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To: [Burns, Marlies](#)
Subject: NACSA Policy Analysis- Utah
Date: Wednesday, September 24, 2014 3:15:30 PM
Attachments: [Utah Data.xlsx](#)
[NACSA Gap Analysis Rubric v3.xlsx](#)

Dear Marlies,

NACSA is committed to creating state-level policy environments that support successful charter schools and strong authorizing. Policies can either help or hinder authorizers and their work. Our operating assumption is that policy change could support a stronger charter sector in all states, but the mix of specific changes needed vary from state to state. We know that no single policy change makes sense everywhere.

NACSA has identified eight elements of state policy that can facilitate a successful charter school sector and that enhance accountability for both charter schools and authorizers. We score each state charter law on the extent to which it incorporates these policies. We have been doing this scoring for several years internally, but in the coming months we will be publishing them as part of a report highlighting our progress in meeting our policy objectives. The report will not only include these scores by state, but an overall ranking of state charter laws. This will not be ranking charter laws in their entirety, but on these specific elements. In preparation for this, we are asking our partners in states to review our analysis of your state's charter school policies.

Attached you will find both our rubric with our eight policies as well as the scoring sheet for your state. If you believe we have missed something or characterized something inaccurately, please let me know. In addition, we know that scores do not tell the whole story. We are preparing a paragraph of narrative for each state to explain further why we did or did not give credit for certain policies and any other pertinent information that is required to understand the charter landscape of that state further. We welcome any suggestions you may have on what is most important to address in your state. You can reach me at 312-376-2325 or christinar@qualitycharters.org.

Thank you for your help,

Christina Ricordati



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Rubric for Scoring GAP Analysis of State Policies

1. Endorse and Apply Authorizer Standards

1.a. Establishing Authorizer Standards: The state endorses national industry standards of quality charter school authorizing and expects all authorizers to meet these standards. Ideally, these standards will be NACSA's Principles and Standards of Quality Charter School Authorizing. Alternatively, the state will develop or endorse standards that may be different from NACSA's but that are still adequate to inform strong authorizer practices.

1.b. Evaluating Authorizers on Authorizer Standards: Some entity in the state will periodically evaluate authorizers on the standards. In most circumstances, the entity evaluating authorizers will be the State Education Agency (SEA). In some states, that responsibility may rest with the authorizers themselves or other parties.

1.c. Compliance with PMR.

Full Credit: 3 points

State law or regulations incorporate national industry standards of quality authorizing or provide state standards that meet or exceed NACSA's Principles and Standards of Quality Charter School Authorizing.

State law or regulations require OR allow a state entity to assess authorizers' compliance with applicable standards and/or portfolio performance.

State law or regulations require a charter contract, a performance framework, and provides language that encourages quality replication, such as the ability to hold multiple schools under one charter or an expedited approval process for high achieving schools.

2 points

State law or regulations provide strong standards of quality authorizing established by the state.

State law or regulation requires two of the PMR policies.

1 point

State law or regulations require standards but do not provide any content.

State law or regulations require authorizers to provide an annual report on their compliance with state-mandated standards.

State law or regulation requires one of the PMR policies.

0 points

State law and regulations omit standards.

State law and regulations provide no standards-based evaluation of authorizers.

State law or regulation requires none of the PMR policies.

1.d. Annual Authorizer Report on School Performance: Each authorizer will provide an annual report on the performance of its schools. That report will include measures of how well schools are doing as measured by the state accountability system and how well they do according to the authorizer's school performance framework.

State law or regulations require authorizers to provide an annual report on the performance of schools in their portfolios according to state accountability measures and authorizer's performance framework. This must be above and beyond the state report card.

State law or regulations require authorizers to provide an annual report on the academic performance of all schools in their portfolios.

State law or regulations require annual reports including information on school performance but require something less than a comprehensive report on all schools in portfolio.

State law and regulations do not require reports on school performance.

1.e. Sanctions for Failing Authorizers: Authorizers may be closed or face other sanctions if they do not meet professional standards or if their schools do not perform adequately. Sanctions can include closing the authorizer, preventing them from authorizing new schools, and transferring their schools to other authorizers.

