

COMMENTS ON REVISIONS TO THE
2020 CHARTER SCHOOL PERFORMANCE FRAMEWORK
Submitted to the Texas Education Agency
October 4, 2021

Twenty-one education and policy organizations (listed below) endorse the following comments to proposed changes to the 2020 Charter School Performance Framework (CSPF) published in the Texas Register on September 3, 2021. These organizations respectfully request that the Commissioner revise the 2020 Charter School Performance Framework (CSPF) to better reflect TEA's stated intent for the CSPF to inform parents and the public, charter schools, and the authorizer about charter school performance.

A framework to measure charter performance is required by statute [TEC 12.1181(a)]. TEA uses the ratings in the CSPF for a variety of important determinations including appropriate levels of oversight by the agency, eligibility for charter expansion amendments, and certain decisions to renew, non-renew, or revoke charters. Charter schools that score at 80 percent or above on the CSPF receive a Tier I rating and are considered to have "high quality" performance.

We agree with TEA that the 2020 CSPF should be "informational only" since the academic performance standards are heavily weighted in the CSPF (70 percent) but are not available in 2020 (page 27). As such, we strongly recommend that the 2020 CSPF not be used to give preferential treatment for charter expansion amendments or renewals.

We also recommend that TEA expand the stakeholder groups that are formally involved in the revision of the 2021 CSPF at the front-end of the process before the rules have been proposed. The statute directs TEA to involve "interested parties" in the development of the framework. These "parties" should include education organizations such as those that have submitted comments on the 2020 CSPF, school districts, and the elected State Board of Education. Each of these organizations has an interest in how TEA measures charter school performance and how the CSPF is used for charter expansion, renewal, and oversight.

We also agree with TEA that parents and the public can benefit from receiving comprehensive information about charter school performance. However, in reviewing the proposed changes to the 2020 CSPF, we believe that TEA misses an opportunity to provide more meaningful and relevant information in the CSPF that will help parents make important educational choices for their children. Including additional indicators in the CSPF from data that is already reported to TEA will increase the CSPF's usefulness to parents and help TEA better achieve its goal to provide "a comprehensive body of data that is reflective of charter school performance."

TEA states that the Academic Standard in the CSPF answers the following question: "Is the academic program a success for all students?" Yet, the current CSPF indicators leave gaps in the

performance standards for students with special needs and English Learners. In fact, under the current CSPF indicators, a charter school that underserves students with special needs, or does not report an adequate number of certified teachers for Bilingual/ESL students or students with special needs, can still claim it is a “high quality” charter school, and as a result, its expansion amendments are likely to be routinely approved.

For example, a charter school that serves only 1.9 percent students with special needs was rated “high quality” on the 2019 CSPF, and 10 new campuses were approved through the charter amendment process over the last three years. We recommend adding indicators to the 2020 CSPF that will address these educational equity issues and better inform stakeholders about whether charter schools adequately serve these special student populations.

Importantly, we also recommend the addition of performance indicators to the Academic Standard in the 2021 CSPF that reflect what matters most to parents: how charter schools implement practices and make budget decisions that have the greatest impact on what happens in the classroom for their children. Indicators recommended include: class size, teacher turnover, student attrition, closed charter campuses that abandon students, and expenditures that directly impact students in the classroom.

In summary, we believe that the current CSPF misses an opportunity to better inform state decision-making, safeguard public funds, and provide performance standards that are more relevant to parents and the public. In some cases, the data in the CSPF can result in a misleading rating of “high quality” for a charter school that is not serving all children equitably.

RECOMMENDATIONS

1. ACADEMIC STANDARD

a. Add indicators from the 2020 Results Driven Accountability Manual and Texas Academic Performance Report for special student populations and Bilingual/ESL populations compared to the state or district average for the districts where the charter is located, including:¹

- Enrollment percentages for students with special needs and English Learners;
- Numbers and percentages of teachers certified to serve both students with special needs and students in bilingual/ESL programs, as required by law; and
- Graduation rates for students with special needs and English Learners (for schools serving grades 9 - 12).

