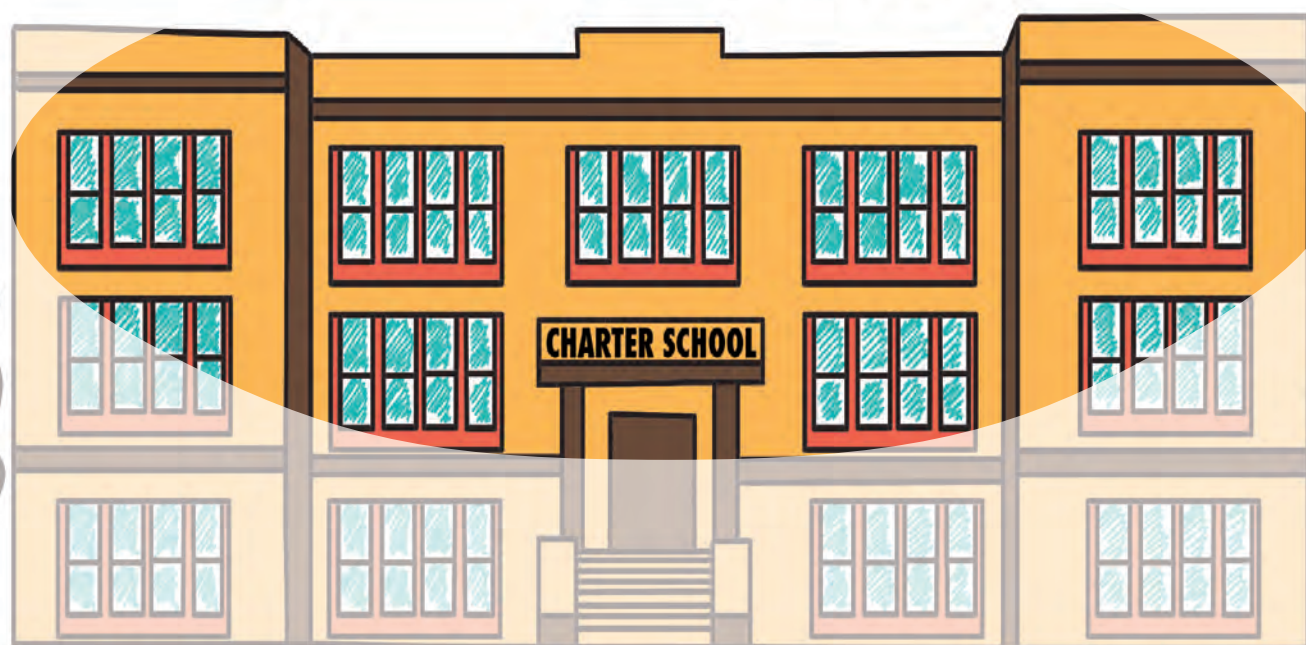


# Public Accountability for Charter Schools

Standards and Policy Recommendations for Effective Oversight



Annenberg  
Institute for  
School Reform

AT BROWN UNIVERSITY

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# Intro

## Introduction to the Standards and Recommendations

Public schools – among our nation’s oldest and most cherished public institutions – were created to provide a free elementary and secondary education to all children. But providing that education to students in impoverished communities proved to be a challenge. The semi-independent charter school model, first applied in 1991, aimed to look outside traditional school district structures and develop innovative strategies that could be applied at scale across all public schools.

Early charter schools took on this challenge, and many have succeeded. But over the last two decades, those who envision charters as competing with and ultimately replacing traditional public schools have become some of the most dominant voices in the policy debate over the reform. Chartering has become an industry, and in many cases, rapid expansion has replaced innovation and excellence as goals. Forty-two states now allow chartering, and about 2.5 million students attend more than 6,000 independently managed schools. Almost 2,000 new charter schools have opened in the past five years, along with a burgeoning market of management service providers, vendors, think tanks, policy shops, and advocacy organizations.

State charter laws, regulations, and oversight have not kept up with this changing dynamic. While most charter operators are working hard to meet the needs of their students, the lack of effective oversight means too many cases of fraud and abuse, too little attention to equity, and no guarantee of academic innovation or excellence.

In 2012-2013, a working group of grassroots organizers and leaders from around the country met under the auspices of the Annenberg Institute for School Reform (AISR) and Communities for Public Education Reform (CPER) to explore the impact of rapid charter expansion on parents, students, and communities. The participants, from Chicago, Philadelphia, Newark, New York, and other cities, brought first-hand experience and years of working directly with impacted communities and families, rather than relying only on limited measures such as standardized test scores to assess impact. The values of access, equity, and accountability drove their inquiry: How does the rapid expansion of charters impact equity across sectors? Does this new model of education increase the availability of high-quality schools for all children? Are independently operated schools fully accountable to the public that funds them and entrusts their children to them?

