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## What States Can Do to Promote District-Charter Collaboration

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## ABOUT THE AUTHOR

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Through research and policy analysis, CRPE seeks ways to make public education more effective, especially for America's disadvantaged students. We help redesign governance, oversight, and dynamic education delivery systems to make it possible for great educators to do their best work with students and to create a wide range of high-quality public school options for families. Our work emphasizes evidence over posture and confronts hard truths. We search outside the traditional boundaries of public education to find pragmatic, equitable, and promising approaches to address the complex challenges facing public education. Our goal is to create new possibilities for the parents, educators, and public officials who strive to improve America's schools. CRPE is a nonpartisan, self-sustaining organization affiliated with the University of Washington Bothell. Our work is funded through philanthropy, federal grants, and contracts.

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## Introduction

Too often the charter school sector and the traditional district school sector have operated at odds, with state education agencies sitting on the sidelines. But states can—and should—play a more active role in fostering district-charter collaboration if they are serious about ensuring quality public education for all of their students, regardless of what type of public school they attend.

Collaboration opens the door for charter and traditional public schools to share ideas, best practices, and buildings in ways that can make a real difference for schools and students. Take St. Louis, where the charter network KIPP has rent-free use of the district's unused buildings and district administrators can participate in KIPP's well-regarded leadership-development program. As the charter sector continues to grow, collaboration encourages charter and traditional public schools to tackle shared challenges, particularly in areas where families can face struggles. For example, states can help create the conditions that make it possible to work together to (1) create common performance measurements across schools, helping parents better understand how schools compare; (2) streamline application and enrollment processes, helping parents better navigate complex systems; and (3) better deliver quality special education, helping foster innovative models and ensuring that students with disabilities receive what they need to thrive in any public school.

Collaboration is not easy: It is time-consuming and difficult to sustain. But the state is uniquely positioned to aid district-charter collaboration by:

- **Removing impediments** embedded in state laws or policies.
- **Providing political cover** for school districts when such collaborations stir controversy locally.
- **Creating financial and accountability incentives** for districts and charter schools to collaborate.

Florida has been an early leader in state-led stimulus, opting to run a competitive grant program for district-charter collaboration. The Florida Department of Education ran a grant program to support collaboration efforts between districts and high-performing charter schools. States such as Oregon are using federal funds from the Charter Schools Program (CSP) to fund specific district-charter partnerships to share ideas for better serving disadvantaged students. Louisiana adjusted its special education funding formula to create incentives and supports that will help to ensure that students with severe disabilities are better served regardless of the type of school they attend.

The time is ripe for an increased state role in fostering collaboration. With the federal government increasingly ceding authority to states in a revamped Every Student Succeeds Act (ESSA), many states are looking for new ways to positively influence local work and take on greater leadership. This paper explores opportunities for state education agencies (SEAs) to leverage their unique assets to advance district-charter collaboration, regardless of whether states are prepared for a wholesale governance overhaul or simply want to take initial steps toward fostering collaboration.

The coming years will likely bring significant attention and innovation to district-charter collaboration. States have a strong interest in protecting all students and in fostering profound changes that improve outcomes for children in struggling schools. This paper presents initial ideas for states to leverage their roles in six areas:

1. Targeting resources
2. Adjusting state accountability systems
3. Supporting district authorizing quality
4. Establishing family-friendly policies including discipline, admissions, and special education
5. Leveraging state political clout and reach
6. Creating new governance structures and institutional arrangements

## State Roles to Support Collaboration

### TARGETING RESOURCES

States control large budgets, including state and federal program dollars that could be leveraged in support of local collaboration efforts.

#### Prioritize federal charter school funding around collaboration

Reauthorized as part of the ESSA, the new federal CSP gives SEAs more authority to spend money supporting and accelerating collaboration. It funds state-administered sub-grants for start-up costs, dissemination of best practices, and expansion and replication of successful charter school operators. States have new discretion to prioritize start-up grants for schools that are part of collaborative efforts; dissemination grants to focus on replicating solutions to common collaboration challenges, such as unified enrollment or facilities sharing; and resources to help the best charter schools and the most successful district-charter collaborators share their practices more broadly. For example, a state could prioritize start-up grants for schools with promising, research-based strategies that address the needs of historically underserved populations, like English language learners (ELLs). If this incentivized or improved the charter schools' ability to serve ELLs, the program might also accelerate collaboration between districts and charter schools in communities. This funding might help in districts where charter schools historically served too few ELLs, and districts were consequently skeptical of a charter school's commitment or ability to serve all students.

