

Charter Schools are not the right strategy at this time to meet the pressing education needs of the children in the State of Mississippi –

A presentation by Southern Echo, Inc. and the Mississippi Delta Catalyst Roundtable

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Materials for House Education Committee Hearing On Charter Schools February 17, 2010

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SB 2293 – Charter Schools – *with Annotations by Southern Echo*

Summary: The Civil Rights Project/Proyecto Derechos Civiles at UCLA (2010) -- "[Choice Without Equity: Charter School Segregation and the Need for Civil Rights Standards](#)," a nationwide report based on an analysis of Federal government data and an examination of charter schools in 40 states and the District of Columbia, along with several dozen metropolitan areas with large enrollments of charters. The report found that charter schools continue to stratify students by race, class, and possibly language, and are more racially isolated than traditional public schools in virtually every state and large metropolitan area in the country. [The summary and full report will be posted on our website shortly. A summary is attached in these materials.]

Summary: Rand Corp. (2009) -- "[Charter Schools in Eight States: Effects on Achievement, Attainment, Integration and Competition](#)". This study documents the failure of charter schools to meet goals or outperform traditional schools. Study sponsored by the Gates, Joyce and William Penn foundations.

Summary: Stanford Univ. Center for Research on Education Outcomes (2009) -- "[Multiple Choice: Charter School Performance in 16 States](#)" – This study of charter schools documents that charter schools in 15 states and the District of Columbia underperformed when compared with comparable traditional public schools. Study supported by Dell Foundation, Packard Humanities Institute and US Dept. of Education.

Summary: University of Minnesota Institute on Race and Poverty (2008) -- "[Charter School Study: Failed Promises — Assessing Charter Schools in the Twin Cities](#)" – This study concludes Minnesota charter schools failed to meet any of their core goals, are not competitive when compared to traditional public schools, and increase racial and economic segregation.

[August 13, 2009: "Charter Schools Aren't A Better Answer Than Public Education" - Article](#)
New York Univ. Education Historian Diane Ravitch surveys the research-based evidence about charter schools documented in recent studies to contend that privatization through charter schools is not the answer to the problems faced in traditional public schools.

August 18, 2009 | LA Times -- [Lackluster test results for Mayor Villaraigosa's high-profile schools and Locke High](#)

LA Times coverage of research-based evidence documents that students in LA's much-touted privately-run charter schools are underperforming. These results come out just as LA is moving to greatly expand its charter school program.

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Presentation at Hearing on Charter Schools Mississippi House Education Committee

Summary Overview

Diversion of Funds: Charter Schools will cause a major Diversion of Funds away from traditional public schools at the same time state funds are being cut substantially:

- a. Opening the door to the creation of charter schools across the state will necessarily divert critical state funds from the traditional public schools at a time when the state is making drastic cuts to local school budgets.
- b. This will have severe consequences for the capacity of local districts to provide the quality of education to which our children are entitled.
- c. At the same time, the operating expenses of the school districts will not diminish simply because some of the students remove to charter schools. But the districts will lose every MAEP dollar based on enrollment and Average Daily Attendance for every student that goes to a charter school. This will further undermine every financially-stressed school district.
- d. In addition, SB 2293 actually provides financial preferences for charters for state grant funds and encourages new charter schools to compete against traditional public schools for Race to the Top federal funds.

Less Schools or More Schools?: At the very time when the Governor is pushing to reduce the total number of schools through consolidation to reduce costs and promote economies of scale, proponents of charter schools are pressuring to create even more schools. This will disperse and fragment increasingly scarce resources, in terms of funds and educators, rather than consolidate funds and enhance the availability of quality educators and administrators.

Support What We Have Already Undertaken: The Legislature and State Board of Education have spent the last 10 years enacting a series of progressive education strategies to improve and turnaround the delivery of education in Mississippi schools. These strategies include the establishment of:

- a. the 2000 Accountability framework;
- b. the revision of the criteria, benchmarks and standards to evaluate student performance on standardized tests;
- c. revision of the methods for determination of graduation and dropout rates;
- d. the creation of a Dropout Prevention Department at the state level and dropout prevention programs in every school district;
- e. and revision of how schools and school districts are evaluated and assessed and the creation of strong measures for intervention to turnaround under-performing schools.

Children First 2009: The ink is barely dry on the new Turnaround Process under Children First 2009. It is just unfolding in its first year of implementation. Yet, charter school proponents want to initiate charter schools in the same districts that are target of the Turnaround Process, which will generate confusion and uncertainty, and distract attention and resources from the Turnaround Process.

Segregation: Mississippi has a long history of segregation as required by state law. Mississippi is still struggling to end segregation in fact. Mississippi has a long history of under-funding public education.

Mississippi is still struggling to fully fund public education. The January 2010 study by the UCLA Civil Rights Project, which covered 40 states and dozens of municipalities, confirmed what many other studies had already shown: charter schools across the nation have increased race and class segregation when compared to traditional public schools. Charter schools in Mississippi will increase race and class segregation. This will further divide our communities at a time when we need to bring them together. At the same time, charter schools will divert significant funds and other resources from our traditional public schools and make it more difficult to fully fund our traditional public schools.

National Studies on Charter Schools: A series of intensive studies of charter schools published since 2008 at nationally-recognized academic and research institutions demonstrate that at least two-thirds of the charter schools studied do not outperform traditional public schools and a substantial number actually under-perform when compared to traditional public schools. See the summaries of these studies attached to these materials. The Summaries, Full Reports and additional articles are available on the Southern Echo website at: http://southernecho.org/s/?page_id=1570

This is a list of the recent charter school studies available on our website:

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Dr. Jeffrey Henig, Ph.D., of the Teachers College at Columbia University (2008) -- "**What Do We Know About the Outcomes of KIPP Schools?**" -- This study is an analysis of a series of studies performed on some KIPP schools. The study finds that KIPP schools tend to have high dropout rates and that the outcomes lauded by KIPP supporters tend to be based on achievements by those who actually finish school, without accounting for the many lost to the process along the way. The study raises a number of additional cautions about how KIPP schools are being assessed. The findings and questions raised in this study are important given the current continuing pressure to consider a KIPP school charter in Clarksdale, MS, specifically, and the effort to revive charter school legislation, generally.

