


1-27-2010

Charter School Review in Arkansas and Across the Nation

Nathan C. Jensen
University of Arkansas, Fayetteville

Gary W. Ritter
University of Arkansas, Fayetteville

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Citation

Jensen, N. C., & Ritter, G. W. (2010). Charter School Review in Arkansas and Across the Nation. *Policy Briefs*. Retrieved from <https://scholarworks.uark.edu/oepbrief/73>

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At the most recent State Board of Education meeting, State Education Commissioner Tom Kimbrell addressed the need for more monitoring of charter schools to ensure that these schools meet their stated goals, including the types of students they intend to serve and the scope of the schools' curricula. Additionally, he noted that the current process for reviewing applications for charter schools is inadequate, and acknowledged the need for a more systematic review process. As a result, Dr. Kimbrell reported that the state is planning to create a charter review council that will serve two important functions: reviewing charter applications prior to State Board members, while also evaluating existing charter schools on an annual basis.

As our Commissioner considers the development of such a board, it seems appropriate to examine how other states across the nation approve and review applications for new and existing charter schools and how charter schools currently are approved and reviewed in Arkansas. We also provide a brief description of what a charter school review council is and discuss the potential benefits of such a board.

HOW ARE CHARTER SCHOOLS AUTHORIZED ACROSS THE NATION?

In the majority of states with charter schools laws (26 of 41), the legislature has designated multiple authorizers to approve new charter schools. For example, in Arizona, local school boards, the State Board for Charter Schools, as well as the State Department of Education can all approve the opening of charter schools. Other entities that can act as authorizers include local colleges and universities or nonprofit organizations, or in cases such as New York or Minnesota, one of the multiple authorizers can be a single person (such as the Commissioner of Education in Minnesota). Additionally, in the majority of states, local school

boards have the ability to approve or deny requests for charter schools.¹

CHARTER REVIEW IN ARKANSAS

Currently, an application for a charter school is reviewed by the nine members of the State Board of Education; these members are appointed to seven-year terms by the Governor of Arkansas.² The Board members vote on whether or not the applicant should receive a charter based on the school's mission, program, goals, students served, and methods of assessment as portrayed in the charter application. All charters in Arkansas are granted for a period of five years; however, the Board members can choose to void the school's charter at any point if they believe the school has not produced positive academic results and/or adhered to the charter contract.

There are a number of rules that guide the decision of whether or not to grant a charter; however, many of these rules are open to the interpretation of the board member.³ For example, the guidelines state that board members should evaluate the merits of a charter on such things as the educational mission and educational plan of the school. Because there is no "right" answer as to what constitutes the best plan or mission, ultimately the fate of a charter school rests on the opinions of the board members.

In all but three states/districts (New Jersey, Hawaii, and Washington D.C.), local and state boards have some (if not all) input regarding decisions about the granting and reauthorizing of charters. As such, it seems relevant to address some of the possible disadvantages of these types of boards making choices about charter schools.

¹For a complete list of charter school authorizers in each state, please see Table 1.

²Arkansas is one of 15 states to have a single authorizer of charter schools.

³For a summary of rules governing public charter schools, please visit:

http://www.arkansased.org/about/pdf/current/ade_283_charter_101209_current.pdf

DISADVANTAGES OF LOCAL OR STATE BOARDS MAKING CHARTER DECISIONS

While local school boards are not responsible for approving or denying charters in Arkansas⁴, local boards do play this role in many states.

Nevertheless, there are disadvantages to allowing local boards to make these decisions. First, charter schools and the local districts in which they would be situated would likely compete for the same groups of students. Thus, policymakers in local school districts may well be reluctant to approve charters for "competitor" schools because a decrease in district enrollment will lead to a decrease in funds received by the district. Second, these local school districts may be unable or have inadequate resources to effectively evaluate or oversee these charter schools. In other words, they may be unable to determine if a school would be effective at educating all types of students.

There are also disadvantages to having a state board oversee all decisions on charter school authorization. For example, in Arkansas, charter schools comprise only a small percentage of school in the state, yet the State Board is required to spend a disproportionate amount of time authorizing and monitoring these schools. Thus, an independent board may free up the State Board to focus its attention on other, perhaps more comprehensive educational issues.

What options then might a state have?

CHARTER REVIEW BOARDS

As referenced by Dr. Kimbrell, an option that might prove to be beneficial would be the use of a charter review board. There are a number of these boards across the nation (such as in Utah, Georgia, and Washington D.C.; eight in total), with a primary

goal of comprehensively reviewing charter applications, overseeing the operation of these schools, proving support when needed, and annually reviewing academic and financial performance. Members of these boards come from a variety of different backgrounds, including banking, law, research, and education.

