

SENATE EDUCATION COMMITTEE HEARING
AUGUST 25, 2011
PUBLIC CITIZENS FOR CHILDREN AND YOUTH TESTIMONY

Good afternoon Chairperson Piccola, and members of the Senate Education Committee. I am Taimarie Adams from Public Citizens for Children and Youth (PCCY). Thank you for the opportunity to submit our testimony for inclusion in today's hearing discussing the proposed charter school law, Senate Bill 904 (S.B. 904).

We have spent the last year speaking with charter and public school stakeholders, exploring the records of charter schools in Pennsylvania, their impact in the commonwealth and charter school legislation in other states. We are pleased to share our ideas regarding how the current legislation can be improved to capitalize on the successes of high-performing charters, facilitate the closure of low-performing charters that are unable to course correct and support charters schools collaborating with and positively impacting traditional public schools.

As you may know, 30% of Pennsylvania's charter schools are significantly outperforming traditional public schools in reading, and 25% of charters are significantly outperforming traditional public schools in math.¹ Despite these successes, the majority of Pennsylvania charter schools struggle with the same issues that traditional public schools face. Issues such as high poverty levels, teaching students with special education and/or English acquisition needs, and dealing with students with behavioral problems. For example, 39% of Pennsylvania charter schools perform at lower levels than traditional public schools in reading and 46% perform at lower levels in math.

Rather than go to extremes, to condemn charter schools, or advocate for their wholesale expansion for the sake of providing alternative school choice options, PCCY has strived to take a balanced approach in our recommendations. We have worked to understand the factors that may prevent some charters from reaching their full potential, and understand how charters can better impact the surrounding school district. We have looked at what is working in other states, and how Pennsylvania can learn from those states.

We have recommendations that we believe will strengthen not only S.B. 904, but our whole school system. Today we have identified three areas in S.B. 904 to begin our discussion. We will focus on 1) the need for a strong accountability framework, 2) the need for a quality

¹ Charter School Performance in Pennsylvania (April 2011) at http://credo.stanford.edu/reports/PA%20State%20Report_20110404_FINAL.pdf

authorizer(s), which does not remove considerations of the interests of local school districts and 3) the need to understand charter school funding formula.

The Bill Must Establish a Charter School Accountability Framework:

The concept of school accountability has become a political hot potato nationwide and right here in Pennsylvania. Legislatures, parents and education advocates demand it, but what exactly does accountability mean?

Despite S.B.904's promotion as a bill with increased accountability measures and stricter standards, the bill actually **removes** academic accountability standards. In reality, the bill passes the accountability hot potato to the proposed statewide commission, with no guidance as to how to define accountability, or enforce those standards once they are articulated by the statewide commission.

We believe the goal of this hearing and subsequent discussions evaluating S.B. 904 should be to work to define accountability standards that are fair to the children who whose futures depend upon a good education and to those who teach our children. Our current charter school legislation has not been amended for more than three years. Are we comfortable adopting a bill that allows for the unfettered expansion of charters without a performance regulation framework that may not be amended for years to come?

PCCY is not, and we have proposed the following accountability standards to focus our discussion.

Accountability: Why Reinvent the Wheel?

Defining accountability for charter schools is particularly complex because charter schools are defined by their increased autonomy, unique school missions and diversity of education models and student populations. Rather than reinvent the accountability wheel, we should adhere to the concept behind charter schools and learn from them. We should look to other states that have articulated clear accountability standards, and see how those standards can be utilized in Pennsylvania.

The District of Columbia Charter School Board is an example of a model authorizer that has developed what is considered nationally to be a ground-breaking model for charter school accountability. Under that model, the performance management framework ("PMF"), all charter schools are evaluated on the same academic performance criteria. Academic measures include absolute student achievement as well as student growth performance measures, indicators of readiness for high school and college, and mission-specific measures at each school. Evaluations of non-academic measures include governance, compliance with local and federal laws such as IDEA and the Constitution, and financial management.