The group found some common concerns: uneven academic performance; practices that pushed or kept students out of charter schools; overly harsh discipline policies; funding patterns that destabilized traditional schools; and a lack of representative governance, transparency, and adequate oversight, leading to potential conflicts of interest and instances of fraud and other problems. The group studied state charter laws, the model state law developed by the National Alliance for Public Charter Schools (NAPCS),<sup>1</sup> and model charter authorizing standards promulgated by the National Association of Charter School Authorizers (NACSA)<sup>2</sup> to better understand how current charter policy and practice have impacted communities and how they might be revised to provide solutions for these concerns.

The set of standards and recommendations presented in this report is the culmination of this work. We hope to provide guidance to state legislatures, charter authorizers, and other bodies tasked with charter school oversight and to provide communities with concrete recommendations to take to policymakers as they continue to press for access, equity, and public accountability. We believe that strong standards, oversight, and transparency will benefit both charter schools and traditional schools and help rebuild public trust in our nation’s public education system.

# 1 Traditional districts and charter schools should work together to ensure a coordinated approach that serves all children.

Public education is a societal commitment made to each and every child. The establishment of independently operated schools increases the risk that competition between schools will create a culture of winners and losers, rather than advance the commitment to serving all students well. Traditional districts and charter schools should work in common purpose to build a unified and cohesive system that provides equitable and accessible educational options in each state, district, and community for every child.

To serve the collective good of all students and families, states must ensure coordination and collaboration between traditional school districts and the independent operators, management companies, and authorizers that license charter schools. This coordination is important not only for decisions about the siting of schools, but also for the development of academic and extracurricular programs, specialized services, and other features.

## EXAMPLES

### of the Problem to Be Addressed

The District of Columbia Public Schools (DCPS) is redrawing school boundaries this year in order to even out enrollments across the system. But in the midst of the effort, the independent D.C. Public Charter School Board announced plans for three new charter middle schools in the district. The announcement threw the DCPS effort into chaos: DCPS officials and parents complained that without coordination or unified planning around demographic shifts, educational needs, and building siting, it was impossible to come up with a rational attendance structure for traditional public schools.<sup>3</sup>

- Require school districts, authorizers, and charter schools – individually or through their networks – to develop and regularly update a citywide multiyear school plan that includes projected demographic changes, criteria for new school openings or closings, and equitable geographic distribution of schools and students to ensure that all students have access to schools in their communities and a range of specialized programs. The development and reevaluation of this unified school plan should be subject to robust public input to ensure equity and transparency across the district.
- Require charter school authorizers, in coordination with this unified school plan (see previous recommendation), to prepare an impact statement before approving any new charter school application. The statement should assess the school’s impact on the unified school plan and identify the role that the charter intends to fill within the overall system.
- Require the state department of education to conduct an annual assessment of the cumulative impact of charter schools on traditional school districts. This assessment should review the flow of funding between sectors, student enrollment trends, and educational outcomes. The assessment should also identify best practices within both sectors and ensure that these practices are being shared to improve educational outcomes as a whole. The results of this assessment should be made widely available to the public through the state department of education’s website.
- Establish minimum academic, social, and educational opportunities and services that all taxpayer-funded schools should provide, including high-level courses; enrichment programs; art, music, and athletic programs; school libraries; career and health counselors; and federally funded free and reduced-price meal programs. Require all charter schools to report on their websites and in enrollment and marketing materials the full range of academic, enrichment, and extracurricular offerings that they provide.

## School governance should be representative and transparent.

### a. Governance and Transparency

Charter schools, authorizers, and management organizations are sometimes exempted from transparency and public accountability regulations that other publicly funded institutions must adhere to. Lack of transparency has been a significant challenge for authorizers as well as parents and policymakers and opens the door to malfeasance.

Currently, only ten states require parent representation on charter school governing boards. Parent and student representation helps ensure input and oversight from those directly involved with the school on a day-to-day basis and helps guard against unethical or illegal behavior.

As part of an overall public education system, charter schools must be subject to the same process and transparency rules as traditional public schools. Charter governing boards, though they may be formally organized as nonprofit corporations, must operate as public bodies representing the communities served by the school.

