



THE GARDEN STATE'S MISSED OPPORTUNITY *Weak Charter School Law Emboldens Faulty Review Process*

When Chris Christie was sworn in as Governor of New Jersey in January 2010, education reformers in the Garden State, and across the country, were excited that changes to public education in the state were on the horizon. Throughout his campaign, Christie was vocal about “challenging the status quo and transforming a system that has fallen behind.” Legislation was introduced to create an opportunity scholarship, improve the mediocre charter school law, and change the teaching profession in the state. Gov. Christie continually dealt with strong opposition from the status quo, most loudly the teachers union, but kept pushing for reform, even as recently as November 16 noting that “Recess is Over.”

It appeared that charter school reform — improving the charter law and approving more high-quality schools — was becoming a reality. In January 2011, 23 charter school applications were approved from the fall cycle, a record number for the state department of education, the only authorizer allowed in New Jersey's current charter law. However, a funny thing happened with the next round of charter school applications — only four out of 58 were approved in September 2011 — a seven percent approval rate.

What happened between January and September? The Christie administration was criticized for the way applications were vetted, approved and/or denied. The next time around, the process would be different, but equally as flawed, as state education personnel were joined by non-state technical reviewers from a national organization. Together, they managed a process that recommended only four charter schools for acceptance and denied 54 others.

The Center for Education Reform analyzed New Jersey's charter application methodology from this last cycle, and uncovered some concerning evaluation processes. We found missed opportunities to create more quality charter schools for its students, adding further credence to the arguments made previously by Democratic legislators that New Jersey needs to adopt best practice chartering, by creating multiple authorizers to allow other bodies besides the state to approve charters.

The Process

Applying for a charter is an arduous process, as it should be. The hundreds of pages of any application determines whether or not a person, or group of people, have the vision, work ethic and financial wherewithal to start and run a successful charter school that will improve the lives of students. New Jersey's written application is limited to 100 pages for “Part 1 - Program and Operations Plan,” where the applicant outlines the basis for the school — its mission, curriculum, students served, human resources, and governance to name a few. In “Part 2 - Financial Plan” applicants must detail budget and cash flow with no maximum or minimum length requirements.

After attending a technical assistance training, held by a member of the Office of Charter Schools in the Department of Education, and completing an application by the deadline, rejections are sent to those schools that are “disqualified,” most likely for missing a deadline. Then, interviews with the remaining school applicants are held, additional clarifying information may be requested, and in New Jersey, a step in the process called “Addenda” has, by regulation, become part of the normal process in which reviewers seek and applicants respond to additional, clarifying questions. Then typically and in writing, the Department issues its final decisions on the fate of the charter school applications. In the past, volunteer reviewers read through Part 1 and commented on whether or not each section was completed and what additional information is needed. Part 1 is judged on whether or not the applicant hit various benchmarks of competency. Part 2, the financial section, is evaluated by the Department of Education and is given a score from 1 to 100 based on fiscal solvency, budget narrative and a cash flow schedule. But according to the Department, the numerical score has no bearing on final approval.

Analysis of this most recent round of applications, selected reviewer comments on rejected applications, denial letters and comments from Addenda interviews reveals a troubling set of mistakes and biases related to charter rejections.

1) Reviewer Comments — Form over Substance?

When evaluating Part 1, which explains the proposed charter school curriculum, mission, population, human resources and general operating principles, reviewers are expected to leave comments on whether or not the applicant met a certain benchmark, and they can also ask for additional information to be provided.

Upon our review of applications, it appears that many reviewers were more concerned with proper sentence structure than with thoughtfully laid out proposals.

“Direct quotations should be punctuated as such and be accompanied by proper attribution.”

“This section was copied without proper attribution in the application...”

“Revenue and library books were not properly classified.”

“Mission statement must be verbatim throughout the application.”