We must create a strong accountability framework that would include:

A Clear Performance Framework

We are concerned that the bill does not set forth any performance standards and decreases the performance criteria charter applicants must meet in their initial application. We must remember that the concept underlying charter schools was not that they would replace traditional public schools. Charter schools were intended to innovate and achieve academic results, standards which are wholly absent from S.B. 904.

We believe that S.B. 904 must set forth a comprehensive performance framework to provide a model for the authorizing body or bodies to apply consistently to all charter schools. Similar to the PMF, Pennsylvania's framework should include measures of rigor (a school's test scores, AYP and benchmark comparisons) and momentum (growth over a three-year period among all student demographic groups), non-academic standards that measure a school's financial and governance structure, student engagement (continuous enrollment/attrition measures) and a measure of whether the school is meeting its stated unique mission.

We are concerned that the bill treats all charter schools the same, whether they are high or low-performing. Rather than provide for the expedited expansion of all charter schools, for the sake of school choice, we believe that the legislation should provide incentives for high-performing charter schools and additional support for lower-performing charters.

One way to achieve this would be separating charters into categories based on their performance (high status-high growth; high status-low growth; low status-high growth; and low status-low growth). A school's placement in one of those categories would determine how the school would be evaluated during its next renewal cycle. Incentives should be provided for charters falling into the first two categories. Incentives such as allowing for a common board and application for schools wishing to replicate, longer renewal periods and an abbreviated review process. Additional supports and oversight should be given to schools falling into the last two categories, which occurs in other states.

A Clear Charter School Operator Application Process:

As you have likely heard from your constituents, many charter school parents of children with disabilities, behavioral problems or English language status feel that their children have been pushed or "counseled" out of charter schools. We have also heard stories from public school teachers that a number of former charter school students "show up" in their classrooms right before the PSSA exam. We are concerned that S.B. 904 does

nothing to prevent charter schools from implementing discriminatory policies and practices that exclude or push out certain groups of students.

Legislation and the authorizing bodies charged with implementing the legislation must establish clear student recruitment, enrollment and lottery procedures to be followed by all charter schools. The legislation should prevent charter schools from requesting additional information, such as essays or interviews, during or after the lottery process. These practices consciously or unconsciously work to exclude certain families for charter schools. Other states, such as Massachusetts for example, prohibit charter schools from requesting additional information outside of the uniform application. We should also.

Our work does not stop there. Charter authorizers must continue to monitor whether students are being pushed or “counseled” out of charters by tracking the schools’ attrition numbers and the percentage of students with special needs and English language learner status, compared to the percentage in the surrounding school district, and the characteristics of the accepted and matriculated student populations.

A Clear Process for Renewal and Nonrenewal:

At the end of the day, not all charter schools will be able to meet the education and development needs of their students, and will need to be closed. Recognizing that fact, the legislation and the authorizing body must create a clear renewal and school closure and dissolution procedures to be used by all authorizers.

We are concerned that the bill does not require charter school applicants to provide a closure plan if they fail to meet performance standards and extends the renewal period from 5 to 10 years. Research and common sense have shown that longer charter terms are more likely than shorter terms to allow weak schools to stay open. Authorizers that use five-year terms close 3.6 percent of their schools annually compared to authorizers that use terms of 10 years or longer, which close only 1.5 percent of their schools annually.² The language in the bill that allows authorizers to close a charter school at any time does not protect against the potential that a weak charter will remain open because only 1% of charter schools are closed outside of their renewal period.³

Recognizing that a large numbers of charter schools may not succeed, S.B. 904 should require charter schools to include a closure plan in their initial application. New York, for example, requires charter school applicants to submit a school dissolution plan in their initial application.

² National Association of Charter School Authorizers: The State of Charter School Authorizing 2010 (2011), Page 4. http://www.qualitycharters.org/images/stories/publications/2010_facts_report.pdf

³ Id.

Political Insulation:

Despite pressure from education advocates and a number of charter operators, the proposed legislation does not prevent political figures from serving on the board of a charter school. We believe the bill would be strengthened if political figures were prevented from serving on charter school boards. We recognize that political influence may still come into play because charters are public schools, which is why we need the clear performance framework we just spoke about. Strong data will support the decisions of the authorizing body, thereby making less room for political interpretation and influence.

