North Carolina Charter Schools: Excellence and Equity through Collaboration
2014
Acknowledgements

This report was a collaborative effort among Self-Help, the A.J. Fletcher Foundation, and Public Impact.

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Self-Help is a community development lender headquartered in Durham, NC. Founded in 1980, Self-Help has provided over $6.4 billion in financing to nearly 87,000 families, individuals and businesses underserved by traditional financial institutions. It strengthens communities by financing hundreds of homebuyers each year, as well as nonprofits, child care centers, community health facilities, public charter schools, and residential and commercial real estate projects. Through its credit union network, Self-Help serves over 100,000 families in North Carolina, California and Chicago and offers a full range of financial products and services. Learn more at www.self-help.org.

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Summary and Recommendations

On January 27, 2014, Self-Help and the A.J. Fletcher Foundation convened over 40 North Carolina education leaders to shed light on the challenges and opportunities of an expanding charter school sector, including opportunities for charter and district leaders to work collaboratively. This report presents the issues and recommendations elevated at the convening and in subsequent discussions among the convening organizations.

Emphasize quality over competition.

- Legislators and education leaders should work together to define what constitutes a “high quality” charter school and establish clear performance standards for charter schools.
- Charter schools that fall short of targets should face clear consequences swiftly.
- School districts should be encouraged to work with charter schools to focus on engaging students whose needs are not being met in their communities. Districts that collaborate with charter schools (e.g., by providing facilities) should be able to “count” charters as their own schools for accountability purposes.
- High-performing charters serving racially and socio-economically diverse student bodies should be documented and encouraged to expand.

Find ways to bridge the divide between charters and district schools.

- The charter and traditional sectors have had far too few opportunities to communicate openly. Leaders from the charter and traditional sector should convene again to continue January’s dialogue and invite additional voices into the conversation, including district superintendents, county commissioners, and teachers.
- State leaders and funders should foster such collaboration by funding and documenting 2-3 pilot charter-district collaborative efforts in different regions of the state.

Improve charter authorizing and oversight practices.

- North Carolina should more closely align with national model charter legislation and authorizing standards. This will require changes in statute, State Board policy, and DPI practice.
- The state should issue an annual request for applications that outlines the state’s vision for charters and then review applications based on criteria related to quality of proposed plan for a school.
- High-quality charter applications that meet documented needs within a community should receive bonus points in the approval process (e.g., for adding seats in an area lacking high-quality seats).

Ensure all students fair access to all public school options.

- Charter schools and their neighboring districts should consider strategies such as a common enrollment application and weighted lotteries to equalize opportunity to attend high-quality schools. A common enrollment application would simplify the process for families and create a clear sense of fairness in school admissions. Weighted lotteries help schools to pursue the goal of diversity by giving students from under-represented groups a leg up in admissions lotteries.
- Districts and charters should identify ways that charters can partner with districts (including facilities and transportation) and districts can benefit from the ability of charter schools to innovate, particularly with challenging student populations.
- Funders should devote resources to creating and expanding charter schools that exhibit both academic quality and socio-economic and racial diversity in their student bodies.

Bold pursuit of these actions can increase equity between charters and traditional district schools, expand collaboration between the charter sector and traditional district schools, reframe the current charter debate, and enhance quality of all public education opportunities for all North Carolina students.
Introduction

In 2011, the North Carolina General Assembly removed the cap limiting the number of charter schools to 100, setting the stage for dramatic growth in the state’s charter sector. Though charter and traditional schools are part of the same public school system, tensions have increased between the charter sector and the traditional public school community. These tensions are rooted in disagreement over the role charter schools should play in North Carolina, concern that charter schools are taking funding, talent, and engaged families away from traditional public schools, and suspicions on both “sides” that the state’s charter law does not treat charter schools or traditional schools fairly.

While charter schools represent only a small percentage of all North Carolina public schools, charter voices ring out strongly in the state’s policy debates. If charter school advocates were more engaged in statewide discussion of education resources, funding for school construction, and other topics that affect all public schools, they could potentially help elevate funding and equity issues for the benefit of all North Carolina students.

Recognizing both the tensions and the opportunity, Self-Help and the A.J. Fletcher Foundation convened nearly 40 North Carolina leaders invested in quality education to discuss how the state can help charter schools become a stronger asset to the public education system in North Carolina. The leaders who came together on January 27, 2014 represented district schools, charter schools, school boards, foundations, community groups, academics, and policy organizations. They convened for an open, frank discussion about the state of charter schools in North Carolina and opportunities to improve how charter schools serve North Carolina students. Above all, meeting participants agreed that increased charter and district collaboration to foster innovation, share resources in some cases, and share successful instructional methods would benefit all schools.

