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**TESTIMONY BEFORE THE EDUCATION COMMITTEE OF THE
COUNCIL OF THE DISTRICT OF COLUMBIA ON
“INCREASING ACCESS TO HIGH QUALITY EDUCATIONAL
OPPORTUNITIES ACT OF 2013”**

**By Jeanne Allen, President,
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July 9, 2013**

Mr. Chairman, Members of the Committee:

I bring to you today a national perspective from The Center for Education Reform, which has worked for twenty years across the country to provide advice and counsel to lawmakers like yourselves, as well as working with parents and grassroots groups to help them understand education reform efforts in general, often with a focus and concentration on charter school laws. We’ve cut our teeth in many states on the authorizing issue, and so I come to you today to address specifically the Increasing Access to High Quality Opportunity Act of 2013 and the provision to provide the Chancellor with authorizing authority.

I applaud you, Mr. Catania, for recognizing that it’s critical we put parents back into the equation. With that in mind, when we look at charter laws and authorizing, we look to ensure that they are providing exactly what is intended by the creation of such laws, which should be quality opportunities for students.

I also just want to say as a preface that I will use the words ‘sponsor’ and ‘authorizer’ synonymously and am happy to get into the details about where those things may differ in your opinion.

Regarding whether the Chancellor in the District of Columbia should have chartering authority as proposed in the above-mentioned act, I want to first start by saying that the best chancellors don’t necessarily make the best schools. It is the structure that matters. It is the independence of the actual chartering entity; the independence not just from contracts and restrictions that might have evolved over time, and well-intentioned rules and processes, but also independence from the cultural mind-set

that inhibits real innovation in traditional systems regardless of written rules and processes.

We have to start by asking: What are the problems that the Council and the Mayor aim to solve? This council has discussed that the Chancellor is seeking more opportunities to improve DCPS schools and that perhaps putting chartering authority in place would give her more ability and autonomy to actually make great strides. But chartering authorities that are LEAs (Local Education Agency) do not necessarily result in such autonomy because it's the structure, not the person, that has to foster innovation and that's not something we see in districts, no matter who manages them. In fact, The Center's research on national data on charters shows that fully 58 percent of the closures around the country come from school districts that were authorizing charter schools; about 23 percent were authorized by state education agencies, six percent from universities and the balance from a variety of different authorizers. What this means is that school districts are ill suited to chartering highly successful, sustainable schools in general. In addition to the limitations a district leader has to make change, we believe district charter failure rates are high predominantly because districts and their leaders must manage a multitude of other competing interests.

The district authorizer idea is not a bad idea. All states and locales except New Jersey and the District currently permit their school boards to authorize. As the data shows, most are not adequate or even near the quality of the DC Public Charter Board, no matter who's at the helm. But the real issue shouldn't be whether the Chancellor or the district would be a great authorizer, but whether the environment for chartering here needs to be more expansive.

We think the answer to that is yes. In fact, we think the authorizing in DC actually needs a little bit more competition, not less. Keep in mind that The Center for Education Reform has ranked for the last several years the charter law of the District of Columbia either first and second in the nation in terms of its strength and autonomy and success in ensuring its residents have the opportunity that diverse, innovative schools and the accountability that chartering have provided.

But there are beginning to be imposed new rules and limitations— Mr. Chairman you referred to it earlier — on applicants in existing schools for DC's children that if left unchecked threaten the DC Public Charter Board's very effectiveness. Throughout the nation we see the same pattern. We've been on the phone with legislators in five different states this week alone about this very same issue. And so while there's a tendency to say about authorizing here and elsewhere when there is a workable model that 'let's not fix it, it's not broken, we've got a great institution,' the reality is that we're starting to see regulatory creep by even the most effect stewards of chartering

here in the district. Bureaucracy has this pernicious way of getting to even the best people in the best circumstances. I'd argue that what DC needs most now to help accelerate the pace of real change for all children in and out of the charter sector is more, not fewer authorizers.

Currently, the School Reform Act permits the Council to name other sponsors or authorizing entities without changing the Act. Across the country, University authorizers have demonstrated their ability to not only charter well, but also support the environment of the community they already are working to serve. These institutions are already publicly accountable and transparent about results and business practices. In fact, when universities are present, more and better chartering occurs across all authorizers. States with multiple authorizers that include districts are currently home to 4,926 charter schools, whereas those with single purpose authorizers have resulted in only 1,241, of which districts have created 901 of those. Having an already established entity like Howard University or the University of the District of Columbia — in addition to some level of participation by the Chancellor — would not only minimize potential capacity issues with the DCPCSB but it would allow for a healthier review of all potential ideas and from all people that is often limited now because of a lack of time, a strict focus on certain kinds of programs and a growing reluctance to try innovation.

