well the authorizing process has been managed from the start, how positive the authorizer’s relationships are with the larger charter school advocacy community, and how much advance preparation the authorizer has focused on getting the message right with reporters. Good management of

the authorization/accountability process is itself a form of good public relations, as is having networks in place to share information and strategies with friendly groups and advocates. Some final tips:

**1. Put students first.**

Let that be the mantra and refer back to it often. Authorizers must go beyond just saying they feel students' pain in this process — they must always be aware of the impact of their actions on students and their families. The school marked for closure was chosen by every family for specific reasons, and having it pulled out from under them is traumatic. The authorizer must make every possible effort and accommodation to place those students in good schools, especially if their neighborhood school options are of even lower quality than the charter that is closing its doors.

**2. Use transparency to your advantage and let the paper trail be your ally.**

If the authorizer has done its homework, press relations will be much easier. The authorizer can focus on effectively delivering the planned message, rather than being distracted by repeatedly defending the decision to close the school. Let reporters see that the authorizer went above and beyond to give the school opportunities to correct its shortcomings. Show that the school received fair and timely warnings of problems detected and ample opportunities to remedy them. Demonstrate that you, the authorizer, treated the school with fairness and consistency, and in accordance with clear policies known to all charter schools — thereby heading off any possible rumors of political influence. Make the record public, to let it speak for the integrity of the process.

**3. Don't let the big issues go unspoken.**

The granular focus of a school closure and its implications for charter accountability are important, but not the total picture. The larger challenge for the entire community is to create more good schools and reduce the numbers of bad schools. Good authorizers are doing their part. Challenge the whole community to do better.

**4. Be proactive.**

Several days in advance of significant actions, such as a staff recommendation or board action to not renew, prepare a press release that clearly explains the standards and processes used to reach this decision. Determine who will be the spokesperson. Plan to hold a press conference or other opportunity to answer media questions. Practice your responses to predictable questions. Be compassionate, but firm in your statements.

Also, contact other public officials who represent the school and its families, such as the alderman/councilman and state legislators. In a one-on-one meeting, explain to each official why the school is being recommended for closure. Answer their questions. Do the same with your state's charter school association. If they agree with your recommendation, ask them to make a public statement. These additional voices of support can be important in reinforcing your key messages about the closure and make the process go much smoother.

Remember that in all of this, despite the difficulty, the clarity of the authorizer's commitment to the students and their families is paramount. And it is based on a simple bottom line: continued failure or mediocrity is not in the best interests in the students we strive to serve.

### ABOUT THE AUTHOR

Joe Williams is Executive Director of Democrats for Education Reform, a New York City–based political action committee. He is a former newspaper journalist and author of the book *Cheating Our Kids: How Politics and Greed Ruin Education* (Palgrave Macmillan, 2005). Previously, Mr. Williams covered the New York City schools system for the *New York Daily News*. As an education reporter with the *Milwaukee Journal Sentinel*, he won numerous local, state and national awards for his coverage of the Milwaukee public schools and that city's groundbreaking school choice programs.

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- <sup>42</sup> “Calif. Group Puts Muscle into Charters,” *Education Week*, Sept. 10, 2008.
- <sup>43</sup> Interview with author, Sept. 14, 2008.
- <sup>44</sup> “It’s back to school for 2,600 displaced students,” Ericka Hayasaki, *Los Angeles Times*, Sept. 14, 2004, B6.

## APPENDICES

### TABLE OF CONTENTS

---

I.	Sample Action Plan for Closure	54
II.	Sample Resolution for Non-Renewal	65
III.	Sample Resolution for Revocation	66
IV.	Sample Frequently Asked Questions (FAQ)	67
V.	Sample Press Release	70
VI.	Sample Parent Letter	73
VII.	Sample Staff Calendar	73
VIII.	Sample Staff Letter	74
IX.	Additional Resources	76