Sanctions apply to authorizers for failure to meet standards of quality authorizing OR for school performance AND sanctions explicitly include closing authorizers. It is preferred that all authorizers are subject to sanction and that schools must re-apply for charters from another authorizer.

Sanctions apply to authorizers for failure to meet standards of quality authorizing OR for school performance AND sanctions include removing schools from an authorizers portfolio.

Sanctions apply to authorizers. Sanctions may allow authorizers and schools to stay open but restrict their granting of new charters or authorizer merely loses exclusive authority.

State law and regulations provide no sanctions.

2. Standard of School Performance Applied During Renewal (weighted category X2)

Authorizers may close schools that fail to meet performance standards. It is not acceptable to direct authorizers to renew charters when schools fail to reach those standards but "make reasonable progress" toward those standards.

State law or regulations allow authorizers the option to refuse to renew low-performing schools based solely on past academic performance measured by state standards or charter provisions.

State law and regulations require authorizers to renew charters for schools that are making progress towards, but failing to meet, performance goals and standards.

3. Closing Failing Schools: (weighted category X2)

The state should identify a threshold of minimally-acceptable performance for charter schools. Schools performing below this threshold at the time of renewal, or that remain below this level for a fixed amount of time, face closure as the default -- or expected -- action. In some situations, the authorizer or the state may decide to keep it open based on extenuating circumstances.

The default consequence under state law or regulation provides that charter schools that fail to meet performance standards for a defined period, or at the time of renewal, will lose their charter absent extenuating circumstances.

Charter schools that fail to meet performance standards will be closed at the time of renewal and the renewal term is 10 or more years.

The default consequence under state law or regulations provides that schools will retain their charters despite failing to meet school performance standards.

4. Alternative Authorizer (weighted category X2)

The state will establish an alternative authorizer that meets NACSA's Principles and Standards that operates in addition to, or instead of, the local school district. Ideally, the alternative authorizer would be an ICB.

State law or regulations permit an alternative authorizer such as an ICB, SEA, HEI, or NFP that can be applied to directly and has more than one authorizing option.

State law or regulations permit an alternative authorizer only upon appeal OR a single statewide authorizer.

State law or regulations permits alternative authorizers with limited jurisdiction.

State law or regulation does not permit alternative authorizers other than LEA.

State	Criterion	Score	Summary	Excerpts from Statutes
Utah	1			
Utah	1a	0	State statutes and regulations do not adopt or provide standards for authorizers.	"In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act and after consultation with chartering entities, the State Board of Education shall make rules that: * * * (2) require a chartering entity to: (a) visit a charter school at least once during: (i) its first year of operation; and (ii) the review period described under Subsection (3); and (b) provide written reports to its charter schools after the visits; and (3) establish a review process that is required of a charter school once every five years by its chartering entity." U.C.A. 1953 § 53A-1a-520
Utah	1b	0	No evaluation of authorizers based on standards for quality authorization.	
Utah	1c	2	Charter contract, replication	In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish the procedures and deadlines for approved charter schools to apply and qualify for expansion, including the establishment of satellite campuses.
Utah	1d	0	No statute or regulation requires authorizers to make annual reports on the academic performance of their entire school portfolio.	
Utah	1e	0	No sanctions on authorizers for failing to meet authorizing standards or for performance of portfolios schools.	
Utah	2	0	Statutes and regulations do not provide a clear standard of renewal allowing authorizers to close schools that fail to meet performance standards.	
Utah	3	0	No default of school closure for failure to meet minimum academic standards.	"A chartering entity may terminate a school's charter for any of the following reasons: (a) failure of the school to meet the requirements stated in the charter; * * * (c) subject to Subsection (6), failure to make adequate yearly progress under the No Child Left Behind Act of 2001,20 U.S.C. Sec. 6301 et seq.; * * * (e) other good cause shown." U.C.A. 1953 § 53A-1a-510 ("Termination of a Charter")
Utah	4	3	LEA, ICB	