By: Senator(s) Watson, McDaniel, Hewes,
Yancey, Lee (35th), Clarke, Burton, Hudson,
Dickerson, Flowers, Chassaniol, Michel, Ward,
Kirby, Moffatt, Carmichael, Brown, Nunnelee

To: Education

SENATE BILL NO. 2293
(As Passed the Senate)

1 AN ACT TO CODIFY SECTIONS 37-28-1, 37-28-3, 37-28-5, 37-28-7,
2 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17, 37-28-19 AND
3 37-28-21, MISSISSIPPI CODE OF 1972, TO PROVIDE AUTHORIZATION FOR
4 NEW OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS IN THE STATE OF
5 MISSISSIPPI, TO PROVIDE AUTHORIZATION FOR CONVERSION CHARTER
6 SCHOOLS UNDER WHICH EXISTING PUBLIC SCHOOLS MEETING CERTAIN
7 CRITERIA MAY CONVERT TO CHARTER SCHOOL STATUS, TO PROVIDE THAT
8 SUCH OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS SHALL BE ORGANIZED AS
9 NONPROFIT TAX EXEMPT ORGANIZATIONS, TO PROVIDE THAT THE LOCAL
10 SCHOOL BOARD MAY APPROVE PETITIONS FOR THE ESTABLISHMENT OF OPEN
11 ENROLLMENT PUBLIC CHARTER SCHOOLS OR PETITION MAY BE MADE DIRECTLY
12 TO THE STATE BOARD OF EDUCATION, TO PROVIDE CRITERIA FOR ACADEMIC
13 ACHIEVEMENTS AT THE PUBLIC CHARTER SCHOOLS, TO PROVIDE PREFERENCE
14 FOR THE ESTABLISHMENT OF SUCH PUBLIC CHARTER SCHOOLS, TO PROVIDE
15 THAT CERTAIN STATE FUNDS SHALL GO DIRECTLY TO THE NEWLY
16 ESTABLISHED PUBLIC CHARTER SCHOOLS ON A PER-PUPIL EXPENDITURE
17 BASIS, TO PROVIDE THAT SUCH PUBLIC CHARTER SCHOOLS MAY USE A
18 WEIGHTED LOTTERY SYSTEM TO FILL ENROLLMENT SEATS, TO PROVIDE FOR
19 THE GOVERNANCE OF SUCH PUBLIC CHARTER SCHOOLS AND TO PROVIDE THAT
20 TEACHERS SHALL BE EMPLOYEES OF THE PUBLIC CHARTER SCHOOLS, TO
21 PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ISSUE REGULATIONS,
22 AND TO PROVIDE FOR REPORTING, TO PROVIDE FOR TRANSPORTATION OF
23 STUDENTS ATTENDING PUBLIC CHARTER SCHOOLS, AND TO PROVIDE FOR
24 PROBATION AND REVOCATION OF PUBLIC CHARTER SCHOOLS BY THE STATE
25 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-28-1 THROUGH
26 37-28-21, MISSISSIPPI CODE OF 1972, EFFECTIVE JULY 1, 2020; AND
27 FOR RELATED PURPOSES.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

29 **SECTION 1.** The following shall be codified as Section
30 37-28-1, Mississippi Code of 1972:

31 37-28-1. It is the intent of the Legislature that this
32 chapter provide a means whereby local public schools or public
33 charter schools may choose to substitute a binding academic or
34 vocational, or both, performance-based contract approved by the
35 State Board of Education, called a "charter," for rules,
36 regulations, policies and procedures of the State Board of
37 Education and the local school district and, except as otherwise



Why exempt charter schools from all education regulations? The charter school plan should identify which provisions need to be waived and the reasons therefore. This is what West Virginia requires its Innovation Schools to do.

38 provided, the provisions of Title 37 of the Mississippi Code of
39 1972 which are applicable to schools and school districts and
40 their employees and students.

41 **SECTION 2.** The following shall be codified as Section
42 37-28-3, Mississippi Code of 1972:

43 37-28-3. For purposes of this chapter, the following words
44 and phrases shall have the meanings respectively ascribed in this
45 section unless the context clearly indicates otherwise:

46 (a) "Charter" means an academic or vocational, or both,
47 performance-based contract between a public charter school and its
48 authorizer which exempts the school from rules, regulations,
49 policies and procedures of the State Board of Education and the
50 local school district and, except as otherwise provided, the
51 provisions of Title 37 of the Mississippi Code of 1972 which are
52 applicable to schools and school districts and their employees and
53 students.

This language wipes out all academic and accountability benchmarks, standards and procedures that the Legislature and State Board of Ed created since 1997 to improve the quality of education for all children and states that none of it, with a few exceptions, applies to charter schools.

54 (b) "Conversion charter school" means a public school
55 that has converted to operating under the terms of a charter
56 granted by the State Board of Education and the local school
57 board.

58 (c) "Public charter school" means a school that is
59 operating under the terms of a charter granted by the State Board
60 of Education, or an open-enrollment public charter school
61 established after July 1, 2010.

62 (d) "Local school" means a public school in Mississippi
63 which is under the management and control of the school board of
64 the school district in which the school is located.

65 (e) "Petition" means a proposal to enter into an
66 academic or vocational, or both, performance-based contract
67 between the State Board of Education and a local school whereby
68 the local school obtains charter school status.

69 (f) "Eligible entity" means a public institution of
70 higher learning, a private nonsectarian institution of higher



71 learning, a governmental entity, or an organization that is
72 nonsectarian in its program, admission policies, employment
73 practices, and operations and is exempt from taxation under
74 Section 501(c) (3) of the Internal Revenue Code of 1986.

75 (g) "Open-enrollment public charter school" means a
76 public school that is operating under the terms of a charter
77 granted by the authorizer and may draw its students from across
78 public school district boundaries.

79 (h) "Authorizer" means an entity that reviews
80 applications, decides whether to approve or reject applications,
81 enters into contracts with applicants, oversees and monitors
82 public charter schools, and decides whether to renew, not renew,
83 or revoke contracts. The State Board of Education is the only
84 eligible authorizer.

85 **SECTION 3.** The following shall be codified as Section
86 37-28-5, Mississippi Code of 1972:

87 37-28-5. (1) The provisions of this subsection (1) shall be
88 applicable to any conversion charter school and the State Board of
89 Education shall establish rules and regulations for the submission
90 of petitions for charter school status and criteria and procedures
91 for the operation of charter schools applicable to such conversion
92 charter schools. The board shall receive and review petitions for

93 conversion charter school status from local public schools and may
94 approve petitions and grant charter school status. At least three

95 (3) local public schools that are granted conversion charter

96 school status shall, at the time the school submits its initial
97 petition for charter school status: (a) be rated as Under

98 Academic Watch, Low-Performing, At Risk of Failing or Failing; (b)

99 be in a school district rated as Under Academic Watch,

100 Low-Performing, At Risk of Failing or Failing; or (c) be under

101 conservatorship or under the Recovery School District operated by

102 the State Department of Education. In order to be approved, a



103 petition for charter school status, in the opinion of the State
104 Board of Education, must adequately include:

105 (a) A plan for improvement at the school level for
106 improving student learning and for meeting state education goals;

107 (b) A set of academic or vocational, or both,
108 performance-based objectives and student achievement-based
109 objectives for the term of the charter and the means for measuring
110 those objectives on no less than an annual basis;

111 (c) An agreement to provide a yearly report to parents,
112 the school board of the school district in which the charter
113 school is located, and the State Board of Education which
114 indicates the progress made by the charter school in the previous
115 year in meeting the academic or vocational, or both, performance
116 objectives; and

117 (d) A proposal to directly and substantially involve
118 the parents of students enrolled in the school as well as the
119 faculty, instructional staff and the broader community in the
120 process of modifying the petition, if necessary for approval, and
121 carrying out the terms of the charter.