The program began with Brenna Copeland, Executive Director of Portfolio Management for Denver Public Schools (see Appendix B) sharing with meeting attendees about approaches adopted by charter and traditional district schools in Denver. While Colorado charter law differs from North Carolina law in that local school boards can authorize charter schools there are still valuable best practices with potential to benefit traditional public school and charter school collaboration in North Carolina. In Denver, charter schools and district schools have established a written “compact” based upon a foundation of shared values and beliefs that foster communication and collaboration. The compact is rooted in a belief in three equities—a set of principles that guide an overall strategic plan for the entire Denver school district:

- **Equity of Accountability.** All schools should be held accountable to the same performance standards.
- **Equity of Opportunity.** All public schools should have access to funding and resources equitably.
- **Equity of Responsibility.** All schools share the responsibility to educate all students.

Meeting attendees then grappled with these questions:

1. In what ways have charter schools strengthened or weakened North Carolina’s public education system?
2. How can we ensure that new charter schools are high quality, innovative, accessible, and inform their community?
3. Currently many charter schools and traditional public schools lack sufficient diversity. What steps should be taken to increase diversity in charter schools?
4. What areas of collaboration would be mutually beneficial to school districts and charter schools?
5. Are there any legislative or regulatory changes North Carolina should be considering?
6. What next steps should this initiative take?
In the process, participants elevated several areas of issues, including:

• The Charter Application and Approval Process
• Equity and Access
• Accountability
• District-Charter Relationships
• Funding

This report considers these issues and action steps recommended by meeting attendees to begin to address concerns common to charters and traditional school districts.

The Charter Application and Approval Process

Meeting attendees noted the uneven quality of charter schools in North Carolina and raised questions about the ability of North Carolina’s charter law to ensure authorization of high-quality charter schools that adequately meet community needs. Some of the concerns raised at the convening included:

• The State Board of Education, the state’s sole authorizer, does not issue Requests for Proposals outlining its strategic vision for charter authorizing or its specific expectations for the quality of charter applications, as recommended by the National Alliance for Public Charter Schools (NAPCS) model charter law. The state’s criteria for authorization do not fully take into account all the elements that go into creating high-quality charter schools.
• The process does not effectively vet whether proposed charter schools meet specific community needs. A “charter management organization” may submit very similar applications for schools in different communities without tailoring their approach to the local context.
• The state should consider streamlined process for proven high-quality charter school operators to open or expand to serve more students. A proven track record shall mean, at a minimum, three years of performance for all student sub-groups that meets or exceeds performance of those student sub-groups in the school district where the charter school is located for all of charter school operator’s existing schools.

Some participants praised North Carolina’s law for establishing a Charter Schools Advisory Board with statutory responsibility to recommend charter applications for approval to the State Board of Education. State law sets out qualifications for members, including collective experience and expertise in public and nonprofit governance, management and finance, assessment, curriculum and instruction, public charter schools, and public education law. Several meeting attendees credited the current board for its expertise and increased attention to the quality of charter schools.

Equity and Access

Meeting participants raised the frequent criticism that North Carolina’s charter sector has produced too many charter schools that are less racially and socio-economically diverse than their home school districts.

According to state data:

• 13 percent of charter schools are predominantly white—meaning 90 percent or more of the student body is white. By contrast, only 5 percent of all North Carolina district schools are predominantly white.
• 25 percent of charter schools are predominantly minority—meaning 90 percent or more of the students are students of color. By contrast, only 2 percent of district schools are predominantly minority.
• Approximately 62 percent of charter school students are enrolled in schools with less than 30 percent non-white students, while just 31 percent of students in district schools are enrolled in schools with less than 30 percent non-white students.

Charter schools also serve rural and urban areas of the state disproportionately. The greatest concentrations of charter schools are in urban areas of the state, where 40 percent of all charters are located (compared to 32 percent of all district schools). By contrast, only 35 percent of all charters are located in rural districts (compared to 52 percent of all district schools).7

North Carolina’s charter law contains several provisions designed to encourage equity, including:

• a requirement of open enrollment and use of a lottery for oversubscribed schools;
• a provision that within one year after a charter school begins operation, the population of the school reasonably reflect the racial and ethnic composition of the general population of the surrounding school district;8 and
• legislative encouragement that the State Board of Education give preference to applications that demonstrate the capability to provide comprehensive learning experiences to at-risk students.