The CSP also now encourages SEAs to channel spending toward improving charter oversight, improving school access for students with disabilities and ELLs, or otherwise strengthening the charter sector. A state could address these priorities by using some of its CSP grant to evaluate and sanction authorizers that undermine collaboration by approving and protecting poor-quality charter schools, or to help a district develop better authorizing practices that can aid in the system's recruitment of, and partnership with, strong charter schools. A state could also support development of shared institutions or co-ops that help charter schools provide better services to students with disabilities.

### Repurpose accountability and school turnaround funding

Using the flexibility provided through the ESSA, states are developing new state accountability systems and new approaches to working on low-performing schools. For example, states could provide special funds (akin to the federal School Improvement Grants) for serious district turnaround efforts, or they could create and fund a state office, such as Louisiana’s Recovery School District, that would run or replace low-performing schools across the state in partnership with charters.

States also could create funding set-asides for school districts and charter schools that partner to turn around the lowest-performing district schools. This would allow districts to address chronic student performance problems, while charter schools would get better access to facilities and other scarce district assets. Nevada, for example, recently created both a state-sponsored incubator for charter schools and a state recovery school district. Notably, the state also allocated state funding to these new institutions.

### Make categorical funding—including special education funding—more rational and portable

Many locales are interested in collaboration around special education and other unique populations. Charter schools, without the benefit of economies of scale, can be challenged to serve these students adequately and often welcome partnerships with district schools to share expertise. But skepticism about whether the charter schools in a community are truly open to all comers or are avoiding serving, or underserving, the costliest students can fuel political opposition to other types of collaboration.

States can tweak state-level finance systems for special populations to create incentives for collaboration. For example, special education funding mechanisms could be adjusted to make it easier for charter schools to appropriately serve all students with disabilities. Louisiana recently did this and now allocates funding among public charter and traditional schools to more accurately reflect the unique needs of the students each school serves.

Many types of categorical funding could be made more portable, ensuring that funding follows students and is linked to their actual classroom needs (weighting for student characteristics such as homelessness or ELL status). As Paul T. Hill and Ashley E. Jochim suggest in *A Democratic Constitution for Public Education*, enhanced portability can incentivize all schools to serve all types of students. States are limited by federal law in how they can allocate categorical funds, but they should use their full legal authority to create incentives for all public schools to offer equal access to all students.

## ADJUSTING STATE ACCOUNTABILITY SYSTEMS

States could advance locally determined accountability systems by offering opportunities, incentives, and resources for collaborative work.

### Permit inclusion of strong charters in district accountability ratings

A district may be more inclined to partner with successful charter schools if the state accountability system “counts” charters’ success in aggregate evaluations of the district’s performance. This can help a district improve its rating or reduce its exposure to state interventions. If the charters are doing better than local district-run schools, and the consequences of low performance threaten the district, this simple change could improve district attitudes considerably.

Both the district and the charter school should voluntarily agree to be “counted” together in the accountability rating. This allows districts to differentiate between the high-performing charter schools they would prefer to partner with, and get credit for, and those that are struggling, which they may see as a liability.