122 (2) Any local school may submit a petition to the State
123 Board of Education requesting conversion charter school status.
124 The petition must:

125 (a) Be approved by the school board of the school
126 district in which the school is located;

127 (b) Be agreed to freely by a majority of the faculty
128 and instructional staff members, by secret ballot, at the school
129 initiating the petition;

130 (c) Be agreed to by a majority of the **parents** of
131 students enrolled in the school who are present at a meeting
132 called for the specific purpose of deciding whether or not to
133 initiate the petition;

What about guardians?

Why restrict decision making to parents of school students? All residents of the school district should have the right of input into this issue because it will have such an important impact on the school in question and the remainder of the school district.



This bill first wipes out all existing performance criteria, measures of progress and state education goals. But in lines 137 through 145 the bill requires the creation of specific and measurable benchmarks of academic performance on state assessments and a comparison with the students in traditional public schools to evaluate the success of the charter schools. But who will be authorized to establish the new performance criteria, benchmarks and state assessments used by charter schools? Comparisons to students in traditional public schools as an evaluation tool will be meaningful only if the charter schools and traditional schools are using the same criteria, standards and assessment tools. It makes more sense to start out by requiring charter schools to comply with existing state education goals, criteria and benchmarks as measures of progress.



134 (d) Describe a plan for school improvement that
135 addresses how the school proposes to work toward improving student
136 learning and meeting state education goals;

137 (e) Outline proposed academic or vocational, or both,
138 performance criteria that will be used during the initial period
139 of the charter to measure progress of the school in improving
140 student learning and in meeting state education goals;

141 (i) Academic performance criteria must include
142 specific and measurable benchmarks of academic performance on
143 state assessments. Such benchmarks must require that after three
144 (3) years of enrollment, the charter school students outperform to
145 a statistically significant degree similar students in the local
146 district in which the charter is located;

"Similar students" in what respects? This language is too vague to serve as an evaluation

147 (ii) Academic performance criteria must also
148 include a requirement that charter schools not miss adequate
149 yearly progress for any two (2) consecutive years, as defined by
150 the No Child Left Behind Act of 2001, or other future federal
151 school accountability requirements;

152 (f) Describe how the faculty, instructional staff and
153 parents of students enrolled in the school have been involved in
154 developing the petition and will be involved in developing and
155 implementing the improvement plan and identifying academic or
156 vocational, or both, performance criteria;

157 (g) Describe how the concerns of faculty, instructional
158 staff and parents of students enrolled in the school will be
159 solicited and addressed in evaluating the effectiveness of the
160 improvement plan;

All residents, not just educators and parents of students in school, should have input into the evaluation process that has such major impact on the future of public education.

161 (h) Include a provision to exempt the conversion
162 charter school from any rules, regulations, policies and
163 procedures of the State Board of Education and the local school
164 board and from the provisions of the Mississippi Code of 1972
165 relating to the elementary and secondary education of students.



Again: Why exempt charter schools from all education regulations? The charter school plan should identify which provisions need to be waived and the reasons therefore? This is what West Virginia requires its Innovation Schools to do.



166 Conversion charter schools may not be exempted from the following
167 statutes:

168 (i) Section 37-9-75, which relates to teacher
169 strikes;

170 (ii) Section 37-11-20, which prohibits acts of
171 intimidation intended to keep a student from attending school;

172 (iii) Section 37-11-21, which prohibits parental
173 abuse of school staff;

174 (iv) Section 37-11-23, which prohibits the willful
175 disruption of school and school meetings;

176 (v) Sections 37-11-29 and 37-11-31, which relate
177 to reporting requirements regarding unlawful or violent acts on
178 school property;

179 (vi) Section 37-19-53, which prohibits false
180 reporting of student counts by school officials;

181 (vii) Applicable State Department of Health
182 regulations; and

183 (viii) Applicable federal No Child Left Behind
184 requirements;

185 (i) (i) Describe the facility to be used for the
186 conversion charter school and state the facility's current use and
187 the facility's use for the immediately preceding three (3) years;

188 (ii) If the facility to be used for a conversion
189 charter school is a public school district facility, the
190 conversion charter school must operate in the facility in
191 accordance with the terms established by the local school board of
192 the public school district in an agreement governing the
193 relationship between the conversion charter school and the public
194 school district;

195 (iii) If the facility that will be used for the

196 conversion charter school is owned by or leased from a sectarian

197 organization, the terms of the facility agreement must be

198 disclosed to the state board; and



This bill must have a prohibition against the presence of religious symbols, representations or text on either the exterior or interior of the buildings and rooms to comply with the 1st Amendment separation of church and state.. Further, the fact that the school is in a church may cause some meaningful discomfort to families of other spiritual persuasions. That would be unfair.

Why should a charter school have a statutory right of first refusal that supersedes the policy judgments of the school board as to what is in the best interests of the school district, the community and the children at the time of a sale of a public school facility?

199 (iv) Any public school facility that is offered
200 for sale shall first be offered to any conversion charter school
201 located in that school district;

202 (j) Include a detailed budget, a governance plan for
203 the operation of the conversion charter school, and a clear
204 business plan;

205 (k) Include a proposal to directly and substantially
206 involve the parents of students to be enrolled in the conversion
207 charter school, the certified employees, and the broader community
208 in carrying out the terms of the conversion charter;

209 (l) Include an agreement to provide an annual academic
210 achievement report to parents, the local school board of any
211 school district from which the conversion charter school draws
212 students, and the State Board of Education which indicates the
213 progress made by the conversion charter school during the previous
214 year in meeting its academic or vocational performance objectives.
215 The report shall include, but not be limited to, the following
216 information:

217 (i) Student progress concerning academic
218 achievement;

← What are the criteria, benchmarks and standards to be used since this bill removes all existing state laws and regulations?

219 (ii) Student attendance;

220 (iii) Student grades and scores on assessment

221 instruments;

← What are the criteria, benchmarks and standards to be used since this bill removes all existing state laws and regulations?