### EXAMPLES

#### of the Problem to Be Addressed

Pennsylvania's charter schools routinely ignore the state's Right-To-Know Law, despite being legally bound to comply with it. In May 2013, the director of the state's Office of Open Records testified that her office had received 239 appeals in cases where charter schools either rejected or failed to answer requests from the public for information on budgets, payrolls, or student rosters.<sup>4</sup> Research by the mayor of Philadelphia's Office of Education found that only about half of that city's charter schools posted minutes from their board meetings on the school's website.<sup>5</sup>

- Require that each charter school's original application and charter agreement be available online on the websites of both the individual school and the charter authorizer.
- Require that at least 50 percent of the members of each charter school governing board be representatives from among parents at the school (elected by parents) and, in the case of high schools, students (elected by students). Non-parent/student members of the governing board should be required to reside in the school district in which the school(s) operates. Each charter school should be required to list board members with affiliations on the school's website.
- Require that members of charter school governing boards file full financial disclosure reports and identify any potential conflicts of interest, relationships with management companies, or other business dealings with the school, its management company, or other charter schools. These documents should be available online through the authorizer (NACSA standards include a similar recommendation, p. 22).
- Require governing boards of charter schools to hold all meetings in the district in which their school or schools operate and at times that are convenient to parents. Require all meetings to be open to the public and publicized in advance according to the rules for the traditional public school governing body.
- Require online access to minutes from charter school governing board meetings, the school's policies, information about staff, instructional strategies, curriculum, school rules and behavior codes, school budgets, and information about management companies or other large contracts.
- Require that charter applications include language of neutrality and non-interference with teachers' and school employees' right to unionize and to bargain collectively over working conditions to the extent possible, understanding that the rules governing charter schools' status as public employers are complex and sometimes disputed. These rights must include due process rights for all school employees as a condition for receiving and/or renewing a charter.
- Make charter schools and all authorizers subject to state laws regarding freedom of information, public records, and public meetings; create specific and escalating sanctions for schools that fail to comply.
- Require charter schools to comply with district laws on school-based parent and educator advisory councils or groups to ensure that parents, teachers, and school staff have a voice in school matters.



## b. Management Contracts

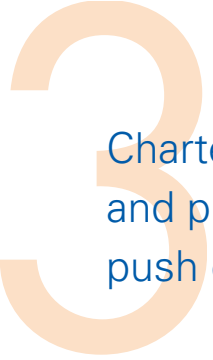
Many of the most significant concerns around governance and transparency relate to external charter management companies. Nearly every state allows charter school governing boards to subcontract with a nonprofit charter management organization (CMO) or a for-profit education management organization (EMO) for virtually every facet of school management. Some of these EMO/CMOs have steadfastly refused to open their financial books to the public, even though they are receiving – or are nearly wholly supported by – public funds.

### EXAMPLES

#### of the Problem to Be Addressed

In Ohio, dozens of charter school boards turn about 96 percent of their taxpayer funding over to White Hat Management Company, a for-profit EMO. White Hat takes in more than \$60 million in public funding annually for its charter school management services, yet has refused to comply with requests from the governing boards of its own schools for detailed financial reports. Despite two Ohio court rulings compelling White Hat to release the requested documents, the company has refused.<sup>6</sup>

- Require complete contracts for management services to be electronically posted on the schools' websites within ten days of execution. The posting should include detailed information about the services to be provided by the management company and all financial commitments and compensation, as well as all fees and bonuses to be provided to the management company (NACSA includes a similar recommendation, p. 24).
- Require full public financial disclosure by charter management organizations of their expenditures and profits related to the operation of each school they serve.
- Prohibit anyone with a financial relationship to a management organization or the staff of any authorizing agency from serving on the governing board of any charter school (NACSA includes a similar recommendation, p. 8).
- Require that the school governing board (not the management organization) directly select, retain, and compensate the school attorney, accountant, and auditing firm to ensure independence from a management company (NACSA includes a similar recommendation, p. 24).



Charter schools should ensure equal access to interested students and prohibit practices that discourage enrollment or disproportionately push enrolled students out of the school.

While charters must, by law, comply with civil rights laws and enroll students through a fair and accessible process, numerous concerns have been raised about both access to and retention in charter schools. No student should be denied access to or pushed out of a school because that school chooses not to provide the supports needed to serve that student.

### a. Enrollment

If charter schools are to contribute to our public education system, they must represent a cross-section of students and families in the district that they serve. Any practices that serve to weed out certain children or families – whether intentionally or unintentionally – must be eliminated.

The widespread use of explicit or subtle barriers to enrollment at charter schools has been well documented. The U.S. Department of Education, the National Association of Charter School Authorizers, and a range of research and news organizations have reported that practices that can act to discourage or preclude enrollment – such as parent contracts, required student essays, interviews, and requests for specific documents – are not uncommon at charter schools.<sup>7</sup>

Federal and State laws are clear: public schools – including charter schools – cannot discriminate in their admissions policies or practices. The U.S. Department of Education has issued guidance relating to admissions procedures that deter or exclude immigrant students,<sup>8</sup> English language learners, and students with disabilities, clarifying that charter schools – just as traditional public schools – must accept and provide services for these students.<sup>9</sup>

## EXAMPLES

### of the Problem to Be Addressed

The Chattanooga Charter School of Excellence in Tennessee requires that each parent or guardian of a student volunteer for a minimum of 20 hours each school year.<sup>10</sup>