As the Chancellor indeed does have authority to reconstitute or turn-around schools, the question is whether or not chartering makes this process better or more able to produce increased learning opportunities for children in a shorter period of time. If this bill accelerates the closing of the achievement gap it makes good sense. States with multiple authorizers are home to more and better charter schools and the Chancellor -- no matter who that might be -- could indeed use her chartering authority to spark more action in traditional public schools, removing excuses and bureaucracy that is often pointed to as the cause of failure. By giving her authority we may see where the real issues lie, or where the potential bright spots are that are often masked by system-level management and centralized efforts.

Our experience from other states, research and observation demonstrates the point. The State University of New York has authorized 117 schools across the state from Buffalo to Long Island. SUNY-authorized charter schools are the highest quality ones in the state, and now serve over 35,000 New York students. Any public university in Michigan may authorize charter schools. Eleven major universities are now responsible for authorizing the majority of the state's nearly 350 charter schools, including one university that authorized 59 charter schools serving more than 30,000 students. Indiana followed Michigan's model and authorized public universities in its state charter law, and since then Ball State University has authorized nearly half of the state's 78 schools.

Ted Kolderie of Education-Evolving Minnesota and a pioneer and progressive who forged this nation's first charter school law, argues that the single-authorizer arrangement is resulting in pressure to pick only "proven" winners to open, and usually large scale networks, that often replaces the kind of community based models that made chartering in places like the District as successful as it is today. He argues that being so prone to such choices ignores that achievement is more complicated than having one provider who allegedly proved their worth in another state. As Kolderie argues, "a diversity of authorizers is more likely to generate the innovation that's needed regarding new forms of schooling and approaches to learning. While it's often difficult for districts to charter, but we wouldn't want to close off that option for them and that route to generating chartered schools."

In 2009 Minnesota brought in a new category of authorizers; newly-created nonprofits whose only mission in life is to solicit proposals, review proposals, act on proposals and -- where it approves proposals -- to over see schools during the life of the contract. But whether you consider this model or the university model I proposed earlier, the reality is that the best minds in charter schooling today – and those who were around in the beginning of this innovation – agree that expanded chartering opportunities address the urgent need for district school improvement that the Council correctly recognizes must occur.

With the direct public accountability between the Council and institutions like Howard and UDC, it may behoove the Council to consider inviting their governing boards into the process to discover and visit what such an environment might provide for the District in terms of higher and more accountable choices. Again, notwithstanding the high quality activity and accomplishments of the DC Public Charter School Board, there is a danger that the necessity for higher growth combined with natural personalities and proclivities toward certain kinds of schools and ideas, along side a national push to instill more accountability may result in more input driven rule-making not output driven oversight, as we've begun to see in some communications between the Board and individual charter schools.

None of this effort requires amending the School Reform Act, and I believe doing so will open up the potential to roll back important reform efforts given the increasing challenge and market share of charter schools and the growing number of actors in the District who want to curb that expansion, despite positive results for the least advantaged among us.

Let me add that the Chancellor's potential authority to sponsor or authorize new charter schools should not be synonymous with Mayoral control of authorizing. Mayoral authorizing directly or facilities control. Whereas most school district retain

a school board that provides the necessary vote for any superintendent/chancellor driven proposal, the district's lack of that governing board and its unique condition of Mayoral control makes this complex. The Council might consider legislation that permits DCPS to create charters with final approval from OSSE, to which DCPS is accountable for federal law and which could provide a necessary check and balance. Regarding facilities, you might consider, should you extend that chartering authority, that the newly created charter must locate and find a building the way all other schools do, and by ceasing to be a traditional DCSP school the entity forfeits the building. That might vet whether the applicant/charter proposal was more about the buildings than the school itself.

Finally, I would urge you not to adopt any kind of universal "standards of authorizing" that are authored by any charter advocacy or research group, as doing so has been shown not to raise standards but invite micro-managing. As Josephine Baker testified, strong authorizers do not micro-manage but instead hold its schools to high standards with lots of freedom and minimal intrusion, though practice consistent and strong oversight. It's a delicate balance that has been done well in DC most of the time up until this point, and is more likely to endure when other entities are part of the process. In addition, simply putting words into the School Reform act or other statutes doesn't guarantee quality but gives license to other agencies in government to interfere.

Ensuring that the District continues to offer a vibrant portfolio of public charter schools while expanding access to additional and potentially new innovations in public schooling requires understanding the potential for both, the circumstances that have stymied both and the opportunities to safeguard against political and bureaucratic pressures that are natural to any maturing educational structure.

We would welcome the opportunity to introduce you to additional state and local leaders outside of the District who can share their first person perspective on their own university-based authorizer experience, as well as the relationship in states with additional entities to one another and to the health of the charter movement. Such environments are home to the majority of successful charter schools, fewer closed or failed schools, and more collaboration across all sectors.

I stand ready to support you as you explore not just this issue, but also the best solutions to supporting and advancing students at every grade, accountability for every school and a shared vision for parents, educators and community leaders.