222 (iv) Incidents involving student discipline;

223 (v) Socioeconomic data on students' families;

224 (vi) Parent satisfaction with the schools; and

225 (vii) Student satisfaction with the schools;

226 (m) Include an agreement to provide a yearly financial
227 report to parents, the local school board of any school district
228 from which the conversion charter school draws students, and the
229 State Board of Education which discloses all public and private
230 funds received by the conversion charter school, and how those
231 funds were spent;



First this bill eliminates all state criteria, benchmarks and standards relating to the improvement of student performance evaluating a school. But lines 234-241 invite the State Board of Education to enact new criteria relating to improving student performance and encouraging innovative programs. Since under this bill Title 37 and existing state regulations do not apply to charter schools, what is the analytical basis the State Board of Education can use to adopt criteria for assessing charter school applications?

232 (n) Specify methods for admission, enrollment criteria,
233 student recruitment and selection processes;

234 (o) As requested by the petitioning conversion charter
235 school proponents, the State Board of Education shall review the
236 petition for a conversion charter school and may approve any
237 petition that satisfactorily provides the information required;

238 (p) The State Board of Education may approve or deny an
239 application based on criteria adopted by the state board, which
240 shall include criteria relating to improving student performance
241 and encouraging innovative programs;

242 (q) If the State Board of Education disapproves an
243 application for a conversion charter school, the state board shall
244 notify the petitioners in writing of the reasons for such
245 disapproval within forty-five (45) days;

246 (r) The state board shall allow the petitioners for a
247 conversion charter school to resubmit their petition if the
248 original petition was found to be deficient by the state board,
249 after the petitioner has corrected any deficiencies found in the
250 initial notice of disapproval;

251 (s) The Department of Education may provide technical
252 assistance to the petitioners for a conversion charter school in
253 the creation or modification of these petitions;

254 (t) All pupils attending a conversion charter school
255 when application is made for conversion school status shall be
256 deemed to be enrolled when the conversion charter is approved by
257 the State Board of Education. One (1) year after the initial
258 conversion charter is approved, a conversion charter school shall
259 enroll an eligible pupil who submits a timely application, unless
260 the number of applications exceeds the capacity of a program,
261 class, grade level or building. In this case, pupils must be
262 accepted by a lottery. A conversion charter school may not limit
263 admission to pupils on the basis of race, intellectual ability,
264 measures of achievement or aptitude, or athletic ability. A



What circumstances would cause this situation to arise?
How would this provision actually work at school level?
Does this mean that some or many students who went to this school
might be turned away after the first year? Where would they go?

265 conversion charter school is subject to any desegregated court
266 orders in effect in the school district in which the conversion
267 charter school is located;

268 (u) A certified teacher employed by a public school
269 district in the school year immediately preceding the effective
270 date of a charter for a conversion charter school operated at a
271 public school facility may not be transferred to or be employed by
272 the conversion charter school over the certified teacher's
273 objections; and

274 (v) A conversion charter shall include a mechanism for
275 declaring the charter null and void if, at any time, the school
276 operating under conversion charter status fails to fulfill the
277 terms of the charter.

278 (4) Initial conversion charters issued by the State Board of
279 Education shall be for a term of three (3) years. Thereafter, the
280 State Board of Education may renew charters on a one-year or
281 multiyear basis, not to exceed three (3) years, for local schools,
282 if all parties to the original charter approve the renewal with a
283 vote of a majority of the faculty, instructional staff and parents
284 of students enrolled in the school who are present at a meeting
285 called for the specific purpose of deciding whether or not to
286 renew the charter.

287 **SECTION 4.** The following shall be codified as Section
288 37-28-7, Mississippi Code of 1972:

289 37-28-7. (1) The provisions of this subsection (1) shall be
290 applicable to open-enrollment public charter schools established
291 after July 1, 2010. No open-enrollment public charter school
292 established after July 1, 2010, may enroll or accept students
293 prior to August 1, 2011.

294 (2) A charter for an open-enrollment public charter school
295 shall be in the form of a written contract between the authorizer
296 and the school, satisfy the requirements of this chapter without
297 the necessity of approval by the local school board, and ensure



Why remove the local school board from the approval process? Why is the process for "open enrollment" so fundamentally different than the process for "conversion"?

298 that the information required under Section 37-28-7(2) is
299 consistent with the information provided in the application and
300 any modification which the State Board of Education may require.

301 (a) The State Board of Education shall adopt:

302 (i) An application form, a schedule and a
303 procedure that must be used to apply for an open-enrollment public
304 charter school; and

305 (ii) Criteria to use in evaluating a charter
306 petition.

307 (b) As part of the application procedure, the state
308 board may require a petition supporting a charter for an
309 open-enrollment public charter school signed by interested parents
310 or guardians of school-age children residing in the area in which
311 an open-enrollment public charter school is proposed, or it may
312 hold a public hearing to determine parental support for the
313 school.

314 (c) Pursuant to the provisions of this chapter, an
315 eligible entity may petition the State Board of Education to grant
316 a charter for an open-enrollment public charter school to operate
317 in a facility of a commercial or nonprofit entity or a public
318 school district.

319 (d) The petition to the state board for an
320 open-enrollment public charter school shall be made in accordance
321 with a schedule approved by the state board.

322 (e) The petition shall:

323 (i) Describe the results of public hearings, if
324 any, called by the petitioner for the purpose of assessing support
325 of a petition for public charter school status:

There are no benchmarks or standards for evaluation: as written it is arbitrary.

326 1. Notice of the public hearing shall be
327 published once a week for three (3) consecutive weeks in a
328 newspaper having general circulation in each school district from
329 which the charter school is likely to draw students for the
330 purpose of enrollment:



331 a. The last publication of notice shall
332 be no less than seven (7) days prior to the public meeting;

333 b. The notice shall not be published in
334 the classified or legal notice section of the newspaper;

335 c. The notice shall be published in no
336 less than ten (10) point size and shall be no less than
337 two-by-four inches (2" X 4") or four-by-two inches (4" X 2");

338 2. Within seven (7) calendar days following
339 the first publication of notice required under paragraph (e) (i)1
340 of this section, letters announcing the public hearing shall be
341 sent to the superintendents and school board members of each of
342 the school districts from which the public charter school is
343 likely to draw students for the purpose of enrollment and the
344 superintendents and school board members of any district that is
345 contiguous to the district in which the open-enrollment public
346 charter school will be located;

347 3. The letters to the school board members
348 required in paragraph (e) (i)2 shall only be required for each
349 school board member whose name and mailing address is provided by
350 the superintendent of an affected school district upon the request
351 of the petitioner;

352 (ii) Describe a plan for academic achievement that
353 addresses how the open-enrollment public charter school will
354 improve student learning and meet the state education goals;

355 (iii) Outline the proposed performance criteria
356 that will be used during the initial five-year period of the
357 open-enrollment public charter school operation to measure its
358 progress in improving student learning and meeting or exceeding
359 the state education goals:

Why is initial period for open enrollment 5 years when initial period for conversions is only 3 three years? There will be less known about the open enrollment experiment than the conversion experiment.