### Create charter management organization-friendly state policies

Many districts would like to collaborate with quality charter management organizations (CMOs) that can restart a failing school. Many SEAs are interested in getting the nation’s best operators to come to their state or in identifying locally generated operators that can grow into successful, large-scale operators. The CMOs are interested in picking the settings where they can be most successful at achieving their own missions. Collectively, practices that make it easier for high-performing CMOs to thrive are likely to generate a group of schools that districts may be more willing to tolerate, and ideally with whom they would more likely collaborate with in general. SEAs influence or control rules, procedures, and mechanisms that can make an environment more or less friendly to quality CMOs interested in turning around failing schools. CMOs have expressed a desire for provisions such as:

- Counting a restarted school as a separate school in the state data systems. This would decouple a school under new management by a CMO from the original school’s state accountability timeline requirements, eliminating or delaying sanctions.
- State policies that permit weighted lotteries, catchment zones, or matriculation between a network’s charter schools to let children move from one grade to the next (or from elementary to middle to high school). The CMOs believe this provides them more time to “catch up” children from previously unsuccessful schools and can provide networks with more predictable enrollment.
- More flexible rules on network governance and operations. Some CMOs prefer a single board for multiple schools, multiple schools under a single contract, and freedom from provisions that mandate certain people or parties hold a seat on local governing boards. States could also address challenges that some networks face with rigid funding accounting and allocation rules. Conflict has emerged when authorizers require all campuses operated by a single CMO to be treated as separate institutions which, under the authorizer’s preferred approach, would have to conduct arms-length arrangements to handle and document whether any resources or services are available to multiple schools but controlled centrally.
- Clarification of how sunshine laws and Freedom of Information Act requirements are applied. Opponents sometimes use these legal tools to harass schools; states could institute reasonable protections from abuse. Ideally, reasonable expectations of transparency should be comparable across districts and charter schools, creating a balance of public accountability and reasonable safeguards against overtly hostile acts.

## SUPPORTING DISTRICT AUTHORIZING QUALITY

States can improve quality control in charter authorizing—a key element of building long-term prospects for district-charter collaboration. Low-quality charter schools have little to offer their district counterparts, while shady charter operators create skepticism about the veracity of any performance results. District leaders who believe charters are academically inferior or unethical have little incentive to collaborate with them. Districts that re-regulate their charters in reaction to poor quality or questionable practices at some charter schools wind up stripping all charter schools

of their ability to innovate and create new best practices that could be shared through district-charter collaboration. Over-regulation also makes charter operators, strong or weak, adopt an adversarial orientation, which they need if they are to defend core autonomies. Any collaboration must overcome these tensions. Strong authorizing can both reduce the prospect of weak schools and temper authorizer overreach.

Strong authorizers apply clear performance expectations, a performance framework, performance contracts, and predictable renewal procedures based on performance. These tools also help authorizers decide which charter operators merit replication. In Denver Public Schools, a strong suite of authorizing tools has enabled the district to identify the best operators, which have subsequently received facilities and support in their expansion. This clarity also creates an environment where collaboration on other issues—such as special education services or common enrollment—is easier to negotiate between the district and its charters.

### Help districts adopt national authorizing standards

The National Association of Charter School Authorizers (NACSA) has established standards and related policies that can support merit-based authorizing. SEAs can support authorizing improvement by providing authorizers with guidance and technical assistance from NACSA or other support organizations. Florida's Department of Education provided grant funds to districts that wished to strengthen their authorizing practices.

### Promote appeals processes that prioritize collaboration

Many states hear appeals of charter decisions. The state board of education or commissioner could incorporate a district's explicit commitment to collaboration or its authorizing quality into the state's appeals standard, or clarify what authorizer practices are taken into consideration during an appeal. When multiple authorizers are present, an SEA may adjust the standard of appeal or strengthen charter school oversight to help a district gain confidence that other authorizers will approve only strong charter operators in their area.

## ESTABLISHING FAMILY-FRIENDLY POLICIES, INCLUDING DISCIPLINE, ADMISSIONS, AND SPECIAL EDUCATION

SEAs may be well-positioned to target collaboration efforts around issues important to families, such as discipline, admissions, and services for special populations. In some cities, charter schools are resistant to addressing these issues and the state can force their hand to work out agreements with districts. In other cases, opportunistic opponents unfairly attack charter schools on these topics to derail district-charter collaboration efforts. In these cases, the state can use its gravitas and bully pulpit to prevent unfair attacks.