At Green Woods Charter School in Philadelphia, applications for enrollment are available only one day a year, and only to families who attend an open house at a golf club in the Philadelphia suburbs. The registration site is more than two miles from public transportation. There is no online application, nor are applications available even at the school itself.<sup>11</sup>

## b. Retention

Parents and students report that getting into a charter school is only the beginning of their efforts to ensure the student gets a high-quality education. Community-based groups often hear anecdotally of charter students being pushed out of or counseled out of their chosen schools and returning to their traditional neighborhood schools. Sometimes these “voluntary withdrawals” seem conveniently timed – spiking just after district enrollment audits that determine funding for the school, or just before state assessments that determine school rankings and academic standing.<sup>12</sup> An educational climate where a school’s continued operation is dependent on test scores may create an incentive to push out struggling students. And under state law, charter schools typically have greater leeway than traditional public schools to do so.

As more struggling students are pushed out of charter schools, a district’s traditional public schools become disproportionately responsible for providing the services and additional supports to ensure their success. The resulting disproportionate enrollment patterns also skew academic performance comparisons between charters and the district’s public schools. States, authorizers, and charter governing boards need to ensure that all schools within a district are sharing in the responsibility to provide educational services to all students equitably.

### EXAMPLES

#### of the Problem to Be Addressed

At one Success Academy in New York City, the original kindergarten class of eighty-three students had dwindled to forty-seven by grade 6. The school’s first-grade class of seventy-three students that same initial year had just thirty-five students by grade 7. In other words, 47 percent of the students had left the school. A high percentage of those were students with disabilities.<sup>13</sup>

- Prohibit schools from utilizing enrollment and registration procedures that directly or indirectly exclude or discourage certain students from enrolling at the school.
- Require all new charter applications to include detailed plans for the school’s enrollment and registration procedures to ensure that they will not result in selectivity. Require that enrollment forms and requirements be posted on the schools’ websites in English and any other relevant languages.
- Require authorizers to monitor charter school enrollment and retention practices through uniform and consistent data requirements to ensure that charter schools are enrolling a proportionate share of students across subgroups.
- Create an independent ombudsman office within each school district to whom parents can challenge or appeal enrollment, classification (as special education), or withdrawal decisions by the charter school. Give the ombudsman’s office the authority to take action or to direct the authorizer to take action against any school found to be in violation of the law.
- Require all districts to establish a cross-sector student identification system that allows the district to track student mobility during the course of the school year.
- Require public documentation and reporting of student attrition throughout the school year, including date, reason, and disposition (where the student ends up). This should include all disciplinary actions, including both in- and out-of-school suspensions and referrals to law enforcement, and “voluntary” and “involuntary” exits. It should be disaggregated by race/ethnicity, gender, age, grade level, free/reduced meal status, disability status, and English proficiency status.
- Before any student withdraws from a charter school, require that the student, his or her parent or guardian, and school personnel sign a document stating that the student is withdrawing voluntarily and that charter school personnel have not prohibited, discouraged, or attempted to discourage the student from continued enrollment in the charter school.
- Per pupil funding, provided to schools based on their enrollment, should be adjusted throughout the school year to accommodate changes in enrollment due to mobility.



# 4

## Charter school discipline policy should be fair and transparent.

Community-based groups have fought for, and in many cases won, new district-wide discipline policies that focus on restorative practices, eliminate or reduce the role of police in schools, and end out-of-school suspension. But most of these new discipline policies apply only to traditional public schools. Charter schools in most states are free to design their own protocols for student discipline. Increasingly, community-based and youth organizing groups are expanding their campaigns for just and fair discipline policies to include charter schools.

Now, after years of documentation, organizing, and advocacy efforts by communities of color across the country, the U.S. Department of Education and the U.S. Department of Justice have acknowledged significant disparities in the use of the most severe disciplinary procedures – with disproportionate impact nationally on students of color, particularly African Americans. In March 2014, the education and justice departments jointly released new guidance relating to the use of discipline policy and explicitly recommend that charter schools as well as traditional public schools comply with the new guidance.

### EXAMPLES

#### of the Problem to Be Addressed

District of Columbia public charter schools expelled students at a rate seventy-two times higher than in the city's traditional school system in the 2011-2012 school year, removing 227 students for discipline violations, while the D.C. Public Schools – which serve more students – removed three.<sup>14</sup>

Until recently, schools in Chicago's Noble Charter Network charged fines for student infractions of the school's rules. The fines ranged from \$5 for chewing gum or failing to tuck in a shirt to \$280 for misbehavior in the classroom.<sup>15</sup> According to the *Chicago Tribune*, Noble's fees from such fines amounted to \$200,000 in revenues in 2011 alone.<sup>16</sup> After significant protests by youth and parent organizing groups in Chicago, Noble stopped the practice in 2014.