360 1. Academic performance criteria must include
361 specific and measurable benchmarks of academic performance on
362 state assessments. Such benchmarks must require that after five
363 (5) years of enrollment, the charter school students outperform to

364 a statistically significant degree similar students in the local
365 district in which the charter is located;

366 2. Academic performance criteria must also
367 include a requirement that charter schools not miss adequate
368 yearly progress for any two (2) consecutive years, as defined by
369 the No Child Left Behind Act of 2001, or other future federal
370 school accountability requirements;

371 (iv) Include a provision to exempt the
372 open-enrollment public charter school from any rules, regulations,
373 policies and procedures of the State Board of Education and the
374 local school board and from the provisions of the Mississippi Code
375 of 1972 relating to the elementary and secondary education of

376 students. Public charter schools may not be exempted from the
377 following statutes:

Why exempt charter schools from all education regulations? The charter school plan should identify which provisions need to be waived and the reasons therefore.

378 1. Section 37-9-75, which relates to teacher
379 strikes;

380 2. Section 37-11-20, which prohibits acts of
381 intimidation intended to keep a student from attending school;

382 3. Section 37-11-21, which prohibits parental
383 abuse of school staff;

384 4. Section 37-11-23, which prohibits the
385 willful disruption of school and school meetings;

386 5. Sections 37-11-29 and 37-11-31, which
387 relate to reporting requirements regarding unlawful or violent
388 acts on school property;

389 6. Section 37-19-53, which prohibits false
390 reporting of student counts by school officials;

391 7. Applicable State Department of Health
392 regulations; and

393 8. Applicable federal No Child Left Behind
394 requirements;

395 (v) 1. Describe the facility to be used for the
396 open-enrollment public charter school and state the facility's



397 current use and the facility's use for the immediately preceding
398 three (3) years;

399 2. If the facility to be used for an
400 open-enrollment public charter school is a public school district
401 facility, the open-enrollment charter school must operate in the
402 facility in accordance with the terms established by the school
403 board of the public school district in an agreement governing the
404 relationship between the open-enrollment public charter school and
405 the public school district;

406 3. If the facility that will be used for the
407 public charter school is owned by or leased from a sectarian
408 organization, the terms of the facility agreement must be
409 disclosed to the state board; and

410 4. Any public school facility that is offered
411 for sale shall first be offered to any open-enrollment public
412 charter school located in that school district;

413 (vi) Include a detailed budget, a governance plan
414 for the operation of the open-enrollment public charter school,
415 and a clear business plan; There are no goals or benchmarks to assess the governance plan. Who
will participate in decision-making? What recourse for disagreements?

416 (vii) Include a proposal to directly and
417 substantially involve the parents of students to be enrolled in
418 the open-enrollment public charter school, the certified
419 employees, and the broader community in carrying out the terms of
420 the open-enrollment charter;

421 (viii) Include an agreement to provide an annual
422 academic achievement report to parents, the local school board of
423 any school district from which the charter school draws students,
424 and the State Board of Education which indicates the progress made
425 by the open-enrollment public charter school during the previous
426 year in meeting its academic or vocational performance objectives.
427 The report shall include, but not be limited to, the following
428 information:



- 429 1. Student progress concerning academic
430 achievement;
- 431 2. Student attendance;
- 432 3. Student grades and scores on assessment
433 instruments;
- 434 4. Incidents involving student discipline;
- 435 5. Socioeconomic data on students' families;
- 436 6. Parent satisfaction with the schools; and
- 437 7. Student satisfaction with the schools;

438 (ix) Include an agreement to provide a yearly
439 financial report to parents, the local school board of any school
440 district from which the public charter school draws students, and
441 the State Board of Education which discloses all public and
442 private funds received by the public charter school, and how those
443 funds were spent;

444 (x) Specify methods for admission, enrollment
445 criteria, student recruitment and selection processes.

446 (f) The petition may be reviewed and a nonbinding
447 recommendation made to the State Board of Education by the local
448 school board of the school district where the proposed
449 open-enrollment public charter school will operate, or the
450 petition may be made directly to the State Board of Education for
451 the approval of the open-enrollment public charter school.

452 (g) As requested by the petitioning open-enrollment
453 public charter school proponents, the authorizer shall review the
454 petition for an open-enrollment public charter school and may
455 approve any petition that satisfactorily provides the information
456 required under paragraph (e).

457 (h) The State Board of Education may approve or deny an
458 application based on criteria adopted by the state board, which
459 shall include criteria relating to improving student performance
460 and encouraging innovative programs.



461 (i) The state board shall give preference in approving
462 applicants that have demonstrated performance-based success in
463 another comparable program or in a similarly designed public
464 charter school in another state that will be located in any public
465 school district:

466 (i) Where the percentage of students who qualify
467 for free or reduced price lunches is above the average for the
468 state; or

469 (ii) Where the percentage of students not reading
470 at grade level is above the average for the state.

471 (j) If the State Board of Education disapproves an
472 application for an open-enrollment public charter school, the
473 state board shall notify the petitioners in writing of the reasons
474 for such disapproval within forty-five (45) days.

475 (k) The state board shall allow the petitioners for an
476 open-enrollment public charter school to resubmit their petition
477 if the original petition was found to be deficient by the state
478 board, after the petitioner has corrected any deficiencies found
479 in the initial notice of disapproval.

480 (l) The Department of Education may provide technical
481 assistance to the petitioners for an open-enrollment public
482 charter school in the creation or modification of these petitions.

483 (m) An open-enrollment public charter school shall
484 enroll an eligible pupil who submits a timely application, unless
485 the number of applications exceeds the capacity of a program,
486 class, grade level or building. In this case, pupils must be
487 accepted by a lottery. A public charter school may not limit
488 admission to pupils on the basis of race, intellectual ability,
489 measures of achievement or aptitude, or athletic ability. A
490 public charter school is subject to any desegregated court orders
491 in effect in the school district in which the charter school is
492 located.



Since open enrollment schools are privately owned and governed, a public school teacher cannot be "transferred" to an open enrollment school even if there is no objection. The teacher has to resign the public school position to take employment at the open enrollment school.

493 (n) A certified teacher employed by a public school
494 district in the school year immediately preceding the effective
495 date of a charter for an open-enrollment public charter school
496 operated at a public school facility may not be transferred to or
497 be employed by the open-enrollment charter school over the
498 certified teacher's objections.

499 (o) No private or parochial elementary or secondary
500 school shall be eligible for open-enrollment public charter school
501 status.

502 (p) After a three-year period operation, the public
503 charter schools with a demonstrated record of success are eligible
504 for fast-track authorization if they wish to operate their schools
505 in other locations in the state. The State Board of Education
506 shall issue regulations to provide for this fast-track
507 authorization, based upon its annual report provided under Section
508 32-28-19. Why after only 3 years, since the initial period of evaluation is 5 years. See lines
360-365 for the 5-year period of evaluation for open enrollment schools

509 (q) A charter shall include a mechanism for declaring
510 the charter null and void if, at any time, the school operating
511 under public charter status fails to fulfill the terms of the
512 charter.

