



What should be the role of charter schools in Pennsylvania?

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The Education Law Center has worked statewide for over a decade on issues involving charter and cyber charter schools. We are the primary organization in Pennsylvania actively monitoring charter school performance and holding the schools accountable for compliance with the law. We have strong relationships with teachers and administrators in charter schools. We've counseled thousands of parents of students enrolled in or attempting to enroll in charter and cyber charter schools. We help protect the rights of these students, especially students learning English, students of color, students with disabilities, and children living in out-of-home care.

The Law Center believes that important reforms are needed for Pennsylvania's system of charter and cyber charter schools. Unfortunately, Senate Bill 904 and similar legislation introduced in the House of Representatives do not include the reforms truly needed to strengthen the charter school system. Instead, these bills include changes that would greatly expand the number and size of charter schools, would replace the role of local school districts in approving and monitoring charter schools with a new state agency in Harrisburg, and would water down the accountability system for charter schools. This is the wrong approach.

Through our daily work, the Law Center sees examples of highly successful charter schools. But we also see many charter schools that violate the rights of children, fail to comply with basic state requirements, and achieve far less academic success than nearby district-run public schools. And statewide data show that the "traditional" public schools have a higher rate of successful reform and innovation, even in Philadelphia and other struggling school systems.

Here are a few examples of the most frequent problems with charter and cyber charter schools as reported to the Law Center's offices. Parents call our offices because their children are being denied an education by charter and cyber charter schools in the following ways:

- Charter and cyber charter schools often use the district-run public schools as a back-up system or a dumping ground for children they prefer not to serve. Some charter schools expel students for reasons that would never be viewed as a sufficient basis for expulsion from a district-run public school. In several cases we've handled, this occurs for students as early as kindergarten — one school attempted to permanently expel a 5-year-old. (We prevented this, but not without a court proceeding.)
- Charter schools often avoid serving children with special needs who are challenging or costly, even though these children have as much a right to the benefits of charter schools

as any other student. We have handled many cases where parents struggle to get their children accepted to a charter school. For example, some charter schools screen out children with disabilities and discourage their parents from applying for enrollment.

- Charter schools “counsel out” students who are experiencing academic or behavioral difficulties, instead of providing the services needed to help these children stay in the charter school and succeed. In these situations, parents are sometimes told that the district-run public schools can better serve their children and are given a “choice” of a “voluntary withdrawal” or official expulsion.

The data collected by the Pennsylvania Department of Education confirms that many charter schools enroll significantly lower percentages of students with disabilities and English language learners than the school district in which they are located. And even so, charter and cyber charter schools often have lower academic performance than district-run public schools.

That’s why we believe charter school reform is necessary and why SB 904 and similar legislation introduced in the House of Representatives fail to address the real needs for reform.

The pending charter reform legislation misses the mark when it comes to addressing three crucial questions that should be answered before any bills are adopted:

- Has the General Assembly performed the thorough research needed to objectively understand the strengths and weaknesses of the existing system of charter and cyber charter schools and drafted legislation that effectively meets the real needs for reform without undue political influence?
- How have charter and cyber charter school students fared compared to students in local public schools?
- How have charter and cyber charter schools improved educational opportunities and outcomes for the neediest students?

An independent study of Pennsylvania charter school performance by the Center for Research on Education Outcomes shows a higher percentage of charter schools are failing to meet state academic standards, compared to district-run public schools; average student test scores in most communities are lower for charter schools; and cyber charter schools, which are already supervised by the state, are the lowest performers.

In addition, there have been well-documented cases of charter school operators going out of business or receiving indictments on criminal charges for financial problems.

This is not a sterling record. It’s certainly not a mandate to allow unchecked expansion of charters and cyber charters, as the proposed legislation would.

Instead of running away from accountability and supervision, we believe charter school legislation should address it head-on.