- Require authorizers to ensure that charter school discipline policies and practices are promulgated and implemented to avoid discriminatory and/or disproportionate punishments of students based on race, gender, or other characteristics and are consistent with federal school discipline laws and guidance.
- Require every charter school to make its school discipline policy publicly available on the school's website, so that parents can thoroughly review the policy before enrolling their child. All charter discipline policies should include explicit provisions regarding due process for students, including the right to a hearing before long-term removal, suspension, expulsion, disciplinary or safety transfers, or alternative school placements, as well as parental appeals and notification rights.
- Require schools to report annually on all disciplinary actions and withdrawals from the school, including the reason for the student's departure, suspension, or other action and the statement that documentation of due process rights was available. These data should be disaggregated by race/ethnicity, gender, age, grade level, free/reduced meal status, disability status, and English proficiency status.
- Establish standards for disciplinary codes, expressly identifying and defining inappropriate strategies and barring their use.

# 5

All students deserve equitable and adequate school facilities. Districts and charter schools should work together to ensure that facilities arrangements do not disadvantage students in either sector.

All students, in both charter and traditional public schools, need safe and secure buildings with enough space for a full range of program offerings, small class sizes, private accommodations for one-on-one work with a teacher or other school staff, adequate school libraries, science labs, gym and athletic facilities, and more. In many cities, district officials and charter operators have worked together to establish co-location arrangements under which charter schools share a district school building with a traditional public school.

While in theory these arrangements could make sense, in practice co-locations have exacerbated tensions between school administrators, students, and parents. The two sectors seem to be in competition, rather than working together to improve opportunities for all students. An elementary school teacher in Los Angeles, where co-locations have been particularly contentious, reflects: “One of the difficult things about having a charter school co-located on a district public school campus is that ... the two schools end up competing for those things that are necessary to provide a quality education for the students,” including, he added, “competing for the same students.”<sup>17</sup> State and local policymakers should work to clarify procedures for co-location to avoid these tensions and ensure adequate facilities and space for all students.

## EXAMPLES

### of the Problem to Be Addressed

In New York City, roughly two-thirds of charter schools are now co-located in public school buildings. Public school parents have complained that their students have shorter recess, fewer library hours, and earlier lunch schedules to better accommodate students enrolled at the co-located charter school. Glaring disparities in resources are one of the most visible signs, according to the NAACP, which filed a lawsuit against the New York City Department of Education to stop co-locations in the city. “In some schools, hallways serve as a stark dividing line of inequality,” said NAACP General Counsel Kim Keenan. “Classrooms with peeling paint and insufficient resources sit on one side, while new computers, brand-new desks and up-to-date textbooks line the other. One group of students has air conditioning and smartboards, while others under the same roof have neither air nor working Wi-Fi.”<sup>18</sup>

- Require that parents, educators, and community members from both traditional public schools and charter schools be consulted and engaged in any decision to co-locate a charter school within an existing public school facility.
- Establish strong guidelines for co-location, including how “under-utilization” is determined, criteria on available space for administrative and educational functions, and equitable arrangements for access to the building’s gym, cafeteria, and other common spaces.
- Require yearly impact reports from co-located facilities, providing administrators, educators, school staff, students, and parents from both schools the opportunity to reflect on how the co-location is working and what challenges have arisen, so these challenges can be addressed.
- Require biannual, detailed reports of capital improvements in co-located charter schools to be posted online.

## 6 Online charter schools should be better regulated for quality, transparency, and the protection of student data.

Nationally, more than 206,000 students are enrolled in online charter schools, yet the academic track record of the online school industry is abysmal.<sup>19</sup> While online learning may be appropriate in some situations, it should not be marketed as an educational alternative for any family looking for the convenience of staying home. In addition to the poor academic performance of online schools, there are widespread accounts of profiteering and fraud in the online industry.

The rapid rise of electronic and online services and applications for K–12 education has also created the potential for data mining of students by commercial interests. Researchers at Fordham Law School reported that significant privacy concerns accompany the growth of this corporate market. The U.S. Department of Justice flagged this issue in new guidance released in February 2014.<sup>20</sup> State regulation of online data privacy should explicitly cover both traditional public schools and public charter schools.


### EXAMPLES

#### of the Problem to Be Addressed

According to data in Pennsylvania, the average performance of online charters was more than thirty-three points behind that of traditional public schools.<sup>21</sup> In a 2012 report,<sup>22</sup> none of Pennsylvania's twelve cyber charters made adequate yearly progress as determined by federal law. Yet together, these schools received more than \$366 million in taxpayer funding.