Yet these statutory provisions alone without enforcement have not had the effect of achieving racial and socio-economic diversity within charter schools.

Authorizers in other states have used several strategies to improve opportunities for students to attend charter schools. Charter and traditional schools in Denver have adopted the principle of “equity of responsibility.”9 This principle reflects the idea that district and charter schools share responsibility for educating all students and are held to the same standards and responsibilities for serving the most expensive-to-educate and needy students, including students with disabilities, English language learners, and academically gifted students. Equity of responsibility strategies include:

• Use of a unified common enrollment system. Parents use a single form to rank their school choices, whether district and charter, and enter a common lottery for admission.
• Charter access to transportation that charter schools may purchase from the school district.
• Rent-free charter access to school district facilities (charters pay utility and maintenance costs).

Massachusetts requires charters to develop a recruitment and retention plan and enrollment goals for limited English-proficient, low-income, special education, and other at-risk student subgroups. The student recruitment and retention plan must include “deliberate, specific strategies the school will use to attract, enroll and retain ... and maximize the number of students who successfully complete all school requirements and prevent students from dropping out.”10

Accountability

A core idea behind charter schools is this bargain: charter schools are given more autonomy and freed from many regulations that apply to traditional district schools. But in return, they must meet the same student performance standards as traditional district schools and any standards established in their charter. Charter schools that do not meet targets should be less likely to attract students and should lose their charters. To make this bargain work, a
state needs (1) a policy about the freedoms charter schools have; (2) clear, rigorous performance expectations; and (3) a viable system of oversight.

Charter School Freedoms

Some contend that the current structure to provide charter school autonomy goes too far. Charters are not subject to governance by a publicly elected board; and lack curriculum requirements, restrictions on class size, rigorous teacher licensure requirements, required teacher work days for training and development, or requirements to provide transportation and free and reduced price lunch.11

Charter schools are subject to the same state reporting requirements as traditional district schools. Just like district schools, they are beholden to open meetings and records laws, have to administer state tests annually and have their results made public. Additionally, they have to live up to various tenets of public education: they cannot charge tuition, affiliate with a religious institution, violate student rights, or practice any form of discrimination.

An examination of North Carolina's charter law compared to the NAPCS model law shows a fair amount of alignment with recommended policies regarding charter fiscal and legal autonomy, exemptions from state regulations, and a system of overall program accountability. North Carolina law exempts charter schools from statutes and rules applicable to school districts unless explicitly stated otherwise, and a North Carolina charter school is fiscally and legally autonomous. It is governed by its own school board. North Carolina law also requires the State Board of Education to report annually to the Legislative Education Oversight Committee on the impact of charter schools on the delivery of services by public schools.

Performance Expectations and Results

The charter sector encompasses a wide range of outcomes, with performance composites ranging from 23.6 to 100 in 2011-12. In that school year, charter schools were over-represented both in the top 10% (25% of charter schools) and the bottom 10% (15% of charter schools) in student proficiency on state tests.12 The percentage of charter schools making “High Growth” is nearly identical to the district school percentage (44.3% vs. 44.8%). Meeting attendees questioned why failing charters have not been closed. Some suggested that the bar for charter approval may be too low, while the bar for charter closure is too high.

Since charters were first granted in 1997, 36 have closed, mainly for financial reasons. Officials in North Carolina and elsewhere often find it easier to close a struggling school for financial reasons, which can be easily quantified, than for academic reasons. Although there was evidence in 2007 of low academic performance among charter schools generally,13 the first charter the state closed due to low academic performance was in 2012.14 Since then, the North Carolina Charter Advisory Board and the State Board of Education have been more active in closing or refusing to renew underperforming charter schools, including two in 2014.15 And the State Board recently adopted a policy to change the initial term of charters from 10 years to five years, based upon NAPCS model law, to enable it to act more swiftly when schools are not performing well.16 These recent decisions suggest that the state’s statutes may be adequate to close poor-performing schools, but that implementation of the law has not been fully exercised.