Many of the other reviewer comments are extremely vague when critiquing the application, which makes it difficult for the applicant to fully comprehend why they're being rejected or better explain themselves in the interviews. Saying “unclear” or “need more details” without explaining specifically what the applicant missed when writing their answers makes it very difficult for them to reapply in the future, because they don't have clear direction to make changes.

This is why a prescribed rubric where reviewers score each section and provide helpful pros and cons would be a more transparent process that would give applicants the chance to revise their application and make it stronger in future rounds. It appears that during subsequent interviews and hearings, the problems with rejected applications were not clearly explained.

One would expect that negative feedback about opening a charter might be specifically geared toward the substance of opening a charter school, with concern focused on whether and how the charter applicants have diligently sought to propose a proper location or facility, what their process might be for hiring the best and brightest, and other critical details. However, many of the comments left by reviewers or shared in person in subsequent interviews suggest little substance.

“Applicant needs to give thought to scaling back the strategies... may be too much, too soon.”

Clear opinion of the reviewer, but shouldn't be a reason for deduction of points unless the resources cannot cover all programs or they are not well thought out.

“Provide an updated founders list because it is old.”

There's the possibility that the list is current and the school did their due diligence ahead of time. It's something to be asked during an interview or addenda, but not to be critiqued if it is legally sound.

“Position descriptions should be modified to incorporate the intention of the school's mission.”

This assumes that the school's mission is written clearly throughout the application in various places, so why does this specific section need to once again incorporate it?

“Multiple committees for parent involvement may be redundant.”

That is the opinion of the reviewer, but has no bearing on the overall curriculum and school development. This is something the school founders will discover once the school opens and they can see how these committees will function.

Assumptions are also made without taking into account any national or statewide context for charter schools. One applicant was dinged because, according to the reviewer:

“Any high school planning to serve only 100 students will struggle to maintain financial viability, and this school is not an exception.”

How does the reviewer know that a small school is not viable? Have they looked at the financials laid out by the applicant to see how they plan to sustain themselves on per-pupil funding, a facilities plan, and salaries? Did they look at other elementary, middle and high schools in their state or surrounding states to make this assessment? Did they use reliable data to prove their statement? No, because if they did, they would know that charter schools, on average, are smaller than conventional public schools, and that Red Bank Charter School, a K-8 school serves 162 students, less per grade average than this proposed school, and has been open since 1998. This is just one example of such a school in New Jersey, and just one example of a reviewer commenting without facts to back it up.

An application should be judged on whether the overall program is sound and whether or not the proposed timeline, curriculum, budget and all other components are realistic to open a successful charter school. There needs to be more clarity in a reviewer's comments if the curriculum isn't fully developed, if the facilities plan seems unreasonable based on estimated per-pupil funding, or if there is

no hiring plan for teachers or the principal. Snide comments about quoting sources or general comments about being “unclear” has no place in what is supposed to be a strong, transparent evaluation of potential charter schools.

2) Subjective “Scoring” of Applications

Part I is the program piece of the application, which the reviewers read and analyze, without any official rubric or numerical scoring system (e.g. 10 points for this, 50 for that). There is an evaluation metric, however, that reviewers are expected to use: each section is supposed to be given a “value” of “met,” “approached” or “did not meet standard” for each category. But without a numerical value it is very unclear what is being met, or approached and opportunity for personal biases and experiences are more prevalent. According to one applicant, an official at the New Jersey Department of Education explained that these evaluation mechanisms were drawn from all of the various criteria without further explanation, and stated that they wouldn't make it available to the applicant because it is cumulative in many areas.

The financial documentation, on the other hand, which is evaluated by staff from the New Jersey Department of Education's Office of Charter Schools, is graded on a numerical scale, from 1-100, but as applicants were told, the score received was irrelevant to being approved or denied. Applicants asked in follow-up interviews if they scored higher, or a perfect 100 on the financials, whether that would have helped their chances of approval, and the answer was no. Applicants were told there is no cut-off score in the financials and it's used as simply a tool, not a standard of measure. “We don't look at the scoring,” one official said. The scoring has been called “not an exact science.”