The Bill Must Establish a Quality Authorizer(s)

A quality charter school authorizer is one of the primary elements of a successful charter school system in a state. We believe the proposed political appointment structure of the independent state commission presents concerns. The commission would have seven members, appointed as follows:

Governor and Majority Appointments	Minority Appointments
<ul style="list-style-type: none">• Member of the State Board of Education (Governor),• Faculty member or administrator of an institution of higher education (Governor),• School Board Member (Governor),• Administrator or board of trustee member of a charter school (Senate Majority leader),• Member of the business community (House Majority leader).	<ul style="list-style-type: none">• Certified teacher (Senate minority),*• Parent of a school-aged child (House minority).* <p>*Minority, Democrat appoints if a bill is passed in 2011-12.</p>

Aside from position titles, the bill provides no additional qualifications for the commission members that will be tasked with overseeing the majority of Pennsylvania's charter schools.

Moreover, we believe that there is the potential for a power disparity between the minority appointments-a teacher and parent-and the other four commission members.

We are also concerned that S.B. 904 will allow charter school applicants to bypass the local school district where the charter would be located for authorization decisions, which could cause financial and logistical chaos for those school districts. We are equally concerned that local school district and community input regarding public school conversions have been stripped from S.B. 904. Under the vague language of the bill, a charter operator in another state could apply to convert a high-performing public school without so much as the input from the families attending the school, or the school district in which it sits. This is unacceptable and points to the lack of consideration for grave implications a poorly vetted charter bill could have on our schools.

If the final legislation upholds the provision providing multiple authorizing bodies, we should require charter school applicants to provide an analysis of the impact a charter school would have on the surrounding school districts. Other states with multiple authorizing bodies, such as New York, have this provision in their legislation. New York legislation is getting it right in other ways. For example, in New York, the *only approved authorizer* of charter applications to convert a traditional public school into a charter is the local school district where the charter would sit, which would address a portion of our concern dealing with conversions in the bill.⁴

Charter School Funding

The current charter school funding formula creates a conflict between traditional public schools and charters because it redirects money away from local school districts. We have seen this conflict play out across the state. In Philadelphia, for example, the district lost \$25 million in the charter school reimbursement. Again, in York, school board president Sam Beard recently stated that the loss of the charter school reimbursement contributed to the York School District's budget troubles. It is important to understand the impact of the charter school funding formula regardless of the economic climate, but it is vital that we understand how charter school funding impacts both charters and traditional public schools during a time of financial austerity that has left too many districts starved for cash.

We are concerned because S.B.904 establishes a special advisory committee to evaluate charter school funding, rather than addressing the funding formula in the bill. While we applaud the formation of special advisory committee, we believe the funding formula should be addressed in the bill first.

⁴ A conversion charter school is a charter school that is established by converting an existing public elementary or secondary school into a charter school.

We believe that the committee should commit the funding analysis ***before*** we adopt charter legislation. In addition to the questions the proposed committee will examine set forth in S.B. 904, the committee should also:

1. Evaluate the cost to a school district when a student leaves for a charter school and ways to minimize those costs.
2. Evaluate how long it will take to reduce the legacy costs of students leaving traditional public schools for charter schools. How many students must leave for a school to recognize savings on expenditures for capital projects, maintenance, administration, utilities and other administrative costs?
3. Evaluate the cost to school districts when a student transfers from a private school to a charter school, forcing the district to incur new costs.
4. Evaluate how charter schools are compromised by lower per-pupil and facilities funding.
5. Evaluate how the state can contribute to funding charters, because this is a state initiative that traditional public schools do not control or necessarily support

In closing, we urge that you look at what has worked in other states and adopt an accountability framework for all schools, clarify the charter application process, differentiate within the charter reauthorization process between the schools that are performing well and those that are not and look at other state models for a commission and authorizers. PCCY looks forward to working with you to craft meaningful and effective education legislation in the future.