513 (r) All public charter schools shall undergo a one-year
514 planning period, with the State Board of Education defining the
515 terms of such planning period, before any students can begin
516 attending such school at the proposed public charter school.

517 (3) Initial open-enrollment public charters issued by the
518 State Board of Education shall be on a pilot program basis for a
519 term of five (5) years. Thereafter, the State Board of Education
520 may renew charters on a one-year or multiyear basis, not to exceed
521 five (5) years. In order for a charter to be granted, the
522 operators must agree to commit to the full initial five-year
523 period, or any subsequent renewal period, unless the State
524 Department of Education or State Board of Education determine the



525 charter should be revoked for the reasons stated under Section
526 37-28-15, Mississippi Code of 1972.

527 **SECTION 5.** The following shall be codified as Section
528 37-28-9, Mississippi Code of 1972:

529 37-28-9. The terms of each conversion and open-enrollment
530 public charter school shall include a transportation plan for
531 students that will be attending the charter school. Charter
532 schools shall comply with transportation regulations applicable to
533 all other school districts under Section 37-41-3. The
534 transportation must be provided by the public charter school
535 within the district in which the public charter school is located.
536 The state shall pay transportation aid to the public charter
537 school according to Section 37-151-85.

538 **SECTION 6.** The following shall be codified as Section
539 37-28-11, Mississippi Code of 1972:

540 37-28-11. (1) A conversion charter school shall receive
541 state and local funds in the same manner as other public schools
542 in the school district. Conversion charter schools may also be
543 funded by: federal grants, grants, gifts or donations from any
544 private sources; and state funds appropriated for the support of
545 the charter school; and any other funds that may be received by
546 the school district. Schools applying for charter status and
547 charter schools are encouraged to apply for federal funds
548 appropriated specifically for the support of charter schools under
549 the Omnibus Consolidated Appropriations Act, 1997 (Public Law No.
550 104-208 [H.R. 3610] (1996)).

551 (2) Subject to funds specifically appropriated for the
552 support of public charter schools, an open-enrollment public
553 charter school shall receive per pupil, base student cost funding
554 equal to the amount that a public school district would receive as
555 calculated under Section 37-151-7(1)(b) and (c), Mississippi Code
556 of 1972, including the adjustment for at-risk pupils as calculated
557 under Section 37-151-7(d), Mississippi Code of 1972. An



558 open-enrollment public charter school shall also receive other
559 state funding that a local school district is entitled to receive
560 limited to special education, gifted and vocational or technical
561 education programs under Section 37-151-7(1)(e), Mississippi Code
562 of 1972, including transportation under Section 37-151-85 if the
563 public school provides transportation under Section 32-28-14.

564 Open-enrollment public charter schools shall not be eligible to
565 receive ad valorem taxes, and therefore shall not be required to
566 provide a local contribution as calculated under Section

567 37-151-7(2), Mississippi Code of 1972. The state shall pay the
568 full per pupil, base student cost to the public charter school as
569 determined by average daily attendance. Public charter schools

570 shall not be able to levy taxes or issue bonds secured by tax
571 revenues. Average daily attendance after the first year the
572 open-enrollment is open shall be calculated in the same way as
573 other public schools under Section 37-151-7, Mississippi Code of
574 1972. Funding for the first year the open-enrollment public
575 charter school is open shall be determined according to the
576 following provisions:

577 (a) The funding estimate shall be based on the
578 projected enrollment, including the projected number of pupils
579 participating in the federal free lunch program, submitted by
580 December 10 preceding the school year in which students are to
581 attend;

582 (b) Funding for open-enrollment public charter schools
583 shall be paid in twelve (12) installments each fiscal year as
584 other public school districts;

585 (c) In January of the school year that the
586 open-enrollment public charter school is in operation, funding
587 allocations will be adjusted based on the average daily attendance
588 for months two (2) and three (3) of the school year that the
589 charter school is in operation and actual number of pupils
590 participating in the federal free lunch program. Average daily



591 attendance for charter schools will be determined by multiplying
592 enrollment for months two (2) and three (3) by the statewide
593 average daily attendance percentage for months two (2) and three
594 (3). Monthly payments for the remaining portion of the
595 twelve-month funding cycle will be prorated based on the adjusted
596 funding allocation; and

597 (d) Funding allocations for the rest of the
598 twelve-month funding cycle will be prorated based on the actual
599 enrollment in months two (2) and three (3) of the school year.

600 (3) An open-enrollment public charter school may receive
601 federal monies, federal grants, grants, gifts or donations.

602 (4) An open-enrollment public charter school may not use the
603 monies that it receives from the state for any sectarian program
604 or activity, or as collateral for debt. No indebtedness of any
605 kind incurred or created by the open-enrollment public charter
606 school shall constitute as indebtedness of the state or its
607 political subdivisions, and no indebtedness of the open-enrollment
608 public charter school shall involve or be secured by the faith,
609 credit or taxing power of the state or its political subdivisions.

610 (5) The State Board of Education may give charter schools
611 special preference when allocating grant funds other than state
612 funds for alternative school programs, classroom technology,
613 school improvement programs, mentoring programs or other grant
614 programs designed to improve local school performance. Why special preference?

615 (6) Nothing in this chapter prohibits charter schools from
616 offering virtual services pursuant to state law and regulations
617 defining virtual schools.

618 **SECTION 7.** The following shall be codified as Section
619 37-28-13, Mississippi Code of 1972:

620 37-28-13. (1) Employees of a conversion charter school
621 shall be considered employees of the conversion charter school.



622 (2) Employees of an open-enrollment public charter school
623 shall be considered employees of the open-enrollment public
624 charter school.

625 (3) If a certified teacher employed by a public school
626 district in the school year immediately preceding the effective
627 date of any charter school and the charter is later revoked, the
628 certified teacher will receive a priority in hiring for the first
629 available position for which the certified teacher is qualified in
630 the public school district where the certified teacher was
631 formerly employed.

Why should a charter teacher get preference over other teacher applicants that a public school deems more appropriate for their school district? Why arbitrarily prefer a charter teacher who may be a poor teacher?

632 (4) A school district, school district employee, or any
633 other person who has control over personnel actions may not take
634 unlawful reprisal against an employee of the school district
635 because the employee is directly or indirectly involved in an
636 application to establish a charter school. The term "unlawful
637 reprisal" shall include:

- 638 (a) Disciplinary or corrective action;
- 639 (b) Detail, transfer or reassignment;
- 640 (c) Suspension, demotion or dismissal;
- 641 (d) An unfavorable performance evaluation;
- 642 (e) A reduction in pay, benefits or awards;
- 643 (f) Elimination of the employee's position without a
644 reduction in force by reason of lack of monies or work; and
- 645 (g) Other significant changes in duties or
646 responsibilities which are inconsistent with the employee's salary
647 or employment classification.