Points can be awarded for charter schools that meet (or nearly meet) the state or district average.

TEA should add indicators that reflect whether or not charter schools are identifying students

with special needs and Bilingual/ESL populations, enrolling them at a level proportionate to the state or district average, and providing required services such as certified teachers adequate to meet student enrollment.

b. Add additional indicators for English Learners and students with special needs.

These indicators are especially critical since the only indicators for special student populations and English Learners are currently included in the Operational Standard (3b and 3c) and will not be reported in 2020. However, there are other measures already reported to TEA that can provide important indicators that demonstrate how charter schools are serving these students.

For example:

- TELPAS Reading proficiency levelsⁱⁱ
- TELPAS Composite Score for multiple years, and for assessed domains in spring 2020

2. OPERATIONAL STANDARD

a. Restore the language in 3b and 3c that describes Program Requirements for Special Populations and Bilingual Education/ESL Populations.

Include the description of 3b and 3c with an explanation why charters do not receive points in 2020, but do not delete the language from the CSPF Manual so that there is continuity in the indicators and the calculations from year-to-year (page 20).

b. Restore the language in 3l (Appropriate Handling of Secure Assessment Materials).

Include the description of 3l with an explanation why charters do not receive points in 2020 but do not delete the language from the CSPF manual so that there is continuity from year-to-year (page 23).

c. Weight the indicator that requires all charter school teachers to meet statutory qualifications.

Given the valuable role that qualified teachers play in our classrooms, meeting the minimum standard for teacher qualifications as required by law should receive more points on the CSPF than an indicator for simply turning in a report on time. Currently, teacher qualifications and filing documents on time each receive only one point on the CSPF.

d. Deduct points if charter schools do not submit reports on time, but do not add points for simply complying with the law.

3. FINANCIAL STANDARD

The CSPF does not include indicators that identify whether a charter school has adequate systems and safeguards in place to prevent misuse of public funds.

a. Provide one point if charter schools report no related party transactions involving the use of state funds on their annual financial statements.

b. Deduct one point if a charter school is the subject of a negative audit that identifies deficiencies in its financial systems, program implementation, or governance.

c. Add an indicator from the FIRST report that is relevant to parents and the public: ⁱⁱⁱ

Indicator 15: Did the charter school have a 15 percent decline in the students to staff ratio over 3 years (total enrollment to total staff)?

4. ADDITIONS TO ACADEMIC STANDARD FOR 2021

There are no indicators currently included on the CSPF that relate directly to the operations that impact what happens in the classroom for students. Practices that affect the classroom are important to include in the CSPF because research shows they can have a direct impact on student performance. These indicators also provide data that is more meaningful and relevant to parents. The CSPF can be the vehicle to integrate key data in one document accessible to stakeholders and provide a more comprehensive picture of charter performance.

Provide points for charter schools that meet (or nearly meet) the per student state average for the practices and expenditures listed below.

a. Add indicators that directly impact academic outcomes, such as:^{iv}

- Average class size
- Average teacher turnover
- Average student attrition and mobility
- Closed campuses: Charters that have closed a campus or relocated a campus 10 miles or more to a different site should lose points on the CSPF. Closing or relocating a campus abandons students and creates “churn” which research shows can have a negative impact on academic outcomes.^v

b. Add indicators for expenditures that directly impact academic outcomes and access to educational opportunities, such as:^{vi}

- Instruction
- Guidance and counseling
- Health services
- Transportation
- Extracurricular Activities

5. MISCELLANEOUS

a. Do not provide an overall CSPF rating in 2020 or use the CSPF for preferential treatment to approve charter amendments or charter renewals because there is no academic rating in 2020 (which represents 70 percent of the overall CSPF).

b. Establish the CSPF in advance of the release of state ratings.