APPENDIX I

Sample Action Plan for Charter School Closure<sup>1</sup>

IMMEDIATE ACTIONS

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
1	<p><b>Create “Charter School Closure: Frequently Asked Questions” Document</b>                      General document from authorizer outlining Authorizing Board’s policies, commitment to quality authorizing through supporting the transition of students and staff to new settings, overview of transition steps, general timelines, checklist for parents transitioning to a new school in the next school year and authorizer contact information.</p>	Authorizer Lead	Prior to the authorizing board’s vote to close the charter school	
2	<p><b>Establish Transition Team and Assign Roles</b>                      A team dedicated to ensuring the smooth transition of students, staff and close down of the school’s business populated by authorizer staff in conjunction with board members and staff of the closing charter school.</p> <p>Team to include:</p> <ul style="list-style-type: none"> <li>– Lead person from Authorizer Staff;</li> <li>– Charter School Board chair;</li> <li>– Lead Administrator from the Charter School;</li> <li>– Lead Finance person from the Charter School;</li> <li>– Lead person from the Charter School Faculty; and,</li> <li>– Lead person from the Charter School Parent Organization.</li> </ul>	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board’s vote to close the charter school	
3	<p><b>Assign Transition Team Action Item Responsibilities</b>                      Distribute contact information to all transition team members, set calendar for meetings and assign dates for completion of each charter school closure action item.</p>	Authorizer Lead and Charter School Board Chair	Within 48 hours of the authorizing board’s vote to close the charter school	
4	<p><b>Initial Closure Notification Letter: Parents &amp; School</b>                      Distribute letter to faculty, staff and parents outlining:</p> <ul style="list-style-type: none"> <li>– Closure decision;</li> <li>– Timeline for transition; and,</li> <li>– Help Line information.</li> </ul>	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board’s vote to close the charter school	
5	<p><b>Initial Closure Notification Letter: State &amp; Local Agencies</b>                      Letter to state education agency as well as local school districts (as necessary by statute or to inform local district for purposes of enrolling students from the closing school) to include:</p> <ul style="list-style-type: none"> <li>– notification materials distributed to parents;</li> <li>– notification materials distributed to faculty and staff;</li> <li>– authorizing board decision materials, resolution to close school, copy of any termination agreement (if applicable);</li> </ul> <p>Copy local public school districts as required by quality practice, state statute and regulation.</p>	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board’s vote to close the charter school	
6	<p><b>Talking Points</b>                      Create talking points for parents, faculty, community and press. Focus on communicating plans for orderly transition of students and staff. Distribute to transition team.</p>	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board’s vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
7	<p><b>Press Release</b> Create and distribute a press release that includes the following:</p> <ul style="list-style-type: none"> <li>– history of school;</li> <li>– authorizing board closure policies;</li> <li>– reason(s) for school closure;</li> <li>– outline of support for students, parents and staff; and</li> <li>– a press point person for the authorizer and for the school.</li> </ul>	Authorizer Lead and Charter School Board Chair	Within 24 hours of the authorizing board's vote to close the charter school	
8	<p><b>Continue Current Instruction</b> Continue instruction under current education program per charter contract until end of school calendar for regular school year.</p>	Charter School Administrator Lead	Continuous after the authorizing board's closure vote until end of classes as designated in authorizing board's closure resolution	
9	<p><b>Terminate Summer Instruction Program</b> Take appropriate action to terminate any summer instruction, such as canceling teaching contracts.</p>	Charter School Board Chair and Administrator Lead	Within 48 hours of the authorizing board's vote to close the charter school	
10	<p><b>Secure Student Records</b> Ensure all student records are organized, up to date and maintained in a secure location.</p>	Charter School Administrator Lead	Within 24 hours of the authorizing board's vote to close the charter school	
11	<p><b>Secure Financial Records</b> Ensure all financial records are organized, up to date and maintained in a secure location.</p>	Charter School Financial Lead	Within 24 hours of the authorizing board's vote to close the charter school	
12	<p><b>Parent Contact Information</b> Create Parent Contact List to include:</p> <ul style="list-style-type: none"> <li>– student name;</li> <li>– address;</li> <li>– telephone; and</li> <li>– email, if possible.</li> </ul> <p>Provide a copy of the parent contact information to the authorizer.</p>	Charter School Administrator Lead	Within 24 hours of the authorizing board's vote to close the charter school	
13	<p><b>Faculty Contact Information</b> Create Faculty Contact List that includes:</p> <ul style="list-style-type: none"> <li>– name;</li> <li>– position;</li> <li>– address;</li> <li>– telephone; and</li> <li>– email.</li> </ul> <p>Provide a copy of the list to the authorizer</p>	Charter School Faculty Lead	Within 24 hours of the authorizing board's vote to close the charter school	
14	<p><b>Convene Parent Closure Meeting</b> Plan and convene a parent closure meeting.</p> <ul style="list-style-type: none"> <li>– Make copies of "Closure FAQ" document available;</li> <li>– Provide overview of authorizer board closure policy and closure decision;</li> <li>– Provide calendar of important dates for parents;</li> </ul>	Authorizer Lead, Charter School Administrator and Charter School Parent Organization Leads	Within 72 hours of the authorizing board's vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
	<ul style="list-style-type: none"> <li>– Provide specific remaining school vacation days and date for end of classes;</li> <li>– Present timeline for transitioning students;</li> <li>– Present timeline for closing down of school operations; and</li> <li>– Provide contact and help line information.</li> </ul>			
15	<p><b>Convene Faculty/Staff Meeting</b> Board Chair to communicate:</p> <ul style="list-style-type: none"> <li>– commitment to continuing coherent school operations throughout closure transition;</li> <li>– plan to assist students and staff by making closing as smooth as possible;</li> <li>– reasons for closure;</li> <li>– timeline for transition details;</li> <li>– compensation and benefits timeline; and,</li> <li>– contact information for ongoing questions.</li> </ul> <p>Provide the authorizer copies of all materials distributed at the Faculty/Staff Meeting.</p>	Charter School Board Chair, Charter School Administrator Lead, and Charter School Faculty Lead	Within 72 hours of the authorizing board's vote to close the charter school	
16	<p><b>Establish Use of Reserve Funds</b> If school is required to maintain closure reserve funds, identify acceptable use of such funds to support the orderly closure of the school.</p>	Authorizer, Charter School Board Chair and Charter School Financial Lead	Within one week of the authorizing board's vote to close the charter school	
17	<p><b>Maintenance of Location and Communication</b> For the duration of closing out the school's business, regulatory and legal obligations, establish if the school will maintain the current facility as its locus of operation. If so, access to the facility should be maintained. In the event the facility is sold or otherwise vacated before concluding the school's affairs, the school must relocate its business records and remaining assets to a location where a responsive and knowledgeable party is available to assist with closure operations. The school must maintain operational telephone service with voice message capability, and maintain custody of business records until all business and transactions are completed and legal obligations are satisfied. The school must immediately inform the authorizer if any change in location or contact information occurs.</p>	Charter School Board Chair	Ongoing until closure complete	
18	<p><b>Insurance</b> The school's assets and any assets in the school that belong to others must be protected against theft, misappropriation and deterioration. The school should:</p> <ul style="list-style-type: none"> <li>– maintain existing insurance coverage until the disposal of such assets under the school closure action plan;</li> <li>– continue existing insurance for the facility, vehicles and other assets until 1) disposal or transfer of real estate or termination of lease, and 2) disposal, transfer or sale of vehicles and other assets are sold;</li> <li>– negotiate facility insurance with entities that may take possession of school facility (lenders, mortgagors; bond holders, etc.);</li> <li>– continue or obtain appropriate security services; and,</li> <li>– plan to move assets to secure storage after closure of the school facility.</li> </ul> <p>If applicable under state statute, the school should maintain existing directors and officers liability (D&amp;O) insurance, if any, until final dissolution of the school.</p>	Charter School Board Chair and Charter School Financial Lead	Ongoing until all business related to closure is completed	