For a district-charter collaboration to thrive, any state moves in this area must still protect charters' autonomy to create innovative programs and operations. Federal, state, and local leaders can easily create damaging policies that undermine school autonomy without substantially improving the situation for families around issues such as discipline, admissions, and special populations—including special education and ELLs. State commissions and task forces may be able to help develop and build consensus for sound policy strategies around these issues.



## Discipline

High-profile charter fights over discipline in New York's Success Academies have focused recent attention on discipline issues. SEAs can help institute or operationalize promising strategies that have been adopted in some locales, such as:

1. Mandating reporting of consistent discipline data across charter and district schools. When data is not comparable, it is easily dismissed when real problems exist or minor issues can be blown out of proportion, sabotaging opportunities for collaboration. Transparency, as Washington, D.C., has promoted through its [School Equity Reports](#), can prompt schools to adjust practices and reduce the rate at which children are suspended, expelled, or transition themselves out of charter schools.
2. Incentivizing localities to develop common discipline policies across all of a city's schools, as in Louisiana where all New Orleans public schools abide by a common expulsion hearing process.
3. Investing in and disseminating of models and resources that help schools improve their disciplinary programs and reduce exclusionary practices.

## Admissions

Admissions and enrollment policies and practices are an issue that many cities with significant numbers of charter schools find problematic. Parents can be frustrated by many confusing timelines, eligibility requirements, and formats. Leaving admissions to each school can also create opportunities for individual schools to promote unfair admissions practices. Many cities have successfully created [common enrollment systems](#) with a common application, policies, or timelines for district and charter schools.

As the number of charter schools in a given locale grows, there is also increased need to develop citywide strategies for where new charter and district schools open, how neighborhood preference can be accommodated in all choice systems and turnaround schools, and how feeder patterns can be developed to support instructional continuity. Early charter laws also did not anticipate Early Childhood Education. This further complicates services for students with disabilities, as district programs for children with more profound needs generally start at ages charter schools may not be allowed to serve.

### States can promote collaborative efforts around enrollment by:

1. Creating and supporting a single application (or adjusting rules to accommodate one).
2. Supporting waivers for CSP funding related to weighted lotteries (allow for neighborhood or sibling preference).
3. Creating catchment zones in turnaround schools.
4. Permitting matriculation between schools within a network.
5. Offering flexibility around early childhood education and related challenges with public programs that rely on tuition for preschool (which can contradict charter laws prohibiting tuition generally or limits on the grades that charter schools can serve).

## Special populations, including special education and English Language Learners

To help address low capacity to provide special services in charter schools, states could create special commissions, adjust state rules and resources, or task other institutions (such as nonprofit or advocacy groups) to improve access, services, and outcomes for various populations, including students with disabilities, ELL students, homeless youth, out-of-school youth, and gifted and talented populations. For example, the state might create a task force that includes a group that advocates for a particular immigrant population, the district, and local charters to work on comprehensive approaches to serve the population better. Other sections of this paper discuss changes in finance, accountability systems, and leveraging state political clout and reach—all of which can affect these issues.

For special education, states can rework funding systems for adequacy and equity and ensure that programs serving students with special needs can be placed in charter schools. States may also adjust the legal and regulatory structures that shape intermediate school units, or cooperatives, to ensure that charter schools have access to economies of scale or technical assistance. SEAs could consider running a “mystery shopper” program, like that developed by the DC Public Charter School Board and replicated by the Massachusetts SEA, in which callers posing as parents of special needs children ask about enrolling their child to see whether they encounter any barriers. States can prioritize these approaches through CSP dissemination grant activities. Other states have conducted similar efforts around special education and ELLs.

## LEVERAGING STATE POLITICAL CLOUT AND REACH

State leaders can lend support and legitimacy to district-charter collaborations in several ways. First, they can simply recognize and honor them publicly. The people involved in on-the-ground collaborations can get more support, a much-needed morale boost, or enhanced credibility through state recognition.

### Provide political cover

It is time-consuming, and often politically challenging, to rally and coordinate multiple stakeholders across each sector in support of collaboration. States can help by recruiting stakeholders (such as a mayor or a business coalition) that charter schools and districts may not be able to engage directly to join collaborative efforts. States can provide districts with political cover for innovative strategies that may prove controversial locally. State leaders’ ability to expand the circle of stakeholders might help sustain collaboration when leadership is narrowly held and subject to turnover. States’ efforts to broaden the tent can also build urgency for more profound change when districts and charters set their sights too low.

