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# High-Quality Charter Authorizing Policy Profiles: Alabama

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# Alabama: Overview of State Law and Snapshot of Quality Authorizing Practices

## Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).<sup>i</sup> NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State's authorizing policies and practices; it is intended to describe the key elements of the State's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

## Overview of State Law

In 2015, the Alabama State legislature passed the *Alabama School Choice and Student Opportunity Act (Act 2015-3)*. This law permitted an unlimited number of conversion public charter schools, and limited new growth to no more than 10 start-up public charter schools in each fiscal year through September 30, 2021.<sup>ii</sup> Since 2015, several House and Senate bills were proposed to amend the initial charter law that ultimately did not pass.

# State Authorizing Profile: Alabama

## Framework Snapshot<sup>1</sup>

### **Authorization**

- Does not cap charter school growth
- Provides for more than one authorizing pathway

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### **Performance Monitoring**

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Renewal/Revocation**

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### **Authorizer Accountability**

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### **Authorizer Leadership, Student Access, and Student Services**

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

**Source(s):** Alabama Code Title 16. Education § 16-6F-1-11.

<sup>1</sup> As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

## Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

### Does not cap charter school growth

While there is currently a cap on charter schools, the cap expires in September 2021, so the statute provides room for growth. There is also no limit on conversion charter schools.

### Provides for more than one authorizing pathway

There are two types of authorizers in Alabama—local school boards and the Alabama Public Charter School Commission (Commission). Local school boards may register with the Alabama State Department of Education (ALSDE) to become authorizers.

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

### Specific application criteria

Alabama statute specifies a comprehensive list of elements that must be included in charter applications, including an executive summary, the mission and vision of the school, the location, grades to be served, a description of the academic program, and a description of the school’s instructional design. Additional elements are required for applicants that intend to contract with education service providers, including evidence of success in serving similar student populations. In addition, for applicants that currently operate charter schools, “the request for proposals shall additionally require the applicant to provide evidence of past performance and current ability to manage for growth.”<sup>iii</sup>

### Timelines

Local school boards must issue a request for proposals by November 1 each year. Authorizers must approve or deny the charter application within 60 days of receiving it. Applications submitted by a public historically black college or university (HBCU) or in partnership with one may be reviewed more quickly. If the authorizer does not issue a decision on an application within 60 days, the application is denied, and the applicant may appeal the decision to the Alabama Public Charter School Commission. The authorizer must then report on its decision to the ALSDE within 30 days.

### Evaluation review process

The application review process must include a “thorough evaluation of each written charter application, an in-person interview with the applicant group, and an opportunity in a public forum for local residents to learn about and provide input on each application.”<sup>iv</sup> State statute requires that authorizers grant charters to only those applicants “that have demonstrated competence in each element of the authorizer’s published approval criteria and are likely to

open and operate a successful public charter school.”<sup>v</sup> Authorizers must also base decisions “on documented evidence collected through the application review process.”<sup>vi</sup>

### **Process for denied applications**

Authorizers must state the reasons for denial for the public record. Denied applicants may reapply to the same board the following year. Authorizers must also issue a report on all decisions to approve or deny charters to the ALSDE and the applicant within 30 days. The report must include the decision made and the reasons for making the decision. Applications that are denied by local school boards may also be appealed to the Alabama Public Charter School Commission.

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### **Separate post-application agreement**

State statute specifies that within 60 days of a charter application being approved, the authorizer and the charter school governing board must execute a charter contract.”<sup>vii</sup>

### **Rights and responsibilities of authorizer and school**

State statute requires that the contract define the “performance expectations and measures by which the public charter school will be judged and the administrative relationship between the authorizer and the public charter school, including each party’s rights and duties.”<sup>viii</sup>

### **Academic, financial, and operational performance expectations for schools**

The performance provisions within a charter contract must be based on a performance framework “that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the authorizer’s evaluations of each public charter school.”<sup>ix</sup> These measures must include student proficiency, student growth, achievement gaps, attendance, reenrollment, and financial performance and sustainability among other measures.

### **Initial term of not more than five years**

Initial charter terms are granted for five operating years and schools may also request one planning year.

### **Fiscal, legal, and programmatic autonomy for schools**

Statute grants charter schools fiscal, legal, and programmatic autonomy. Charter schools are exempt from most State and local education policies and regulations and have the power “to receive and disburse funds for school purposes; to secure appropriate insurance and to enter into contracts and leases; to contract with an education service provider for the management and operation of the public charter school so long as the school’s governing board retains oversight authority over the school.”<sup>x</sup>

## Independent charter school governing boards

Charter boards must receive 501(c)(3) status, indicating they are independent, non-profit entities, before beginning negotiations with the authorizer on the charter contract. The statute also specifies that they have the power to enter into contracts and receive and disburse funds.

## Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract**

Authorizers are required to prepare an annual performance report based on the performance framework included in the charter contract for each public charter school they oversee.

### **Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements**

Charter schools must be evaluated based on a performance framework that includes academic and operational performance measures disaggregated by major student subgroups. Each public charter school must also have annual performance targets. The authorizer must also collect and analyze data from State assessments for each charter school it oversees. In addition, authorizers are required to engage in ongoing monitoring and oversight activities to assess the performance and legal compliance of the charter schools they oversee.