**NOTIFICATIONS**

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
19	<p><b>Parent/Guardian Closure Transition Letter</b> Distribute letter with detailed guidance regarding transition plan. Notification should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>– date of the last day of regular instruction;</li> <li>– cancellation of any planned summer school;</li> <li>– notification of mandatory enrollment under state law;</li> <li>– date(s) of any planned school choice fair(s);</li> <li>– listing of the contact and enrollment information for charter, parochial, public and private schools in the area;</li> <li>– information on obtaining student records pursuant to the state Freedom of Information Law before the end of classes; and</li> <li>– contact information for parent/guardian assistance/questions.</li> </ul> <p>Provide the authorizer with a copy of the letter.</p>	Charter School Board Chair and Charter School Administrator Lead	Within 10 days of the authorizing board’s vote to close the charter school	
20	<p><b>Staff/Faculty Closure Transition Letter</b> Outline transition plans and timelines for staff, including but not limited to:</p> <ul style="list-style-type: none"> <li>– commitment of school’s board to transitioning staff;</li> <li>– commitment to positive transition for children into new educational settings;</li> <li>– any transition to new employment assistance board anticipates providing (such as job fairs);</li> <li>– timelines for compensation and benefits;</li> <li>– timelines for outstanding professional development issues;</li> <li>– COBRA information;</li> <li>– pertinent licensure information;</li> <li>– faculty lead contact information; and</li> <li>– transition team member contact information.</li> </ul> <p>Provide the authorizer copies the letter and any accompanying materials.</p>	Charter School Board Chair	Within 10 days of the authorizing board’s vote to close the charter school	
21	<p><b>Agency Notifications</b> The school must satisfy statutory and regulatory obligation to ensure a smooth transition for students. Check requirements under state statute and regulation. Agency notifications may include:</p> <ul style="list-style-type: none"> <li>– state charter school oversight department;</li> <li>– school finance;</li> <li>– grants management;</li> <li>– federal programs office;</li> <li>– state teacher retirement system;</li> <li>– non-instructional staff retirement system;</li> <li>– local school district superintendent(s);</li> <li>– state auditor/comptroller/budget office (depending on revenue flow);</li> <li>– assessment and testing;</li> <li>– data reporting (student information);</li> <li>– child nutrition; and</li> <li>– transportation.</li> </ul>	Authorizer Lead and Charter School Board Chair	Within 10 days of the authorizing board’s vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
22	<p><b>Union Notification Pursuant to any Collective Bargaining Agreement</b>                      If applicable, the school should contact legal counsel and work with them to notify any unions of termination of collective bargaining agreements (CBAs) and the pending cessation of instruction, pursuant to the notice requirements set forth in any existing CBA or notice requirements of applicable federal, state and local law. The school should:</p> <ul style="list-style-type: none"> <li>– consult with legal counsel with respect to notice requirements for terminating the CBA and the legal implications with respect to termination of CBAs and the termination of employees connected to the CBAs;</li> <li>– provide a copy of the latest CBA to the authorizer;</li> <li>– provide a copy of the notice to the authorizer ; and,</li> <li>– keep the authorizer informed of the implications, penalties and damages in connection with any termination of a CBA and ongoing discussions and negotiations with the union in connection with termination.</li> </ul>	Charter School Board Chair	Within one week of the authorizing board's vote to close the charter school	
23	<p><b>Notification of Employees and Benefit Providers</b>                      The school should establish an employee termination date and:</p> <ul style="list-style-type: none"> <li>– notify all employees of termination of employment and/or contracts;</li> <li>– notify benefit providers of pending termination of all employees;</li> <li>– notify employees and providers of termination of all benefit programs;</li> <li>– terminate all programs as of the last date of service in accordance with applicable law and regulations (i.e., COBRA), including:                             <ul style="list-style-type: none"> <li>– health care/health insurance;</li> <li>– life insurance;</li> <li>– dental plans;</li> <li>– eyeglass plans;</li> <li>– cafeteria plans;</li> <li>– 401(k), retirement plans; and</li> <li>– pension plans.</li> </ul> </li> </ul> <p>Specific rules and regulations may apply to such programs, especially teachers' retirement plans, so legal counsel should be consulted.</p> <p>Provide the authorizer copies of all materials.</p>	Charter School Board Chair and Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
24	<p><b>Notification of Management/Organization and Termination of Contract</b>                      The school must:</p> <ul style="list-style-type: none"> <li>– notify management company/organization of termination of education program by the school's board, providing the last day of classes and absence of summer;</li> <li>– provide notice of non-renewal in accordance with management contract;</li> <li>– request final invoice and accounting to include accounting of retained school funds and grant fund status;</li> <li>– provide notice that the management company/organization should remove any property lent to the school after the end of classes; and,</li> <li>– request a receipt of such property.</li> </ul> <p>Provide a copy of this notification to the authorizer.</p>	Charter School Board Chair	Within three weeks of the authorizing board's vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
25	<p><b>Notification of Contractors Agreement</b>                      The school must formulate a list of all contractors with contracts in effect and:</p> <ul style="list-style-type: none"> <li>– notify them regarding school closure and cessation of operations;</li> <li>– instruct contractors to make arrangements to remove any contractor property from the school by a date certain (copying machines, water coolers, other rented property);</li> <li>– retain records of past contracts as proof of full payment; and</li> <li>– maintain telephone, gas, electric, water, insurance, Directors and Officers liability insurance long enough to cover the time period required for all necessary closure procedures to be complete.</li> </ul> <p>Provide the authorizer written notice of such notification.</p>	Charter School Finance Lead	Within three weeks of the authorizing board's vote to close the charter school	
26	<p><b>Notification to Creditors</b>                      Solicit from each creditor a final accounting of the school's accrued and unpaid debt. Compare the figures provided with the school's calculation of the debt and reconcile.</p> <p>Where possible, negotiate a settlement of debts consummated by a settlement agreement reflecting satisfaction and release of the existing obligations.</p> <p>Provide the authorizer a written summary of this activity.</p>	Charter School Finance Lead	Within one month of the authorizing board's vote to close the charter school	
27	<p><b>Notification to Debtors</b>                      Contact all debtors and demand payment. If collection efforts are unsuccessful, consider turning the debt over to a commercial debt collection agency. All records regarding such collection or disputes by debtors regarding amounts owed must be retained.</p> <p>Provide the authorizer a written summary of this activity.</p>	Charter School Finance Lead	Within one month of the authorizing board's vote to close the charter school	