### Use bully pulpit to highlight successes

State leaders can use their media relations to highlight local leaders and their success, such as having a chief state school officer visit a particular school or a governor cite a district-charter collaboration as exemplary during a State of the State address. This positive and explicit effort to honor good work can be particularly helpful in overcoming misinformation campaigns. States can also analyze and share data to celebrate work and provide fact-checking functions during a controversial debate.

State leaders can convene groups for specific challenges, such as blue ribbon commissions and study groups that bring together people who might not otherwise work together. States can create deadlines for hard work and provide a welcome landing for a policy recommendation in state legislatures. These are actions local leaders are not well-positioned to achieve themselves.

### Assist with coalition building

States can help develop coalitions in ways that the individual members of a district-charter collaboration may be unwilling or unable to do themselves. For example, if advocates for out-of-school children are frustrated by a citywide reform program, a state-level leader may be better positioned to reach out to career and technical education program leaders to encourage cross-sector collaboration. Over the long run, this can create more sustainable programs than either of the traditional collaborators could bring to the table themselves. State leaders could convene groups to address issues such as exclusionary discipline policies, engagement of out-of-school youth, integration of early-childhood education in K-12 systems, creation of community-based programs and after-school resources, partnerships with higher education on teacher development, and the addressing of community-wide concerns over safety.

Of course, state leaders can also use these strategies to express disapproval of the absence of collaboration, from not inviting leaders accustomed to being involved in certain activities or events to shaming inappropriate behavior or local failures.

## CREATING NEW GOVERNANCE STRUCTURES AND INSTITUTIONAL ARRANGEMENTS

Frequent leadership turnover in districts and internal divisions within the charter sector can make it difficult to sustain collaboration efforts over time. By institutionalizing supportive structures, states make collaboration easier and subsequent reversals under new leadership less likely. States can create these supportive structures by influencing legislation, crafting their own rules and regulations, and developing the tools used by district-level and school-level leaders to oversee and administer public education. This can include accountability systems used for all schools as well as specific policies used to oversee charter schools and authorizers.

The Florida Department of Education tried to institutionalize collaboration by sponsoring a competitive grant program for collaboration (awarding grants in 2015 to Duval and Miami-Dade county schools with a particular focus on drawing charter networks to neighborhoods most in need of new, quality school options).

States that want to more profoundly institutionalize collaboration can consider proposals that envision a rethinking of school governance that makes simplistic distinctions between charters and district-run schools less relevant as central authority is reduced and school-level authority (and accountability) becomes the norm. Hill and Jochim advance such a proposal, through the lens of constitutionally limited central authority, in *A Democratic Constitution for Public Education*. Whether states pursue profound changes as outlined by Hill and Jochim or just move forward in an environment of decentralization—with its redefined roles and responsibilities for the state and districts—there are new opportunities for states to leverage these broader changes to advance collaboration.

As market shares of charter schools increase, communities are increasingly seeing that they need citywide solutions to equity-based challenges. Paradoxically, states may be able to facilitate a greater degree of decentralization by creating system-wide approaches to equity issues. Whether communities move toward profound changes, or more limited decentralization coupled with district-charter collaboration, states can facilitate the eventual movement toward decentralized systems by establishing systems and procedures that make it more likely that students' and families' rights are respected.

## Recommendations

### TAKING FIRST STEPS AND “GOING BIG”

As authority moves from the federal to state level, states will increasingly look for ways to foster positive change locally. In this environment, more states are likely to seek and support district-charter collaboration.

While it is unlikely that any state will fully embrace all the strategies outlined in this paper, many will be interested in taking first steps. A few states are likely to ask how they can make a big change in a single city or setting. Here, we suggest both initial state steps and ideas for states to “go big.”

#### First Steps

Obvious first steps include using existing programs, establishing the next iterations of state accountability systems, improving authorizing, and focusing state authority on family-friendly school policies.