648 **SECTION 8.** The following shall be codified as Section
649 37-28-15, Mississippi Code of 1972:

650 37-28-15. (1) The State Superintendent of Education may at
651 any time place a charter school on probation if the governing
652 council of the school has failed to:

- 653 (a) Demonstrate adequate student progress, especially
654 in meeting the academic goals outlined in the school's charter;



655 (b) Comply with the terms of its charter or with
656 applicable laws and regulations, specifically the enrollment
657 criteria defined under Section 37-28-7, subsection (2)(g)(v),
658 Mississippi Code of 1972;

659 (c) Maintain its nonsectarian status; and

660 (d) Demonstrate financial solvency or the ability to
661 provide effective oversight in the operation of the charter
662 school, including the prudent and legal management of public
663 funds.

664 (2) If a charter school is placed on probation, the State
665 Superintendent of Education shall provide written notice to the
666 public charter school of the reasons for such action no later than
667 ten (10) working days after the determination and shall require
668 the charter school to file and implement a corrective action plan
669 according to an implementation schedule approved by the State
670 Department of Education. Whenever a charter school is placed on
671 probationary status, the governing council shall be required to
672 notify the parents or guardians of students attending the school
673 by letter of the probationary status and the reasons for such
674 status.

675 (3) The State Board of Education may revoke or not renew the
676 charter of a charter school if the governing council of the school
677 has failed to:

678 (a) Comply with the terms of probation in subsections
679 (1) and (2) of this section, including failure to file and
680 implement a corrective action plan;

681 (b) Demonstrate satisfactory student progress in
682 meeting the academic goals outlined in a school's charter after at
683 least one (1) year of probation, or, at the end of the charter
684 period, demonstrate achievement of the academic goals outlined in
685 a school's charter;

686 (c) Comply with the terms of its charter or applicable
687 laws and regulations, specifically enrollment criteria defined



688 under Sections 37-28-9(2) (g) (vii) and 37-28-9(2) (m), Mississippi
689 Code of 1972;

690 (d) Demonstrate financial solvency or the ability to
691 provide effective oversight in the operation of the charter
692 school, including the prudent and legal management of public
693 funds.

694 (4) Unless an emergency exists, prior to revoking the
695 charter, the State Board of Education shall provide the governing
696 council of the charter school with a written notice of the reasons
697 for revocation within ten (10) working days of the determination
698 that revocation is necessary, including the identification of
699 specific incidents of noncompliance with the law, regulation or
700 charter or other matters warranting revocation of the charter.
701 The State Board of Education shall also hold a hearing within
702 thirty-five (35) working days after written notice concerning the
703 reasons for revocation is received in which all interested parties
704 can present evidence refuting or defending the reasons revocation
705 of the charter was deemed necessary.

706 (5) In the event an emergency exists in a charter school
707 which jeopardizes the safety, security or educational interests of
708 the children enrolled in such charter school and such emergency
709 situation is believed to be related to a serious violation or
710 violations of accreditation standards or state and federal law,
711 the State Board of Education may immediately revoke the charter of
712 the school, provided written notice concerning the reasons for the
713 revocation is sent to the governing council not later than ten
714 (10) working days after the date of revocation.

715 (6) All public funds received by a conversion or
716 open-enrollment charter school are subject to audit by the State
717 Auditor. The administrative head of any charter school shall be
718 civilly liable for all amounts of public funds which are
719 illegally, unlawfully or wrongfully expended or paid out by virtue
720 of or pursuant to a false report, list or record. Any suit to



721 recover such funds illegally, unlawfully or wrongfully expended or
722 paid out may be brought in the name of the State of Mississippi by
723 the Attorney General or by the proper district attorney, and in
724 the event suit be brought against a person who is under bond, the
725 sureties upon such bond shall likewise be liable for such amount
726 illegally, unlawfully or wrongfully expended or paid out.

727 **SECTION 9.** The following shall be codified as Section
728 37-28-17, Mississippi Code of 1972:

729 37-28-17. Before January 1, 2012, and each year thereafter,
730 the State Board of Education shall submit a report to the
731 Legislature on the status of the charter school program. This
732 report minimally shall include: (a) a review and compilation of
733 comprehensive reports and evaluations issued by local school
734 boards concerning successes or failures of charter schools and
735 formulated recommendations; (b) a comparison of the academic
736 performance of charter school students with the performance of
737 ethnically and economically comparable groups of students in other
738 public schools who are enrolled in academically comparable
739 courses; (c) the current and projected impact of charter schools
740 on the delivery of services by the public schools; (d) an
741 assessment of the students' academic progress in the charter
742 school as measured, where available, against the academic year
743 immediately preceding the first year of the charter school's
744 operation; (e) the best practices resulting from charter school
745 operations; and (f) an evaluation of open-enrollment public
746 charter schools shall include, but not be limited to,
747 consideration of:

- 748 (i) Student progress concerning academic
749 achievement;
- 750 (ii) Student attendance;
- 751 (iii) Student grades and scores on assessment
752 instruments;
- 753 (iv) Incidents involving student discipline;



Section 10 below specifically authorizes an unlimited number of charter schools anywhere in the state. Section 10 also specifically encourages charter schools to compete directly against the traditional public schools for Race to the Top funds, and elsewhere the bill encourages the charters to compete against the traditional public schools for all kinds of federal funding. When the Elementary Secondary Education Act is renewed, this may also mean competition for the core federal funding on which Mississippi schools so heavily depend to meet operating costs. Structurally, this threatens the basic financial stability of the entire Mississippi public school system.

- 754 (v) Socioeconomic data on students' families;
755 (vi) Parent satisfaction with the schools; and
756 (vii) Student satisfaction with the schools.

757 **SECTION 10.** The following shall be codified as Section
758 37-28-19, Mississippi Code of 1972:

759 37-28-19. Conversion charter schools and new open-enrollment
760 charter schools authorized and organized under the provisions of
761 this chapter may apply for federal funding under the federal "Race
762 to the Top" program. It is the intent of the Legislature that
763 pursuant to the conditions of federal funding under the Race to
764 the Top program, public charter schools in Mississippi are
765 authorized to operate innovative and autonomous public school
766 programs that are high-performing and that state law shall not
767 prohibit the number of high-performing charter schools in the
768 state as measured by the percentage of total schools in the state
769 that are allowed to organize as charter schools or to otherwise
770 restrict student enrollment in these public charter schools. It
771 is further the intent of the Legislature that public charter
772 schools receive equitable state and federal funding compared to
773 traditional public schools, as required by the "Race to the Top"
774 federal program, and that the state shall not impose any school
775 facility-related requirements on public charter schools that are
776 more restrictive than those applied to traditional public schools.