**RECORDS**

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
28	<p><b>Disposition of Records</b>                      If school's board has a records retention policy, or if records retention in charters is governed by state law, follow the appropriate policy and/or law.</p> <p>In all cases, the school board shall maintain all corporate records related to:</p> <ul style="list-style-type: none"> <li>– loans, bonds, mortgages and other financing;</li> <li>– contracts;</li> <li>– leases;</li> <li>– assets and asset sales;</li> <li>– grants (Records relating to federal grants must be kept in accordance with 34 CFR 8042.)</li> <li>– governance (minutes, by-laws, policies);</li> <li>– employees (background checks, personnel files);</li> <li>– accounting/audit, taxes and tax status;</li> <li>– employee benefit programs and benefits; and,</li> <li>– any items provided for in the closure action plan.</li> </ul> <p>If school does not have a records retention policy, and no state law governs records retention in charter schools, or if the school's board abdicates responsibility for records, authorizers that seek to take possession of personnel, non-student and non-personnel records should consult legal counsel about liabilities.</p>	Charter School Board Chair	Within two months of the end of classes and ongoing	
29	<p><b>Final Report Cards and Student Records Notice</b>                      The school must ensure that:</p> <ul style="list-style-type: none"> <li>– all student records and report cards are complete and up to date;</li> <li>– parents/guardians are provided with copies of final report cards and notice of where student records will be sent (with specific contact information); and</li> <li>– parents/ guardians receive a reminder letter or post card reminding them of the opportunity to access student records under Freedom of Information law.</li> </ul> <p>Provide the authorizer with a copy of the notice.</p>	Charter School Administrative and Faculty Lead	One week after end of classes	
30	<p><b>Transfer of Student Records</b>                      As required by state statute, the school must transfer all student records to students' new school, state agency or other entity. Student records to include:</p> <ul style="list-style-type: none"> <li>– grades and any evaluation;</li> <li>– all materials associated with Individual Education Plans;</li> <li>– immunization records; and</li> <li>– parent/guardian information.</li> </ul> <p>The school must contact the relevant districts of residence for students and notify districts of how (and when) records — including special education records — will be transferred. In addition, the school must create a master list of all records to be transferred and state their destination(s).</p>	Charter School Administrative Lead, Charter School Faculty Lead, and Charter School Parent Organization Lead	Within one month after end of classes	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
31	<p><b>Documenting Transfer of Records</b> Written documentation of the transfer of records must accompany the transfer of all student materials. The written verification must include:</p> <ul style="list-style-type: none"> <li>– the number of general education records transferred;</li> <li>– the number of special education records transferred;</li> <li>– the date of transfer;</li> <li>– the signature and printed name of the charter school representative releasing the records; and</li> <li>– the signature and printed name of the district (or other entity) recipient(s) of the records.</li> </ul> <p>Provide copies of all materials documenting the transfer of student records to the authorizer.</p>	Charter School Board Chair and Charter School Administrative Lead	Within one month of the end of classes	
32	<p><b>Transfer of Testing Materials</b> The school must determine state requirements regarding disposition of state assessment materials stored at the school and return as required.</p> <p>Provide authorizer with letter outlining transference of testing materials.</p>	Charter School Administrative Lead	One week after end of classes	

**FINANCIAL**

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
33	<p><b>U.S. Dept. of Education Filings</b> File Federal form 269 or 269a if the School was receiving funds directly from the United States Department of Education. See 34 CFR 80.41.</p>	Charter School Financial Lead	One week after the end of classes	
34	<p><b>IRS Status</b> If the school has 501(c)(3) status, it must take steps to maintain that status including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>– notification to IRS regarding any address change of the School Corporation; and</li> <li>– filing of required tax returns or reports (e.g., IRS form 990 and Schedule A).</li> </ul> <p>If the school corporation proceeds to dissolution, notify the IRS of dissolution of the education corporation and its 501(c)(3) status and provide a copy to the authorizer.</p>	Charter School Board Chair and Charter School Financial Lead	Date to be determined depending on 501(c)(3) status	
35	<p><b>UCC Search</b> If required under state statute, the school should perform a Uniform Commercial Code (UCC) search to determine if there are any perfected security interests and to what assets security interests are attached.</p> <p>Provide a copy of the search to the authorizer.</p>	Financial Lead	Within 30 days of the authorizing board's vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
36	<p><b>Audit</b> The school must establish date for audit (by independent firm or state auditor as determined by statute) to perform final close out audit.</p> <p>Provide a copy of the final audit to the authorizer.</p>	Charter School Board Chair and Charter School Financial Lead	Within 120 days of the end of classes	
37	<p><b>Vendors</b> The school must:</p> <ul style="list-style-type: none"> <li>– create vendor list; and,</li> <li>– notify vendors of closure and cancel or non-renew agreements as appropriate.</li> </ul> <p>Provide the authorizer with a copy of all documents.</p>	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
38	<p><b>Inventory</b> The school must:</p> <ul style="list-style-type: none"> <li>– create a fixed asset list segregating state and federal dollars;</li> <li>– note source codes for funds and price for each purchase; and,</li> <li>– establish fair market value, initial and amortized for all fixed assets.</li> </ul> <p>Provide the authorizer with a copy of all documents.</p>	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
39	<p><b>Disposition of Property</b> Check with state department of education regarding proper procedures for the disposition of property purchased with federal funds.</p>	Authorizer and Charter School Financial Lead	Within 45 days of the closure vote	
40	<p><b>Disposition of Inventory</b> Establish a disposition plan (e.g., auction), and establish a payment process (e.g., cash, checks, credit cards) for any remaining items.</p> <p>Provide the authorizer with a copy of all documents.</p>	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	
41	<p><b>Property purchased with Public Charter School Program (PCSP) funds</b> Establish under state or individual school agreement required disposition of property purchased with PCSP funds. Generally, property purchased with PCSP funds must first be offered to other charter schools within the same region in which the closing school is located, with requisite board resolutions consistent with the purpose of the PCSP. If no schools want the property, an auction must be held to dispose of the PCSP assets. The school must:</p> <ul style="list-style-type: none"> <li>– ensure public notice of the auction is made widely;</li> <li>– price items at fair market value, as determined from inventory and fixed assets policy; and,</li> <li>– determine with state education department how to return funds if any remain.</li> </ul> <p>Provide the authorizer board resolutions and minutes of any transfer of assets with a dollar value of zero (0) to another school.</p>	Charter School Financial Lead	Within 60 days of the last day of instruction	
42	<p><b>Disposition of real property (i.e., facilities)</b> Determine state requirements for real property acquired from a public school district to determine right of first offer and other applicable requirements for disposition.</p>	Charter School Financial Lead	Within 45 days of the authorizing board's vote to close the charter school	