If the numerical score doesn't matter and the whole application is taken as a cumulative score, then why create such a system? If each reviewer is given a clear set of guidelines and a rubric to follow, the application process will be more consistent and more transparent to applicants and the public who are concerned with or interested in the outcomes. A clear scoring rubric would also help to remove any potential biases that these reviewers may have against certain types of charter schools.

3) Bias Against Proposed School Types

Several applicants were challenged on whether their school was needed in a certain community, not being involved with a larger network, being involved with a for-profit network, or in one case, proposing an online modality.

“There is a lack of evidence that the educational program currently run by Connections Academy is effective. Though touting a ten-year track record in multiple states... failed to provide convincing measures of success.”

“There will be a higher level of scrutiny, though, when reading an application from an EMO and we are attuned to that. It is not a bias against EMO...”

“The applicant proposes to serve two distinct cities/areas, Jersey City and Bayonne. Applicant only offers that founders are products of Jersey City schools as rationale for opening school in the area. More details regarding current K-4 population are needed.”

A proposed Hebrew language immersion school, Tikun Olam Hebrew Language Charter High School, was denied because of quotation and grammar inconsistencies, according to the reviewer; and because the reviewers couldn't understand how a Hebrew partial immersion program would work, even after extensive explanations by the founders.

A proposal to create a statewide virtual charter school, with a home base in Jersey City, was challenged for not being able to prove students will participate in physical education, even though they have done so successfully in 22 other states, and because of an old statute that mandates 90% of a charter school's enrollment must come from the local district.

Currently several school districts administer virtual schools and last year, a full time virtual charter was approved based in Newark and in partnership with the company K12, Inc. Yet, the reviewers still found a reason to question the viability of online learning for young students.

"The disconnect that we feel is that NJ focuses heavily on universal access for all students. Need to see how it works in all homes... We are unfamiliar with the program."

In addition, the proposed relationship with a national education management provider was called into question without substantiation.

The reviewers felt that in one case there was "an overreliance on the EMO" and that if a charter chooses to use an EMO, "there will be a higher level of scrutiny," as if to suggest that such a level of scrutiny was cause for a negative rating.

"The school manages the EMO, not the other way around."

Among the more than 5,700 charters operating today in the US, it is estimated that nearly a fifth are partners with a non-profit or for-profit management firm that provides the curriculum, operational oversight and financial support. Many of these networks or companies serve as the back office and support fundraising, professional development, facilities maintenance, hiring and human resources as well. They do not run the school and they are accountable by contract to its formally approved founders.

High-quality charter organizations, such as National Heritage Academies, Achievement First, KIPP, Success Charters, and Connections Academy are among a few of these organizations that work in this way.

The reviewers who voiced negative comments about EMO involvement were demonstrating a lack of information and substance about the proven relationships that successful management firms have with hundreds of charter boards, in and outside of New Jersey.

The reviewers also raised concerns about the efficacy of online education and brought it up in the evaluation, interview and follow-up with the proposed school founders. These issues seemed more a result of a lack of understanding of the role of virtual charters or a bias against them than a concrete, clear issue they found with the application. For example, a proposed online school budgeted funds to provide online access and a computer to those students who were interested in the program but did

not have their own access. Even though the line item budget was included as a cost to the school, the New Jersey Department of Education read it as a cost to the student, therefore believing that this would prevent poor families from enrolling. The school explained they would incur the costs, not the student and the reviewers still felt it was unclear and wanted more narrative.

Inherent in the online schooling model is that a parent or learning coach is relied on rather heavily by the student, in addition to the online classes and teachers that they work with on their schoolwork. The Department felt that there was a disconnect because New Jersey needs to focus “*heavily on universal access for all students,*” therefore assuming that this choice is limited to certain households. If it doesn't fit a family's education goals, they will not choose it, just as a school that doesn't offer transportation may not be a choice for families without a car. Once again, reviewers demonstrated more of a concern about external factors and not about the potential for learning gains for students who might enroll.