Based on 2012–2013 report cards in Wisconsin, half of the state's virtual charter schools did not meet performance expectations.<sup>23</sup>

- Prohibit online charter schools or halt the expansion of online charter enrollment – in either new or existing schools – until an assessment of their academic performance, cost, and operations is completed.
- Require detailed monthly reports on enrollment, attrition, teaching staff, demographics, and financial disclosures, including profits, from all online charter schools.
- Establish a state-level office of cyber school oversight that is charged with (and provided the resources for) monitoring cyber school compliance with educational and financial regulations.
- Establish a task force or commission charged with developing a fair and reasonable formula for funding cyber schools. Require funding for online schools to be adjusted throughout the school year to adjust for changes in enrollment.
- Require cyber charter schools to ensure that their students are in compliance with the state's compulsory attendance laws.
- Require that the teachers, administrators, and certified staff of all online charter schools are licensed and credentialed under state law and that they are evaluated under the same system in place for teachers, administrators, and certified staff across the state.
- Prohibit education-related websites, online services, and mobile apps used in public schools from kindergarten through grade 12 – including charter schools – from compiling, using, or sharing the personal information of any students for any reason other than what the school intended.



Monitoring and oversight of charter schools are critical to protect the public interest. They should be strong and fully funded by the state.

Most state charter school laws were written in the 1990s, when the schools were expected to be only a small component of state systems of public education. There was little concern that ineffective or unethical charter operators would use schools as nightclubs, or that for-profit corporations would buy up property and lease it back to schools at a substantial profit. Regrettably, the exponential growth of the charter industry over the last twenty years has not coincided with increased oversight. It is time to revisit state charter laws to monitor and ensure the appropriate and effective use of public dollars.

In most states, charter authorizers are tasked not just with granting charters, but with providing oversight and technical assistance to the schools that they authorize, ensuring that each school is in compliance with state and federal law as well as with its individual charter agreements. The rapid expansion of the charter sector has left authorizers in many states woefully understaffed and unable to appropriately monitor the schools they have chartered. In Philadelphia, for example, as of spring 2014, a staff of only six in the district's Charter Schools Office is responsible for reviewing every application for a new charter *and* providing oversight to the city's eighty-six existing charter schools.

## EXAMPLES

### of the Problem to Be Addressed

The Harambee Institute of Science and Technology Charter School in Philadelphia was found to be running a nightclub in the school's cafeteria on nights and weekends.<sup>24</sup>

Public money provided to the Cleveland Academy of Scholarship, Technology, and Leadership Enterprise (CASTLE) was diverted through payments made to thirteen shell companies associated with members of the charter school's governing board. The Ohio Auditor of State eventually issued findings for recovery of \$1.8 million against the school. Among those indicted were the school's chief executive, the board chair, and the school's treasurer.<sup>25</sup>

- Eliminate state provisions that allow private, nonprofit entities to authorize charter schools; require authorizers to adhere to state laws requiring transparency, such as laws regarding public meetings and public records.
- Remove the ability of state charter authorizing commissions to overturn denials of charter applications by local authorizers. Locally made decisions not to license a charter school should be honored.
- Establish minimum qualifications for charter school treasurers.
- Require that charter schools retain legal counsel as well as accounting and financial audit capacity that is independent of any education management company employed by the governing board of the charter school.
- Cap the number of charter schools that authorizers may license unless and until adequate oversight is provided.
- Establish minimum capacities required by authorizers to adequately monitor the charter schools they authorize. Empower the state department of education to provide oversight of authorizers, including oversight of the monitoring process.
- Limit charter terms to a maximum of five years and require authorizers to conduct on-site visits to the school every one to three years. Establish the option of short-term (one year) renewal of charter schools in cases where significant concerns are found but closure is not warranted. Require authorizers to provide intensive support and intervention, if necessary, to improve charter management.
- End the practice in many states of having charter schools pay authorizers directly for their oversight services. Instead, pay authorizers through separate state funding set aside specifically for that purpose.
- Supplement the state charter law to provide explicit direction to authorizers about their powers to oversee academic, financial, management, and legal aspects of individual schools and to swiftly and strongly respond to shortcomings.
- Charter school financial documents should be made available to the public annually on the websites of the school, the authorizer, and any management company. These documents should include a comprehensive statement of revenues, financial and in-kind donations, state and local funding, New Market Tax Credits, bond issuances, and any and all additional funds or debt service connected to the operation of the school and/or network of schools.
- Require charter schools to report on administrative expenses as well as funds paid to the authorizer for authorizing and oversight services. Schools and networks should also publish reports on expenses incurred for student recruitment and marketing.
- Require authorizers to document and publicly disclose the owners of any non-public property used to house a charter school, along with documentation of the amount of rent being paid for the facility and to whom payments are being made and verification that there are no conflicts of interest between the school and the holder of the property.
- All vendor or service contracts over \$25,000 at any charter school should be available as public information on the authorizer's website.
- Protect governing board members, administrators, parents, students, educators, school staff, and community members from retaliation for whistleblowing.



## Conclusion

Families place an immense trust in public schools, both traditional and chartered. States enacted charter school laws to encourage innovation, increase opportunities for students to choose the right academic setting, and encourage educators to be more deeply involved in instructional practice. Many charter schools are doing just that.