	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
43	<p><b>Payment of Funds</b> The school should work with the authorizer to prioritize payment strategy considering state and local requirements. Using available revenue and any funds from auction proceeds pay the following entities:</p> <ul style="list-style-type: none"> <li>– retirement systems;</li> <li>– teachers and staff;</li> <li>– employment taxes and federal taxes;</li> <li>– audit preparation;</li> <li>– private creditors;</li> <li>– overpayments from state/district; and</li> <li>– other as identified by authorizer.</li> </ul> <p>Provide the authorizer with a copy of all materials associated with this action.</p>	Authorizer and Charter School Financial Lead	Plan complete within 45 days the authorizing board's vote to close the charter school and ongoing activity until completed	
44	<p><b>Expenditure Reporting</b> Ensure that Federal Expenditure Reports (FER) and the Annual Performance Report (APR) are completed.</p> <p>Provide the authorizer a copy of all materials.</p>	Charter School Financial Lead	Within 45 days of last day of instruction	
45	<p><b>Itemized Financials</b> Review, prepare and make available:</p> <ul style="list-style-type: none"> <li>– fiscal year-end financial statements;</li> <li>– cash analysis;</li> <li>– list of compiled bank statements for the year;</li> <li>– list of investments;</li> <li>– list of payables (and determinations of when a check used to pay the liability will clear bank);</li> <li>– list of all unused checks;</li> <li>– list of petty cash;</li> <li>– list of bank accounts; and</li> <li>– list of all payroll reports including taxes, retirement or adjustments on employee contracts.</li> </ul> <p>Additionally, collect and void all unused checks as well as close accounts once transactions have cleared.</p>	Charter School Financial Lead	Within 30 days of the last day of instruction	
46	<p><b>Payroll Reports</b> The school must generate a list of all payroll reports including taxes, retirement or adjustments on employee contracts.</p> <p>Provide the authorizer with copies of all materials.</p>	Charter School Financial Lead	Within 30 days of the last day of instruction	
47	<p><b>List of Creditors and Debtors</b> Formulate list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor. The list should include:</p> <ul style="list-style-type: none"> <li>– contractors to whom the school owes payment;</li> <li>– lenders;</li> <li>– mortgage holders;</li> <li>– bond holders;</li> <li>– equipment suppliers;</li> <li>– secured and unsecured creditors;</li> <li>– persons or organizations who owe the school fees or credits;</li> <li>– lessees or sub-lessees of the school; and</li> <li>– any person or organization holding property of the school.</li> </ul>	Charter School Financial Lead	Within three weeks of the authorizing board's vote to close the charter school	



	ACTION ITEM	RESPONSIBILITY FOR COMPLETING ACTION	COMPLETION DATE <sup>2</sup>	STATUS
	Provide a copy of the list to the authorizer with the amount owed to each creditor thereon and the amount owed by each debtor.			

**ENDNOTES**

- <sup>1</sup> NACSA thanks the State University of New York's Charter Schools Institute and the Thomas B. Fordham Foundation for contributing to the development of this model Action Plan for Charter School Closure.
- <sup>2</sup> Suggested completion timeframes are based on lessons shared from authorizers experienced with school closure. Authorizers consulting this document are encouraged to modify timeframes based on statute, regulation and local considerations.

APPENDIX II

Sample Resolution for Non-Renewal<sup>3</sup>

Be it RESOLVED:

that the **CHARTER AUTHORIZER BOARD**, in accordance with **CHARTER SCHOOL STATUTE AND/OR REGULATION, AND RENEWAL POLICY**, hereby declines to renew the public school charter granted to the following school effective **DATE**, based upon the information presented by the **CHIEF EXECUTIVE/STAFF** regarding the school's performance, and as recommended by the **CHIEF EXECUTIVE/ STAFF**:

**NAME OF SCHOOL**

Location: **CITY**

Number of students: **XXX**

Grade levels: **X THROUGH X**

Provided, that the non-renewal of the charter shall be conditional on the right of **NAME OF CHARTER SCHOOL** to request an **APPEAL** in accordance with **APPROPRIATE LAW AND/OR REGULATION**; provided further, that any such request for a hearing shall be in writing, addressed to the Board of Education, and must be received within **X** days of the school's receipt of the notice of the Board's action. If the Board does not receive a request for a hearing from the school within the **X** day period, the Board's conditional action on non-renewal of the charter shall become final at the end of the **X** day period.

Provided, further, that the **CHARTER AUTHORIZER BOARD** authorizes the **CHIEF EXECUTIVE/STAFF** to impose such conditions on the school and its board of trustees, in accordance with **CHARTER SCHOOL STATUTE/REGULATION AND CLOSURE POLICY/PROTOCOL**, as is determined are necessary to enable the school to complete the current school year and terminate its operations. In connection with determining and imposing such conditions on the school, the **CHIEF EXECUTVE/STAFF** shall confer with a transition committee that shall be established in consultation with parents of students at the **NAME OF CHATER SCHOOL** and community leaders.