Education Section 12.1181(a) requires adoption by rule of the Charter School Performance Frameworks. Subsection (c) states that “Each year, the commissioner shall evaluate the performance of each open-enrollment charter school based on the applicable performance frameworks adopted under Subsection (a).” We think the statute correctly contemplates that the Framework is set up in advance and then performance is judged on those metrics. We do not think it is a good idea to tinker under the hood with the Framework after-the-fact after all the performance data is in.

The legal requirements to run a charter school and properly educate children are fairly constant and should be a first threshold measure of whether a charter school has met minimum requirements for expansion or is eligible for charter renewal. This year is obviously an exception, given the lack of STAAR data, and we agree with TEA that this year’s Framework is “informational only.”

c. Post the 2020 CSPF Manual on the TEA website.

Given that TEA states that the CSPF is designed to “provide parents and the public with information about each charter school performance,” it seems contradictory that TEA has determined that the CSPF manual will not be available on the TEA website (page 8). The manual includes detailed information about how TEA rates charter schools that should be available to the public.

d. Include a section in the CSPF manual that provides specific details about key indicators.

The CSPF manual does not provide specific details about how four important indicators are determined and what data is used: Indicators 1b (Academic status and growth for student groups), 3a (Teacher qualifications), 3b (Program requirements: Special populations), and 3c (Program requirements: Bilingual education/English as a second language populations).

e. Include an explanation about each indicator so that parents and the public understand the relevance of the indicators.

Many parents will not understand the relevance of indicators such as “administrative cost ratio,” “PEIMS report,” or “debt service coverage.” A description of each indicator with context about why they are included and a link to the data source would make the CSPF more understandable to parents and the public. As an example, the FIRST report includes a simple description of each indicator that is helpful to the user.

f. Explain why End of Course exams are scored in 2020 while other performance assessments were not scored and were an “N/A” (page 25).

g. Suggested Corrections.

- Add “federal” to all references to TEA’s authority to evaluate all public schools and districts under state and federal accountability requirements (first reference on page 1)
- Correct the title of the TAPR report: from Texas Accountability Performance Report (TAPR)
Change to: Texas Academic Performance Report (page 7)
- Correct spelling of monitoring (page 7)

The following organizations endorse the comments on the proposed changes to the CSPF submitted 10/04/21:

Association of Texas Professional Educators (ATPE)
Coalition for Education Funding (CEF)
Every Texan
Fast Growth School Coalition
Go Public
Intercultural Development Research Association (IDRA)
Pastors for Texas Children
Raise Your Hand Texas (RYHT)
Texas American Federation of Teachers (Texas AFT)
Texas Association of Community Schools (TACS)
Texas Association of Latino Administrators and Superintendents (TALAS)
Texas Association of Midsize Schools (TAMS)
Texas Association of Rural Schools (TARS)
Texas Association of School Administrators (TASA)
Texas Association of School Boards (TASB)
Texas Classroom Teachers Association (TCTA)
Texas Elementary Principals and Supervisors Association (TEPSA)
Texas Rural Education Association (TREA)
Texas School Alliance (TSA)
Texas State Teachers Association (TSTA)
Texas Urban Council (TUC)

Data Sources for New Indicators

¹ Indicators for special student populations and Bilingual/ESL students:
Data reported in [Texas Academic Performance Report](#) (TAPR) and/or [Results Driven Accountability Manual](#):
Percentage of students with special needs

Percentage of bilingual/ESL students

Number and percentage of special education and bilingual/ESL teachers

ii TELPAS Score Reports

<https://tea.texas.gov/student-assessment/testing/student-assessment-results>

iii [FIRST Report](#) - Indicator 15

iv Indicators for practices that impact academic outcomes:

Class size: TAPR

Teacher turnover: TAPR

Student attrition: [Annual Attrition Rates by Year](#) (by district)

v Indicator for closed campuses:

Charter school amendments for closure or relocation (and “Other” amendments)

vi Indicators for expenditures that impact academic outcomes:

[PEIMS Financial Standard Reports](#)