North Carolina law is generally aligned with the NAPCS model law recommendations regarding renewal, nonrenewal, and revocation. North Carolina law provides that the State Board of Education may terminate, not renew, or seek applicants to take over a charter for several reasons, including failure to meet student performance requirements. The state board must adopt criteria for adequate performance by a charter school, and the “criteria shall include a
requirement that a charter school which demonstrates no growth in student performance and has annual performance composites below 60 percent in any two years in a three-year period is inadequate.17

Current law holds that if the charter school has no growth within the first five years, the school must develop a strategic plan to meet goals of student performance and have it approved by the state board. The board then has the authority to terminate or not renew a charter that fails to improve under the strategic plan. North Carolina should raise its accountability standards by amending law to require a strategic plan if no growth shown in the first three years. This will allow results of the strategic plan implementation to be included in the decision to renew or terminate a charter at five years. Additionally, under current law if a charter school is deemed inadequate after operating for more than five years, the board has the authority to terminate, not renew, or seek applicants to take over the charter. In contrast, a traditional district school that is designated as low-performing for two consecutive years or for two of three consecutive years, is subject to state mandated intervention strategies.18

North Carolina falls short of the NAPCS model law in one key respect: the absence of a clear performance framework that includes measures of, at a minimum, student academic proficiency and growth, achievement gaps, attendance, recurrent enrollment, postsecondary readiness (for high schools), financial performance, and board stewardship.

Most of the best accountability work being done across the country has been created in practice by charter authorizers rather than in state law.19 Denver Public Schools has adopted a model of shared accountability that may provide an instructive framework for North Carolina. Shared accountability begins with defining criteria of high-quality schools, including academic performance, parent satisfaction and attendance, regardless of school type. These performance standards create the ability to close or turn around failing schools if they fall to a certain level of poor performance, and the ability to support high-performing schools by replicating them in other areas in the district.

Oversight

Some meeting participants also suggested that the state’s ability to effectively monitor its charter schools is severely hampered by an understaffed Office of Charter Schools (OCS). Housed within the N.C. Department of Public Instruction, the OCS is responsible for admission standards, financial and academic accountability, monitoring, and sharing of innovative teaching methods,20 but has a staff of six21 to oversee 127 existing charter schools, with more charters anticipated to open next school year.22 Many are concerned that the recent legislative changes described above, including removal of the charter cap, will further stretch the capacity of the OCS.

District-Charter Relationships

As some meeting attendees noted, charter schools were first conceptualized, in part, to be “research and development” laboratories for public education, incubating innovative practices that could be transferred to traditional public schools. Competition with charter schools for students was supposed to motivate traditional public schools to innovate and adopt effective educational strategies that would keep families from choosing charter schools. In practice, competition has also bred distrust and divergent perspectives between the two sectors.

School districts often perceive charter schools as taking away resources and creaming the crop of high-performing students, leaving districts with the students who are hardest to serve, and fewer resources to do so. However, some charters are serving high-need students that have not succeeded in traditional district schools. School districts argue that the state has imposed charter schools on them without considering the effect charter schools have on
district operations. School districts and county commissions have difficulty developing school building programs because they do not know how many charter schools will be approved to open and where they will locate. Whereas charter schools fear that if districts were more involved in the authorization process, districts would only protect themselves and block the issuance of new charters. School districts do not traditionally share facilities with charters; however, in some fast-growing districts, charters have alleviated the need to build additional public schools.

Attendees at the meeting noted that charter schools and district schools often fail to appreciate how both are part of the same public school system and would benefit mutually if they could bridge the current divide as a matter of practice, if not policy.

The Denver Compact

As part of the compact discussed earlier, Denver Public Schools formed a Collaborative Council, a board consisting of senior district staff and elected charter representatives, to address policies and issues affecting how traditional and charter schools meet the education needs of all the district’s students. The council meets monthly to develop policy recommendations and share successful practices, and forms work groups to address practical issues such as those related to special education, alternative education, finance, and English language learners. Issues that have been or are being addressed include:

- Creating common school performance standards.
- Creating transparent and rigorous charter authorizing practices grounded in a school quality framework.
- Student-based budgeting and transparent funding formulas for both district and charter schools.
- Flexibility in transportation, providing shuttle service in zones and options for charters to purchase transportation service.
- Facility support for charter schools.23

Funding

Funding issues drive much of the contentiousness between district and charter schools. When students choose charter schools, district schools lose the per-pupil revenue for those students.24 Districts that lose a large number of students can subsequently lose funding that supports staff and programs. Since school districts have no decision-making role regarding charter schools opening in their communities, they feel a loss of control over this funding. They argue they cannot reduce costs as fast as they lose revenue, especially if a charter school draws a few students each from multiple classrooms in a district, all of which still need teachers.

A charter school in a rural school district may enroll a larger percentage of a district’s students, and thus it can create a more significant strain on financial and other resources available to traditional district schools. Rural and smaller districts feel more threatened than urban or wealthier districts by the elimination of the charter cap, worrying it will render them financially insolvent. Some meeting attendees suggested a need for local caps on the number of charter schools to prevent draining the resources from the districts and decrease uncertainty in assessing needs for capital campaigns for new school construction. At the same time, as noted above, fast-growing districts may find that the presence of charter schools means they do not have to construct new facilities as rapidly as they would without charters.