ENDNOTES

<sup>3</sup> This document was prepared with the assistance of resolutions for the closure of charter schools authorized by the Massachusetts Board of Elementary and Secondary Education and the State University of New York Board of Trustees.

## APPENDIX III

### Sample Resolution for Charter Revocation

Be it RESOLVED:

that the **CHARTER AUTHORIZER BOARD**, in accordance with **CHARTER SCHOOL STATUTE AND REGULATIONS**, hereby revoke the public school charter granted to **NAME OF SCHOOL** effective **DATE**, based upon the information presented by the **CHIEF EXECUTIVE/STAFF** regarding the school's performance.

Provided, that the revocation of the charter shall be conditional on the right of the board of trustees of **NAME OF SCHOOL** to request an administrative hearing in accordance with **CHARTER SCHOOL STATUTE AND REGULATIONS** provided further, that any such request for a hearing shall be in writing, addressed to the **CHARTER AUTHORIZER BOARD**, and must be received within **X** days of the school's receipt of the notice of the **CHARTER AUTHORIZER BOARD'S** action. If the **CHARTER AUTHORIZER BOARD** does not receive a request for a hearing from the school within the **X** day period, the **CHARTER AUTHORIZER BOARD'S** conditional action on revocation of the charter shall become final at the end of the **X** day period.

Provided, further, that the **CHARTER AUTHORIZER BOARD** authorizes the **CHIEF EXECUTIVE/STAFF** to impose such conditions on the school and its board of trustees, in accordance with **CHARTER SCHOOL STATUTE/REGULATION AND CLOSURE POLICY/PROTOCOL**, as is determined are necessary to enable the school to complete the current school year and terminate its operations. In connection with determining and imposing such conditions on the school, the **CHIEF EXECUTIVE/STAFF** shall confer with a transition committee that shall be established in consultation with parents of students at the **NAME OF CHATER SCHOOL** and community leaders.

APPENDIX IV

Frequently Asked Questions

- **NAME OF SCHOOL, main phone number (XXX) XXX-XXXX**
- **Transition team parent point person name, title, phone (XXX) XXX-XXXX**

Callback policy: all parent phone calls will be returned within 24 hours.

**Q: Why is the school closing?**

**A:** Two reasons:

- The school's charter contract required it to meet specific performance targets. The authorizing board found that the school was not able to do so.
- The board considered all the hard work that continues at the school and decided that, despite every effort, the school was not going to provide students with the kind of education required for them to succeed in the future.

**Q: When is the school closing?**

**A:** **NAME OF SCHOOL** will close on the last day of regular classes, **CLOSING DATE**.

**Q: Will anything change for my child between now and CLOSING DATE?**

**A:** No. Classes will continue as scheduled.

**Q: How will I find a new school for my child for next year?**

**A:** We are hosting three enrollment fairs. Representatives from area schools will be on site to answer questions, and they will have information about each school's education program, extracurricular activities offered, hours, enrollment information and more.

**Student Enrollment/Information Fair #1**

**WHERE**

**WHEN**

**TIME**

and

**Student Enrollment/Information Fair #2**

**WHERE**

**WHEN**

**TIME**

and

**Student Enrollment/Information Fair #3**

**WHERE**

**WHEN**

**TIME**

ATTENDEES:

**The Neighborhood Charter Academy**

Address

Phone

Website

**The Best Charter Network**

Address

Phone

Website

**The College Prep Charter School**

Address

Phone

Website

**District Magnet School #1**

Address

Phone

Website

**District Neighborhood School**

Address

Phone

Website

Who to contact with questions: ***[NAME OF SCHOOL, main office number (XXX) XXX-XXXX and transition team parent point person name and phone (XXX) XXX-XXXX]***

Who to contact with questions: **HOSTING ORGANIZATION NAME (XXX) XXX-XXXX**.

Additional information on private and public school options can be obtained from **XXXX WEBSITE**.

**Q: How do I obtain a copy of my child's records?**

**A:** Parents can request copies of student records from the **NAME OF SCHOOL** office at any time.

**Q: Do I have to forward my child's record to his/her new school?**

**A:** If a student enrolls in a new school, the **NAME OF SCHOOL** will automatically forward the student's record to the new school.

**Q: What happens if I haven't chosen a new school for my child by CLOSING DATE??**

**A:** Students who have not enrolled in a new school for the next school year by **CLOSING DATE**, will have their records sent to their school district of residence.

**Q: Is the school financially solid?**

**A:** Yes. All staff will be paid through the end of their teaching contracts (**DATE**).

**Q: Why doesn't the school appeal the decision and continue in the next school year?**

**A:** The school's board of trustees has gone through every step in the appeals process. A lot of information about what the school does well was shared. Despite that information, the authorizing board and all appellate bodies found the school did not meet the requirements of our charter contract and must close.

**Q: Is anything being done to help the employees find new jobs?**

**A:** Yes. **NAME OF SCHOOL** has organized a job fair for employees and has reached out to area schools that have teaching positions open for the next **SCHOOL YEAR**. **NAME OF SCHOOL** is also providing resume review assistance and references for employees.

**Q: Who do I contact with additional questions?**

**A:** **Transition team parent point person name and phone (XXX) XXX-XXXX. Transition team authorizer point person – name and title – and phone (XXX) XXX-XXXX.**

## APPENDIX V

### Sample News Release

For Immediate Release: **RELEASE DATE**

Contact: **NAME OF INFORMATION OFFICER, (XXX) XXX-XXXX**

**Accountability Continues at AUTHORIZER NAME's DATE Meeting**  
Board Votes Not to Renew CHARTER SCHOOL NAME. CHARTER SCHOOL NAME to Close DATE.

**YOUR CITY, STATE** - During the **AUTHORIZER NAME's DATE** meeting, upon the recommendation of the Charter Schools Office and confirmation by the Renewal Committee, the Charter School Authorizing Board voted unanimously today to deny the application for charter renewal submitted by the **CHARTER SCHOOL NAME**. This decision means that the **CHARTER SCHOOL NAME** will close **DATE** at the end of the current school year.