### **Minimizes schools' administrative and reporting burden**

State statute does not require authorizers to minimize schools' administrative and reporting burden.

### **Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)**

State statute allows the authorizer to “take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in public charter school performance or legal compliance. Such actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.”<sup>xi</sup>

## Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### Establishes a clear renewal process and decision-making criteria

State statute outlines a clear renewal process and decision-making criteria. Authorizers must issue a charter school performance report and a renewal application by July 15 for all schools whose charters will expire the following year. The performance report must review the charter's performance to date and indicate areas of concern. The application must provide charter schools an opportunity to “present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; describe improvements undertaken or planned for the school; and detail the school's plans for the next charter term.”<sup>xii</sup> The governing boards of charter schools seeking renewal must submit a renewal application by October 1. Renewal decisions must be based on the school's performance according to the performance framework. Authorizers must also issue a public report that provides the evidence for their decision.

### Requires that decisions to renew/revoke be based on student academic achievement

Authorizers must base renewal decisions on the school's performance according to the performance framework. A charter contract may be revoked based on a number of criteria, including failing “to make sufficient progress toward the performance expectations set forth in the charter contract.”<sup>xiii</sup>

### Requires clear school closure procedures

State statute requires that before making a school closure decision, an authorizer has developed a public charter school closure protocol “to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer.”<sup>xiv</sup>

## Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

### Provides for a registration process for eligible authorizing entities

Alabama statute requires local school boards to register as authorizers.

### Requires the State entity to review authorizers' performance

Authorizers are required to publish an annual performance report for the ALSDE and the legislature that includes information on the academic and financial performance of all schools in their portfolios based on the performance measures and expectations in their charter contracts.

## Requires authorizers to adhere to standards for high-quality authorizing

Authorizers are required to “develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility including: organizational capacity and infrastructure; soliciting and evaluating charter applications; performance contracting; ongoing public charter school oversight and evaluation; and charter renewal decision-making. The State Board of Education shall promulgate reasonable rules and regulations to effectuate this section by June 17, 2015.”<sup>xv</sup>

## Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☒ Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### Requires a mission or strategic vision for authorizing

Authorizers are required to submit an explanation of their strategic vision for authorizing when they register as a charter authorizer. The Alabama Public Charter School Commission also has a mission—“to authorize high quality public charter schools, in accordance with the powers expressly conferred on the commission in this chapter.”<sup>xvi</sup>

### Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

Authorizers are required to participate in authorizer training and must sign “a statement of assurance that the local school board commits to serving as a charter authorizer and shall fully participate in any authorizer training provided or required by the state.”<sup>xvii</sup>

### Ensures equitable access to all students

State statute requires that charter schools are open to any student in the state and that charter schools cannot limit admission based on “ethnicity, national origin, religion, gender, income level, disability, proficiency in the English language, or academic or athletic ability.”<sup>xviii</sup> In addition, charter schools are not allowed to have admission requirements. If demand exceeds the space available, the school must conduct a random selection process.

### Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

State statute gives charter schools “primary responsibility for special education at the school, including identification and service provision.”<sup>xix</sup> It also gives charter schools responsibility for “meeting the needs of enrolled students with disabilities. This does not preclude the public charter school from collaborating with the local school system to meet the needs of any special education student.”<sup>xx</sup>

## Authorizer Funding

- ☒ Provides a mechanism for guaranteed access to authorizer funding
- ☒ Includes a process for holding authorizers accountable for how funding is used

### **Provides a mechanism for guaranteed access to authorizer funding**

State statute allows local school boards serving as authorizers to charge a portion of per pupil funding to cover the costs of authorizing and specifies between one percent and three percent based on the number of schools it oversees.

### **Includes a process for holding authorizers accountable for how funding is used**

Authorizers are required to report on their operating costs and expenses in their annual report. The costs and expenses must be based on their financial statements from their annual audit.

## Endnotes

<sup>i</sup> Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

<sup>ii</sup> Alabama State Department of Education, Office of Public Charter Schools, *Guidelines for Alabama Public Charter Schools* (October 2015). Retrieved from <https://www.alsde.edu/ofc/cs/Guidelines/Guidelines%20for%20Alabama%20Public%20Charter%20Schools.pdf>

<sup>iii</sup> AL Code § 16-6F-7(a).

<sup>iv</sup> AL Code § 16-6F-7(b).

<sup>v</sup> *Id.*

<sup>vi</sup> *Id.*

<sup>vii</sup> AL Code § 16-6F-7(e).

<sup>viii</sup> *Id.*

<sup>ix</sup> AL Code § 16-6F-8(a).

<sup>x</sup> AL § Code 16-6F-9(b).

<sup>xi</sup> *Id.*

<sup>xii</sup> AL § Code 16-6F-8(c).

<sup>xiii</sup> *Id.*

<sup>xiv</sup> *Id.*

<sup>xv</sup> AL § Code 16-6F-6(r)(1).

<sup>xvi</sup> AL § Code 16-6F-6(c)(2).

<sup>xvii</sup> AL § Code 16-6F-6(d)(7).

<sup>xviii</sup> AL § Code 16-6F-5(a).

<sup>xix</sup> AL § Code 16-6F-9(a)(7).

<sup>xx</sup> *Id.*