- **Use new funding in new ways.** States administer funding through programs such as the federal CSP; new flexibility in these grants allows money to support state efforts to enhance collaboration.
- **Adjust new accountability systems.** Federal law will accelerate revision of state accountability systems. The changes outlined in this paper can advance collaboration. Even when district-charter collaboration is not the top goal of a new accountability system, accountability systems can be designed to support it. Evaluation systems could ensure that districts get “credit” for charter success and ensure that schools that truly convert to charter status could be treated as new schools with a clean slate in the state’s accountability system.
- **Support strong authorizing.** Establishing sound authorizing details can lead to more district-charter trust and transparency in the long run. This will create a context in which other collaborative work is more likely to thrive. Creating common, statewide authorizer standards can initiate dialogue and promote reflection on what it means to authorize well.
- **Leverage state authority to advance family-friendly solutions.** States have an interest in safeguarding students’ rights and families’ needs. Many states are experiencing intense conflict over how to administer school choice programs and how schools use their flexibility. State authority may help critical issues move from political gamesmanship to a focus on solving problems. State-appointed blue-ribbon commissions, changes in state procedure and rule, or state-level data could all be used to develop, design, and implement solutions. Families would be interested in solutions on student discipline; school admissions and enrollment; and the design, funding, and equitable delivery of special education and other services across systems. States can identify their most pressing and timely concern and seek a state-level solution.

## “Going Big”

A few states may well be ready to embrace district-charter collaboration in new ways that allow for a comprehensive and systematic adoption of many components outlined in this paper. Various scholars and observers have put forward ideas for deeper governance changes that do not emphasize cross-silo collaboration. Instead, they change the silos themselves. They ask what and how work is to be done in the absence of the old silos.

The Hill and Jochim proposal regarding a constitutional approach to education governance is a prime example of this type of change that is addressed at various points throughout this paper. This paper will close by asking what should state leaders do if they are interested in both big changes that advance district-charter collaboration in a profound way and in “going big” and making comprehensive changes in school governance and structure?

- **Put the interests of families first.** States most tempted to pursue profound reform are likely those where the current system is most broken—where systems are in chaos, finances are failing, and schools are crumbling. These struggling school systems also are likely to lack advantages and capacity that could make reform more likely to succeed, doubling the importance of student protections. Thus, any state considering a package of these profound reforms should place particular attention on the family-friendly procedures and processes that safeguard students’ interests and families’ needs. Structures should anticipate and facilitate families’ and students’ consideration and involvement. Given the political nature of major changes to public governance, failure to address families’ needs is likely to lead to political change that reverses major changes. Because of the moral imperative to serve families and because failing to do so raises existential threats to change, putting families first is both a substantive and political imperative.
- **Design adaptive systems that anticipate ramifications of both the good and bad in both sectors, as well as the emergence of entirely new challenges.** Many advocates of profound change believe that the synergy that comes from reforming multiple pieces in a coordinated fashion can be more effective than the incremental and cumulative effects of many smaller decisions. But it is also possible that when these pieces are used together, en masse, that the challenges and frustrations can build cumulatively. It is impossible to identify what particular challenge will emerge; but it is reasonable to assume that some unknown challenge will eventually arise. If the emergence of new challenges or failures is predictable, state accountability systems, with heightened attention to analysis of results, must be incorporated into the governance approach. The system should help identify the problems as they emerge. And these new governance approaches should be designed to be adaptive and self-correcting. The work of building new governance systems, with massive collaboration and reworked responsibilities for the different actors, is likely to bring up new issues that are either not present today or poorly understood. The more we change standing assumptions about working together, the humbler we should be about mid-course corrections that are unseen today but necessary in the future.

## Conclusion

Charter schools are a big and growing part of public education: They are here to stay and their role in public education will only expand. This is a time of profound opportunity. Charter schools and districts cannot do all this themselves. Whether state leaders pursue a measured, incremental approach, or take a bold, ambitious leap, states will need to take a leadership role to guide or conduct the state-level work that district-charter collaboration requires.