The Charter Schools Office, the Authorizing Board's Renewal Committee, and the full **AUTHORIZER NAME** were unable to find the school had posted evidence of success necessary to earn renewal under the **AUTHORIZER NAME's** Policies & Procedures for Charter Renewal (available at [www.charterschool-authorizingboard.xxx](http://www.charterschool-authorizingboard.xxx)). Prior to the Board's "final and irrevocable" vote, the school was afforded all avenues of appeal available in statute and Board policy.

Based on the review of evidence gathered over the **XX** year term of the charter, during the renewal site visit, the school's application for charter renewal, and through appeals, the Board was not able to make the findings required under **YOUR STATE** Charter Statute. Statute requires the **AUTHORIZER NAME** make an explicit finding that the school was likely to improve student achievement and be operated in an educationally sound manner. Based upon the renewal report submitted by the Charter Schools Office, the **AUTHORIZER NAME** instead found that the educational program, leadership and governance at the school did not post sufficient academic results, or qualitative evidence to indicate the school would meet, or come close to meeting the Accountability Plan goals included in its charter contract. The school did operate in a fiscally, legally and regulatory sound manner.

Prior to the Board's vote to deny the school's renewal application, **CHARTER SCHOOL NAME** requested a hearing with the Charter Renewal Committee and was afforded such opportunity on **DATE**. The Charter Renewal Committee reviewed and considered the written appeal submissions offered by the school. In addition, parents, governing board members and staff representing the school were afforded the opportunity to speak directly to the Committee. Despite consideration of the information presented at the hearing, the Charter Renewal Committee voted on **DATE** to recommend the full **AUTHORIZER NAME** deny the school's application for renewal.

The Charter Schools Office recommendation to the **AUTHORIZER NAME**, the Board's policies and other pertinent information is available on line at [www.charterschoolauthorizingboard.xxx](http://www.charterschoolauthorizingboard.xxx).

The Charter Schools Office will hold an information meeting for **CHARTER SCHOOL NAME** parents on **DATE**. Charter School Office staff will provide parents information on other public school choice options available to students and explain the transition of student records and other pertinent information at that time. The Charter School Office's Parent Advocate, **FIRST & LAST NAME**, will be available to parents at the school beginning **DATE** and can be reached at **(XXX) XXX-XXXX**.

Charter schools are tuition-free public schools. In exchange for certain freedoms (the ability to develop their own curriculum, choose staff, set educational goals, offer a longer school day and school year, and establish their own standards for student behavior), charter schools must continually apply for, and demonstrate that they have earned the right to continue, the high privilege of educating the children of this state.

The **AUTHORIZER NAME** currently oversees **XX** public charter schools on **XX** campuses, serving more than **XXXX** students across the state. Seven new charter schools from the fall **DATE** application cycle are scheduled to open in fall **DATE**.

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#### ENDNOTES

<sup>4</sup> NACSA developed this sample press release based on contributions from the District of Columbia Public Charter School Board, the Thomas B. Fordham Foundation, and the State University of New York's Charter Schools Institute.

## APPENDIX VI

### Sample Parent Letter

**DATE**

Dear **NAME**,

I want to thank you for entrusting your child's education to the staff and leadership of the **CHARTER SCHOOL NAME**, and for believing in the mission of our school: to prepare young people — through a values-based education, strong work ethic, and academic excellence — for success in high school, college, and ultimately the competitive workplace. On behalf of the board, leadership and staff of the school, it has been our honor to serve the students of the **CHARTER SCHOOL NAME** for the past **XX** years.

We have worked hard over the life of the charter to provide our students with the educational vision contained in our original charter application. To our great disappointment, the authorizing board that is charged by the state to oversee our school voted to close **CHARTER SCHOOL NAME** at its **DATE** meeting. The **AUTHORIZER NAME** determined the school was unable to meet its goals and has decided the last day of operation will be **DATE**.

The **CHARTER SCHOOL NAME** board is 100 percent committed to seeing this school year through successfully. We expect our students to continue having a very high level of education through the very last day of school. We, in partnership with our sponsor and the **MANAGEMENT COMPANY, IF ANY**, are also committed to helping the teaching staff complete the remainder of the school year successfully. We will be providing assistance to the teachers to help them find new positions for the next school year.

Our primary concerns are the children in this school and their families. Therefore, we will be hosting a series of parent meetings to assist students and parents with the transition to their new school next year. These meetings will be attended by representatives from area schools, and parents will have the opportunity to learn more about their educational options for the next school year. Enrollment information and materials will also be available. The meetings will be held at the following dates and times:

- o **DAY, DATE, TIME, LOCATION 1**
- o **DAY, DATE, TIME, LOCATION 2**
- o **DAY, DATE, TIME, LOCATION 3**

Please note that **NAME** is the point person for any questions that you might have, and she would be happy to meet with you to discuss the situation should you feel that would be beneficial.

I again thank you for your faith in the **CHARTER SCHOOL NAME**, its leadership, teachers and mission. As I told the staff, let's make the most of the next eight weeks that we have together, stay positive, and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

**CHAIRPERSON'S NAME**

Chairperson, **CHARTER SCHOOL NAME**

APPENDIX VII

Sample Staff Calendar

**CHARTER SCHOOL NAME**  
**Summary of Important Dates for Staff**

DATE	EVENT
Tuesday, February 22nd	Student Enrollment Fair from 4 – 6 p.m.
Thursday, February 24th	Staff Meeting on Testing Procedures from 3:45 – 4:45 p.m.
Monday, February 28th	Interims Due to Administration
Tuesday, February 29th	Math Test Grades 3,5,6,7,8
Wednesday, March 1st	Social Studies Test Grades 5,8 Writing Test Grade 7
Monday, March 6th	Reading Test Grades 3,5,6,7,8
Friday, March 10th	11:30 a.m. Dismissal Student Enrollment Fair at school from 1:30 – 2:30 p.m.
Monday, March 13th	Guest Speaker (K-8) at 9 a.m.
Wednesday, March 15th	Spring Picture Day
Thursday, March 16th	8th Grade to tour Arise Academy
Friday, March 17th	11:30 a.m. Dismissal Professional Development Session to Prepare for End of Year Checkout and Retention Procedures
Tuesday, March 21th	Board Meeting @ 5:30 p.m.
April 5 – 9th	Spring Break
May 25th	Memorial Day – No School
Monday, June 2nd	K-8 Report Cards due to Administration
Thursday, June 5th	8th Grade Graduation 6:00 p.m.
Friday, June 6th	Last Day of School for Students
Monday, June 9th	Teacher Work Day
Tuesday, June 10th	Last Day for Staff

\*Please note that the following important dates are yet to be determined:

1. Kindergarten Graduation and last day for Kindergarten Students.
2. End of Year Field Trips for all grades.
3. End of Year Celebration for Staff.