The dramatic and rapid growth of the charter school industry, however, has brought a host of unforeseen challenges that now threaten the public's continued trust and the sector's ability to meet its goals. It is time to revisit and tune up state charter laws and authorizer practices to allow the best features of chartering to flourish while weeding out the practices and loopholes that have cost states and taxpayers so much in both dollars and public trust. The recommendations proposed here ensure that the following principles guide charter school operation.

- There is a level playing field between traditional public schools and public charter schools –with a shared commitment to serve students equitably and without competition for scarce resources.
- Charter schools are fully transparent and accountable to the communities they serve.

- Charter schools serve an equitable cross-section of students within a district and provide the supports necessary to help all students achieve.
- Charter authorizers are required and empowered to monitor compliance with all laws and regulations guiding charter schooling.

This is *public* accountability. These common-sense reforms will strengthen public education, level the playing field between public and charter schools, and protect the public's investment in all our schools.

## Endnotes

- <sup>1</sup> National Alliance for Public Charter Schools, "A New Model Law for Supporting the Growth of High-Quality Public Charter Schools" (June 2010), <http://www.publiccharters.org/publications/model-law-supporting-growth-high-quality-public-charter-schools>
- <sup>2</sup> National Association of Charter School Authorizers, "Principles and Standards for Quality Charter Authorizing" (2012), <http://www.qualitycharters.org/authorizer-quality/overview.html>
- <sup>3</sup> Emma Brown, "D.C. Approves Three New Charter Schools," *Washington Post* (May 20, 2014), [http://www.washingtonpost.com/local/education/dc-approves-three-new-charter-schools/2014/05/20/7bc3374e-e02f-11e3-9743-bb9b59cde7b9\\_story.html](http://www.washingtonpost.com/local/education/dc-approves-three-new-charter-schools/2014/05/20/7bc3374e-e02f-11e3-9743-bb9b59cde7b9_story.html) and Aaron Hanna, "How Can Two School Systems Plan for One City?" *Washington Post* (May 16, 2014), [http://www.washingtonpost.com/opinions/how-can-two-school-systems-plan-for-one-city/2014/05/16/d1f87c94-d6ea-11e3-aae8-c2d44bd79778\\_print.html](http://www.washingtonpost.com/opinions/how-can-two-school-systems-plan-for-one-city/2014/05/16/d1f87c94-d6ea-11e3-aae8-c2d44bd79778_print.html)
- <sup>4</sup> Amy Worden, "Pa. Official: Charter Schools Flout Public Records Law," *Philadelphia Inquirer* (May 13, 2013), [http://articles.philly.com/2013-05-15/news/39258122\\_1\\_open-records-public-charter-schools-ken-kilpatrick](http://articles.philly.com/2013-05-15/news/39258122_1_open-records-public-charter-schools-ken-kilpatrick)
- <sup>5</sup> Benjamin Herold, "Mayor's Education Office Seeks to Lift the Veil on Philly Charter Board Meetings," *The Notebook blog* (April 4, 2013), <http://thenotebook.org/blog/135852/mayors-education-office-seeks-lift-veil-philly-charter-board-meetings>
- <sup>6</sup> Edith Starszyk, "White Hat Management's Ohio Charter Schools in the Midst of Upheaval," *Cleveland Plain Dealer* (July 6, 2013), [http://www.cleveland.com/metro/index.ssf/2013/07/white\\_hat\\_managements\\_ohio\\_cha.html](http://www.cleveland.com/metro/index.ssf/2013/07/white_hat_managements_ohio_cha.html)