4) Misdirection of Office of Charter Schools

Prior to completing a charter school application, the applicants attend technical assistance training, hosted by a staff member from the charter schools office within the New Jersey Department of Education. This training covers the application, deadlines, requirements, tips on writing the application and ensuring all questions are addressed prior to submission. Many applicants argued that the technical assistance training may have fostered incorrect information, contributing to their charter's rejection.

At least two applicants were unfavorably reviewed for not addressing the need for a charter school in the Jersey City/Bayonne area of the state. The reviewer said there were not enough details discussing need, current population, or academic achievement. Yet, any individual from New Jersey should know from the data that this area is not only a consistently failing area, but Jersey City itself has been under state takeover for more than a dozen years because of its failures.

This same applicant attended an earlier technical assistance training, hosted by the same office that reviews the charter applications, and was told that everyone is aware of how poorly schools are performing in those areas and specific achievement data about those areas was not required in the application to show need. The applicant followed through with the advice, and was negatively assessed as a result in the review process. Many applicants have stated that through the technical assistance training, and other conversations with the charter schools office, they felt that the basic components, expectations and requirements of the applications changed depending who you talked to and when. Applicants felt rejected before they even started because of the misinformation they received. When they are denied a charter, applicants don't even know where to begin to correct their mistakes because they are unsure what's right or wrong. This is unacceptable for a process that should be standardized and unbiased.

The Reviewers

The comments and analysis of some of these applications are clearly questionable and it's important to consider whether or not the reviewer pool made a difference. In addition to internal staff to review and score these applications, the National Association of Charter School Authorizers (NACSA) was contracted to oversee teams of evaluators and essentially lead them through the review process for a fee, so the state doesn't have to do all the work. NACSA is a membership organization of authorizers — e.g. school boards, universities, education departments and whichever entities are approved to authorize charter schools in a given state are eligible for membership. NACSA also raises funds from private foundations, and from governments, which hire personnel to manage processes like the one in New Jersey. Among those recruited to participate in reviews are former and current educators, administrators, charter advocates, and individuals who they believe are suited to the task. In the case of New Jersey, some of the reviewers included Alan Mueller, Director of Charter Schools at Atlanta Public Schools, William Parker Baxter formerly with Denver Public Schools and Shenita Johnson Garrard who served as a prosecutor for the Chicago Board of Education and worked for Chicago Public Schools in new school development. All three run, or have headed, district offices that have a track record of clear biases against certain types of applicants or schools. It's unclear how much influence NACSA had in recommending approvals or denials of these applications, but it is clear that they selected participants and led these review teams.

Conclusion

With access to more than a handful of rejected applications and interviews with the founders, the picture might indeed be more positive or different. But as these cases are not isolated to one year or one round of reviews, it's clear that the role of the state education agency in vetting and approving charter schools is not a positive one for the state, no matter who is in charge, what their political affiliation or whether they are supporters. The fact is that an education department is created and fulfills a statutorily mandated role that values process and inputs over outcomes. Indeed for decades the State Education Agency model of educational oversight has been challenged by structural reform advocates because of its natural predisposition toward traditional system structures.

Prior to this round, New Jersey approved what was considered an enormous number of charter schools, but many have been challenged in opening or having contracts approved, with little help from the department. New Jersey is one of the only states that permits just one authorizer and it's the one that has least experience opening and managing schools well. New Jersey needs to adopt best practice chartering, by creating multiple authorizers to allow other bodies besides the state to approve charters. Until that's done, the road to chartering will be fraught with unnecessary burdens and challenges unrelated to student learning opportunities.

THE CENTER FOR EDUCATION REFORM

910 Seventeenth Street, NW, 11th Floor • Washington, DC 20006

800-521-2118 • 301-986-8088 • Fax: 301-986-1826

See www.edreform.com • Tweet [@edreform](https://twitter.com/edreform) • Email cer@edreform.com