For charter schools, the funding issue is one of inequity. In North Carolina, charter schools receive about 76 percent per pupil of the amount school districts receive (about $7,397 versus $9,720 in 2008–09).25 That difference is partly
due to charter schools not receiving public funds for facilities or transportation. Charter schools may use the state and local funds they receive to finance facilities or provide transportation, but this cuts into their classroom funds. Without the economies of scale to provide transportation or free and reduced-price lunch, charters tend not to do so. A lack of those services, however, creates a barrier for some students, especially low-income students, to attend charter schools.

As meeting attendees noted, short of statutory changes to allow public funds to finance charter facilities and transportation, charter and district schools could collaborate to allow charters access to facilities, transportation, and free and reduced-price lunch. Meeting attendees recognized these benefits to such collaboration as 1) potential incentives for charters to engage with school districts to plan collaboratively on meeting the needs of the most challenging and most expensive students, including students with severe special needs and English language learners; 2) potential revenue generating sources for school districts that have economies of scale to contract with charters to provide these services; and 3) ways for school districts to exercise some oversight of charter schools within their districts without charter schools significantly compromising their autonomy.

Conclusion and Recommendations

The charter sector has potential to help ensure that all North Carolina students are well-served by the public education system in North Carolina. Yet issues that divide the charter sector and traditional schools need to be addressed to realize the potential of collaboration. This report highlights thoughts and recommendations from North Carolina education leaders on how the charter sector and school districts can collaborate to better meet the needs of the communities they serve. An outline of those recommendations from both the convening and subsequent discussions among the convening organizations is included in the “Summary and Recommendations” section of this report. By pursuing recommendations that focus the entire public school system on quality, equity, and collaboration, education stakeholders can reframe the current charter debate, and in doing so, improve public education opportunities for all North Carolina students.
ENDNOTES

1Charter schools in Denver are authorized by Denver Public Schools. Colorado law allows all local school boards to authorize charter schools, provided that a majority of students at a charter school authorized by a district reside in that district or in contiguous school districts. In addition, Colorado law has established an independent Charter School Institute with statewide chartering authority except in districts granted “exclusive chartering authority” by the state board of education. Retrieved from http://www.publiccharters.org/get-the-facts/law-database/states/CO/

2The Bill & Melinda Gates Foundation awarded $100,000 to schools in five cities to promote collaboration between charter schools and traditional public school districts. The compacts formed by the school districts are designed to support universal enrollment systems that are transparent and have consistent, fair standards. The grants will help with shared space of facilities, joint programs of professional development, and a common evaluation system. Cavanagh, S. (2014, January 29). Gates Foundation grants aim to foster district-charter cooperation. Education Week. Retrieved from http://blogs.edweek.org/edweek/marketplace12/2014/01/gates_grants_for_district-charter_cooperation_to_focus_on_facilities_enrollment_other_practices.html?cmp=ENL-EU-NEWS3


4NAPCS ranks states annually based upon how closely their law aligns with the model. In 2014, North Carolina ranked 19th among the 43 states that have charter school authorization laws. In 2013, North Carolina ranked 23rd. NAPCS noted that the increase in ranking was due to changes in the state's policies for authorizer requirements and overall program accountability system requirements, automatic collective bargaining system, further clarification about specific components for educational service providers allowed, and clear identification of special education responsibilities. But NAPCS recognized areas for improvement, including amending North Carolina's law to ensure equitable operational funding and equitable access to capital funding and facilities, and providing adequate authorizer funding. Retrieved from: http://www.publiccharters.org/get-the-facts/law-database/states/NC/

5N.C.G.S. § 115C-238.29A (b)(3). Retrieved from http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-238.29A.html


8N.C.G.S. §115c-238.29F(g)(5). Retrieved from http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-238.29F.html


Based on all non-alternative schools with performance composites in 2011-12 (99 charter schools) and growth determinations (97 charter schools).


72 percent of charter schools in Denver are in district-owned or leased buildings assisted with the collaboration.

The state legislature recently added staff to the Office of Charter schools, which had just six employees for many years. It now consists of a director, program assistant, and seven consultants.

## Appendix A: January 27, 2014 Meeting Participants

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<tr>
<th>Name</th>
<th>Organization</th>
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Appendix B:
Charter Authorizing Policy and Practice, Denver Public Schools
Presented by
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