- <sup>7</sup> Stephanie Simon, "Special Report: Class Struggle – How Charter Schools Get Students They Want," *Reuters* (February 15, 2013), <http://www.reuters.com/article/2013/02/16/us-usa-charters-admissions-idUSBRE91E0HF20130216>
- <sup>8</sup> Catherine E. Lhamon, Philip H. Rosenfelt, and Jocelyn Samuels, "Dear Colleague Letter: School Enrollment Procedures," U.S. Department of Education (May 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>
- <sup>9</sup> Catherine E. Lhamon, "Dear Colleague Letter: Charter Schools," U.S. Department of Education (May 14, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>
- <sup>10</sup> Tennesseans Reclaiming Educational Excellence, "Tennessee Charter School's 'Volunteering' Mandate Excludes Eligible Kids" (February 20, 2014), <https://treetn.org/tn-charter-mandate-excludes-kids>
- <sup>11</sup> Benjamin Herold, "Questionable Application Processes at Green Woods, Other Charter Schools," *The Notebook blog* (September 14, 2012), <http://thenotebook.org/blog/125141/district-details-questionable-application-processes-green-woods-other-charters>
- <sup>12</sup> Diane Ravitch, "Tennessee Charters Lose Struggling Students before State Tests," *Diane Ravitch's Blog* (May 20, 2013), <http://dianeravitch.net/2013/05/20/tennessee-charters-lose-struggling-students-before-state-tests/>
- <sup>13</sup> Owen Davis, "Harlem Success Academy Charter and Attrition," *The Commonal blog* (August 13, 2013), <http://commonal.tumblr.com/post/58209601458/harlem-success-academy-charter-and-attrition>
- <sup>14</sup> Emma Brown, "D.C. Charter Schools Expel Students at Far Higher Rates than Traditional Public Schools," *Washington Post* (January 5, 2013), [http://www.washingtonpost.com/local/education/dc-charter-schools-expel-students-at-far-higher-rates-than-traditional-public-schools/2013/01/05/e155e4bc-44a9-11e2-8061-253bccfc7532\\_story.html](http://www.washingtonpost.com/local/education/dc-charter-schools-expel-students-at-far-higher-rates-than-traditional-public-schools/2013/01/05/e155e4bc-44a9-11e2-8061-253bccfc7532_story.html)
- <sup>15</sup> *Huffington Post*, "Charter School Collecting Steep Disciplinary Fines from Low-Income Families: Report," *Huffington Post Chicago* (February 16, 2012), [http://www.huffingtonpost.com/2012/02/14/noble-street-charter-scho\\_n\\_1276100.html](http://www.huffingtonpost.com/2012/02/14/noble-street-charter-scho_n_1276100.html)
- <sup>16</sup> Tracy G. Lee, "Chicago Charter Schools Rake in Millions in 'Disciplinary Fees,'" *MSNBC* (January 3, 2013), <http://www.msnbc.com/melissa-harris-perry/chicago-charter-schools-rake-thousands>
- <sup>17</sup> Gary Cohn, "Is Charter School Co-location Tearing Public Schools Apart?," *Huffington Post* (July 17, 2013), [http://www.huffingtonpost.com/2013/07/17/charter-school-co-location\\_n\\_3613540.html](http://www.huffingtonpost.com/2013/07/17/charter-school-co-location_n_3613540.html)
- <sup>18</sup> Ben Wrobel, "Co-location of Charter and Traditional Schools Creates Disparities," *New Orleans Tribune* (Undated), <http://www.tribunetalk.com/?p=878>
- <sup>19</sup> Alex Molnar (Ed.), *Virtual Schools in the U.S. 2014: Politics, Performance, Policy, and Research Evidence*, National Education Policy Center, University of Colorado (Boulder, CO, March 2014), <http://nepc.colorado.edu/files/virtual-2014-all-final.pdf>
- <sup>20</sup> Benjamin Herold, "U.S. Education Department Issues Guidance on Student Data Privacy," *Education Week* (February 25, 2014), [http://blogs.edweek.org/edweek/DigitalEducation/2014/02/us\\_ed\\_dept\\_issues\\_guidance\\_on\\_.html](http://blogs.edweek.org/edweek/DigitalEducation/2014/02/us_ed_dept_issues_guidance_on_.html)
- <sup>21</sup> Adam Schott and James Jack, "Before State Officials Expand Cyber Charters, Take a Look at the Data: As I See It," *Patriot News* (November 24, 2013).
- <sup>22</sup> Benjamin Herold, "Federal Indictment Fuels Concerns About Pa. Cyber Charters," *Education Week* (August 26, 2013), [http://blogs.edweek.org/edweek/DigitalEducation/2013/08/what\\_does\\_federal\\_indictment\\_m.html](http://blogs.edweek.org/edweek/DigitalEducation/2013/08/what_does_federal_indictment_m.html)
- <sup>23</sup> Eric Oliver, "Half of Virtual Charter Schools Judged in New Report Cards Miss Mark," *Journal-Sentinel*, Milwaukee, Wisconsin (October 27, 2013), <http://www.jsonline.com/news/education/half-of-virtual-charter-schools-judged-in-new-report-cards-miss-mark-b99125899z1-229471831.html>
- <sup>24</sup> Martha Woodall, "Problems Mount at Charter School that Doubled as Nightclub," *Philadelphia Inquirer* (March 30, 2010), <http://charterschoolfailure.com/ar033010.htm>
- <sup>25</sup> Associated Press, "Charges Allege 1.8M Fraud at Cleveland Academy of Scholarship, Technology, and Leadership Enterprise" (April 30, 2013), <http://www.newsnet5.com/news/local-news/cleveland-metro/charges-allege-18m-theft-at-cleveland-academy-of-scholarship-technology-and-leadership-enterprise>

## About the Annenberg Institute for School Reform at Brown University

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Rather than providing a specific reform design or model to be implemented, AISR's approach is to offer an array of tools and strategies to help districts and communities strengthen their local capacity to provide and sustain high-quality education for all students aligned with a set of values and design principles that promote equity and excellence.

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