A good place to start would be to:

- Strengthen school board supervision over the charter schools located in their communities.
- Increase communication about effective educational practices between charter administrators and local school officials through new policies and standards.
- Prohibit elected officials, their staff and family members from owning or serving on the board of directors of charter and cyber charter schools.
- Set academic performance targets for all students, including English language learners and students with disabilities.
- Ensure that charter schools offer equal opportunity to children with disabilities, English language learners, and other students who are more costly and challenging to educate, just as district-run public schools must do.

We believe charter schools can serve an important role. Charters can experiment on a small scale with new educational models, free from many rules and restrictions found in district-run public schools.

The ultimate purpose of charter schools should be to conduct such experiments and then share the lessons learned with other public schools, not to grow unchecked or to permanently replace district-run schools.

The academic and fiscal performance of charter and cyber charter schools does not justify the “reform” legislation introduced to date in the General Assembly. State officials should go back to the drawing board, hold public hearings, acknowledge the mixed record of charters, and develop real reforms that clarify the role of charters in Pennsylvania and protect the rights of our students.

In short, charter schools can play a valuable, but limited role in helping to strengthen public schools in communities facing complex educational challenges. But taxpayer dollars for education should be invested primarily in public schools that are open to all children and fully accountable to the public through elected school boards.

Key Questions about Charter School Reform Proposals

1. What is the record of academic performance for charter schools and cyber charter schools compared to district-run public schools?
 - *Most pending proposals for charter school reforms would greatly expand the number of charter schools, the number of students attending charter schools, and the state and local cost of supporting this growth. Is this a good investment?*
2. What is the best way to hold charter and cyber charter schools accountable for academic performance, fiscal management, and other outcomes and practices? Performance targets? Corrective action plans? Termination?
 - *Pending reform proposals would not require performance targets, corrective action plans, or the termination of failing charter schools.*
3. What type of review and study are needed to determine the strengths and weaknesses of the current system, prior to expansion of charters and cyber charters?
 - *Pending proposals would maintain state control and oversight of cyber charters, despite significantly greater problems for these schools, and would also shift the approval and monitoring process for brick-and-mortar charters away from local school districts to a new state agency. Would closer examination of the current system lead to different recommendations for reform?*
4. Should there be a moratorium on expansion of charters until these issues are studied?
5. What should be the role of charters in developing innovative approaches to education practices?
 - *Pending proposals would remove the current legal requirement for demonstrating innovative practices in the applications of new charter schools. Is there a value for charters to duplicate or replace programs and services already offered in public schools?*
6. What are the advantages and disadvantages of limiting charter enrollment through caps?
 - *Pending proposals would allow nearly unlimited charter expansion. Should local school districts be able to consider the fiscal impact on the district when evaluating applications from new charter schools or requests to expand existing charters?*
7. What is the best way to ensure that charter school enrollment reflects the full diversity of the surrounding community?
 - *This issue is overlooked in pending reform proposals. Should charters be allowed to use district-run public schools as a back-up system for students they would prefer not to serve? What is the impact on district-run schools when charters use selective practices for enrollment and retention?*

8. How can state policy strengthen the relationship between charters and local school districts?

- *Pending proposals would end most connections between charters and the school districts in which they are located.*

9. How problematic is it to allow legislators and other public officials to have ownership and participate in management of charter schools?

- *This practice would not be banned in the pending reform proposals.*

10. What reforms are needed to the way in which charters and cyber charters are funded?

Data Snapshots on Charter Performance and Administrative Costs

Charter Schools Have Lower Performance with Higher Administrative Costs		
Pennsylvania Data 2009-10	Charter Schools	District-Run Public Schools
Average PSSA Passing Rate <i>(Reading and Math combined for all students)</i>	61%	75%
Percentage of Schools Not Making Adequate Yearly Progress (AYP)	29%	17%
Average Annual Administrative Expenditures per Student	\$1,506	\$792
Percentage with Annual Administrative Expenditures per Student over \$1,000	86%	13%