Becoming a member of a charter review board differs from state to state. For example, on the Georgia Charter School Commission, the seven board members were first nominated by the Governor, Lt. Governor, and Speaker of the House, and then approved by the Georgia Department of Education. Members of the Washington D.C. Public Charter School Board were recommended by the U.S. Secretary of Education and then appointed by the mayor.

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Perhaps the greatest benefit of a charter review board in Arkansas would be the amount of time it would save the State Board of Education. As noted earlier, the board currently devotes a large percentage of its time to issues related to charter schools, despite the fact that charter schools comprise a very small fraction of the total number of schools.

Transferring all charter-related issues to a charter review board might allow the State Board to focus more of its efforts on other pressing education issues.

Additionally, the use of a charter review board would allow for more in-depth reviews of the applications for new charter schools, including a more formalized manner to determine the merits of an application. Further, this type of charter review board could provide more thorough evaluations of all existing charter schools on a regular basis, ensuring that these schools are providing their students with the best possible academic experience. Both of these benefits stem from the fact that the charter review board would have no other responsibilities other than the evaluation of charter schools.

⁴ However, local school boards can submit their support or lack thereof of new charter schools to the Arkansas State Board.

CREATING A CHARTER REVIEW BOARD

If Dr. Kimbrell were to create a charter review board, perhaps the first step would be to comprise a list of potential and viable candidates for this type of position. Consistent with other states, this selection process might include nominations from the Governor and/or Lt. Governor, as well as from Dr. Kimbrell. After a group of candidates for this board has been generated (which might also include Dr. Kimbrell), it might be prudent to pass on the final selection of the board members to members of the Arkansas House of Representatives and Senate, specifically those members who also serve on the Education Committees. In this way, a group of elected, representative individuals is tasked with creating a charter review board that they believe will provide an objective appraisal of proposed and existing charter schools.

After creating a charter review board, one of the primary decisions that Dr. Kimbrell will have to make is the extent to which the charter review board will be able to make final decisions about new and existing charter schools. In some areas (such as Washington D.C.), the charter review board has complete independence in the authorization and reauthorization of all charter schools. Conversely, in states like Hawaii, the charter review board conducts all reviews, but final decisions about

granting charters are left to the State Board of Education.

In either case, the laws governing the charter application process may need to be amended. As the law currently reads with regard to approval of open-enrollment public charter schools, "9.03 The State Board shall review the applications for proposed public charter schools and utilize the same procedures set forth in Section 9.02.01 of these Rules." If the task of reviewing and granting charters to new applicants were to be delegated to a charter review board, this section of code may need to be revised.

In the end, the use of a charter review board would allow a specialized group of individuals to assess and evaluate charter applications and monitor existing charter schools. Not only would this allow the State Board of Education to focus on the 95% of the state's students in traditional public schools, but it would also result in a more in-depth, transparent review of charter applications. In this way, both boards would be working together in a more efficient manner to improve outcomes for all children in the State of Arkansas.

For more information on this policy brief, please contact the authors, Nathan Jensen (njensen@uark.edu) and Michael McShane (mmcshane@uark.edu)

Table 1. Charter Authorizers by State

State/District	Local School Boards	State Board of Education	Charter Review Boards	City Government	Colleges/ Universities	Non-Profit Agencies	Other
Alaska		<input checked="" type="checkbox"/>					
Arizona		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Arkansas		<input checked="" type="checkbox"/>					
California	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Colorado	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Connecticut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Washington D.C.			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Delaware	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Florida	<input checked="" type="checkbox"/>						
Georgia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Hawaii			<input checked="" type="checkbox"/>				
Idaho	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Illinois	<input checked="" type="checkbox"/>						
Indiana	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Iowa		<input checked="" type="checkbox"/>					
Kansas		<input checked="" type="checkbox"/>					
Louisiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Maryland	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Massachusetts		<input checked="" type="checkbox"/>					
Michigan	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
Minnesota	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mississippi		<input checked="" type="checkbox"/>					
Missouri	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
Nevada		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
New Hampshire	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
New Jersey							<input checked="" type="checkbox"/>
New Mexico	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
New York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
North Carolina		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Ohio	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Oklahoma	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
Oregon	<input checked="" type="checkbox"/>						
Pennsylvania	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Rhode Island		<input checked="" type="checkbox"/>					
South Carolina	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Tennessee	<input checked="" type="checkbox"/>						
Texas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Utah	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Virginia	<input checked="" type="checkbox"/>						
Wisconsin	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
	<input checked="" type="checkbox"/>						

*This Table represents the various authorizers of charter schools in each state/district. If an entity wants to start a charter school, they can appeal to any of these groups to grant a charter. For a complete state-by-state breakdown, please visit: <http://www.charterschoolresearch.com/>