This summary sheet will be updated promptly once these dates have been set.

## APPENDIX VIII

### Sample Staff Letter

**DATE**

Dear **FIRST NAME**,

I want to thank you for your hard work and dedication this year on behalf of the children at the **CHARTER SCHOOL NAME**. Your professionalism is admirable and truly appreciated.

We have worked hard over the past four years to establish the school envisioned in our original charter application. Much of what we have accomplished is a credit to our teaching staff's dedication to the students we serve. As you know, the **AUTHORIZER NAME** voted on **DATE** to deny our application for charter renewal. As such, our school will continue to serve our students through **DATE**.

The **CHARTER SCHOOL NAME** board is 100-percent committed to seeing this school year through successfully. We expect our students to continue to receive a top-quality education through the very last day of school. We, in partnership with our sponsor and the **MANAGEMENT COMPANY, IF ANY**, are committed to helping the teaching staff complete the remainder of the school year successfully.

Please also note that the school is financially solvent, and all employees will continue to be paid through the end of the school year in accordance with their employment agreements.

To assist teachers with the transition to a new position, we will be hosting a job fair of select area charter schools this coming **DATE** from **TIME**. The meeting will take place at **CHARTER SCHOOL NAME**, and will provide the **CHARTER SCHOOL NAME** teaching staff the opportunity to meet with representatives from quality area charter schools that are seeking teachers for the next school year. Information on grade level and subject area openings, and as well as information on how to apply to each employer will be available at that meeting.

Please also be aware that our primary concerns are the children in this school and their families. Therefore, we will be hosting a series of parent meetings to assist students and parents with the transition to their new school next year. These meetings will be held at the school at the following dates and times, and all teaching staff is welcome to attend if you wish:

- o **DAY, DATE, TIME 1**
- o **DAY, DATE, TIME 2**
- o **DAY, DATE, TIME 3**
- o **DAY, DATE, TIME 4**

**NAME** will be the point person for all staff questions related to the closure, and **NAME** will be the point person for all parents and parent issues related to the closure. While the day-to-day operations of the school won't change between now and the end of the school year, **NAME** will forward a timeline to the staff within the next **XX** days that contains information related to important dates, and the winding up of operations following the last day of classes on **DATE**.

**February 13, 2013**

I again thank you for your commitment and dedication to the children and community that we serve. Let's make the most of the next eight weeks that we have together, stay positive and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

***CHAIRPERSON'S NAME***

Chairperson, ***CHARTER SCHOOL NAME***

APPENDIX VIII

## APPENDIX IX

### Additional Resources

Additional resources on charter school closure may be found by contacting the following charter school authorizers:

1. Arizona State Board for Charter Schools  
[www.asbcs.state.az.us/](http://www.asbcs.state.az.us/)
2. California Department of Education  
[www.cde.ca.gov/sp/cs/lr/csclosure/rules.asp](http://www.cde.ca.gov/sp/cs/lr/csclosure/rules.asp)
3. Central Michigan University, The Center for Charter Schools  
[www.cmucso.org/](http://www.cmucso.org/)
4. Chicago Public Schools, Renaissance 2010  
[www.ren2010.cps.k12.il.us/index.shtml](http://www.ren2010.cps.k12.il.us/index.shtml)
5. District of Columbia Public Charter School Board  
[www.dcpubliccharter.com/home/index.html](http://www.dcpubliccharter.com/home/index.html)
6. Jeffco Public Schools (Jefferson County, Colorado)  
[www.jeffcopublicschools.org/index.html](http://www.jeffcopublicschools.org/index.html)
7. Los Angeles Unified School District  
[http://notebook.lausd.net/portal/page?\\_pageid=33,205129&\\_dad=ptl&\\_schema=PTL\\_EP](http://notebook.lausd.net/portal/page?_pageid=33,205129&_dad=ptl&_schema=PTL_EP)
8. Massachusetts Board of Elementary and Secondary Education, Massachusetts Department of Elementary and Secondary Education's Charter School Office  
[www.doe.mas.edu/charter](http://www.doe.mas.edu/charter)
9. Miami-Dade County Public Schools, Charter School Operations  
<http://charterschools.dadeschools.net/>
10. Oakland Unified School District, Office of Charter Schools  
[www.ousdcharters.com/resources.html](http://www.ousdcharters.com/resources.html)
11. Office of the Mayor, City of Indianapolis, Charter Schools  
[www.indy.gov/eGov/Mayor/Education/Charter/home.htm](http://www.indy.gov/eGov/Mayor/Education/Charter/home.htm)
12. State Board of Education, Public Schools of North Carolina, Office of Charter Schools  
[www.ncpublicschools.org/charterschools/](http://www.ncpublicschools.org/charterschools/)
13. The State University of New York, Charter Schools Institute  
[www.newyorkcharters.org](http://www.newyorkcharters.org)
14. Thomas B. Fordham Foundation  
[www.edexcellence.net/sponsorship/index.cfm](http://www.edexcellence.net/sponsorship/index.cfm)
15. Volunteers of America of Minnesota, Charter Schools Network  
[www.voamncharters.org/](http://www.voamncharters.org/)