777 **SECTION 11.** The following shall be codified as Section
778 37-28-21, Mississippi Code of 1972:

779 37-28-21. Sections 37-28-1, 37-28-3, 37-28-5, 37-28-7,
780 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17, 37-28-19 and
781 37-28-21, Mississippi Code of 1972, which authorize
782 open-enrollment or conversion charter schools, shall stand
783 repealed from and after July 1, 2020.

784 **SECTION 12.** This act shall take effect and be in force from
785 and after July 1, 2010.





The Civil Rights Project

Proyecto Derechos Civiles

Press Release:

New Report Explains that Charter Schools' Political Success is a Civil Rights Failure

Contact: Jamal Simmons: (202) 262-5058, jsimmons@rabengroup.com

Los Angeles—February 4, 2010— Today, the Civil Rights Project/Proyecto Derechos Civiles at UCLA issued "**Choice Without Equity: Charter School Segregation and the Need for Civil Rights Standards,**" a nationwide report based on an analysis of Federal government data and an examination of charter schools in 40 states and the District of Columbia, along with several dozen metropolitan areas with large enrollments of charters. The report found that charter schools continue to stratify students by race, class, and possibly language, and are more racially isolated than traditional public schools in virtually every state and large metropolitan area in the country.

"President Barack Obama just delivered his budget to the U.S. Congress which increases both incentives and resources to create more charter schools," Erica Frankenberg, co-author of the report said. "This report should be considered in evaluating new federal incentives to states that encourage the expansion of charter schools, such as the Race to the Top initiative."

The study's key findings suggest that charter schools, particularly those in the western United States are havens for white re-segregation from public schools; requirements for providing essential equity data to the federal government go unmet across the nation; and magnet schools are overlooked, in spite of showing greater levels of integration and academic achievement than charters.

"The charter movement has flourished in a period of retreat on civil rights," stated UCLA Professor Gary Orfield, co-director of the Civil Rights Project. "The vision of a successfully integrated society - one that carries real opportunities for historically excluded groups of students to enter the mainstream - ought to be a defining characteristic of charter schools. Federal policy should make this a condition for charter school support and should support other choice programs which pursue this goal."

The study offers several recommendations for restoring equity provisions and integration in charter schools, including establishing new guidance and reporting requirements by the Federal government; federal funding opportunities for magnet schools, which have a documented legacy of reducing racial isolation and improving student outcomes; and incorporating some features of magnet schools into charter schools. The report also recommends heightened enforcement of existing state-level legislation with specific provisions regarding diversity in charter schools, and monitoring patterns of charter school enrollment and attrition, focusing particularly on reporting the demographic information of charter school students on low-income and ELL characteristics.

The Obama Administration has promoted charter schools as a central component of educational reform. In two major funding programs, with billions of dollars at stake, the Education Department is giving priority to states and districts committed to quickly expanding the number of charter schools. In addition, the Administration's budget request for charter schools for fiscal year 2010 increased nearly 20 percent over the prior year's funding level.

Even before this recent push, the enrollment of charter schools has nearly tripled since 2000-01, and states previously serving no charter school students now enroll tens of thousands. While the number and size of charter schools is increasing, charter school enrollment presently accounts for only 2.5 percent of all public school students.

Based on a review of prior studies, the report indicates charter schools currently render no real net academic gain for students. With little evidence reported by charter schools on student graduation rates - an important academic goal of any school - studies on academic achievement of charter students offer mixed conclusions, and provide scant data on important topics such as student attrition rates.

While more than one million students attend charter schools, enrollment remains concentrated in a handful of states. Federal pressure to create more charter schools guarantees the proliferation of charter schools nationwide. The report discloses that although vibrantly diverse charter schools exist, they are not reflective of the majority and charter school trends vary substantially across different regions:

Latinos are under-enrolled in charters in some Western states where they comprise the largest share of students; five of the six states with the largest shares of Latino students are states in which Latinos are under-enrolled in charter schools. Also, a dozen states report a majority of Latino charter students attend intensely segregated minority schools. Nearly 80 percent of Latino charter school students in Texas, for example, are in schools that have 90-100 percent minority student populations.

Although in national totals white students are under-enrolled in charter schools, patterns in the U.S. West, where traditional public schools are the most racially diverse, show an over-enrollment of white students: whites comprise 44 percent of students in traditional public schools in the West, yet charter schools in that region report 49 percent of students as white. In some states and metropolitan areas, white segregation is higher in charter schools despite the fact that overall charters enroll fewer white students. These trends suggest charters contribute to white flight in the two most racially diverse regions in the U.S.

Charters attract a higher percentage of black students than traditional public schools, in part because they tend to be located in urban areas. While segregation for blacks among all public schools has increased over the last two decades, black students in charters are far more likely than their traditional public school counterparts to be educated in intensely segregated settings. Fully 70 percent of all black charter students attend schools that have student populations that are 90-100 percent racial and ethnic minorities, nearly twice the rate of traditional public schools. Also, more than 40 percent of black charter school students are in schools that have 99-100 percent minority student populations.

In the industrial Midwest, more students enroll in charter schools compared to other regions, and Midwestern charter programs display high concentrations of black students; of students enrolled in Midwest charter schools in 2007 - 08, 51 percent were identified as black, 37 percent white, and 8 percent Latino. Among students enrolled in traditional public schools in Midwestern states for that same year, 74 percent were identified as white, 14 percent black, and 8 percent Latino.

Major gaps in multiple federal data sources make it difficult to answer basic, fundamental questions about the extent to which charter schools enroll, concentrate, and graduate low-income students and English language learners (ELLs). Approximately one in four charter schools do not report data on low-income students or information on ELLs. Federal data on charter schools in California, arguably the country's most significant gateway for immigrants, describe just *seven* ELL students attending its state charter programs.

#####

Download the report, "[Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards](#)," by E. Frankenberg, G. Siegel-Hawley, and J. Wang

Related documents:

- [Executive summary](#)
- State fact sheets:
 - [Arizona fact sheet](#).
 - [Arkansas fact sheet](#)
 - [California fact sheet](#)
 - [Florida fact sheet](#)
 - [Michigan fact sheet](#)
 - [North Carolina fact sheet](#)
- Supplement: [What people are saying about... \[PDF\]](#) - [What people are saying about... \[HTML\]](#)
- [Press release](#)
- All documents listed above in [a compressed ZIP file](#)

All documents are in PDF format.  [What is PDF?](#)

How Charter Schools Affect Student Outcomes

While the number of charter schools continues to grow, debate continues about whether charter schools provide a better education experience than traditional public schools. Proponents contend that charter schools expand educational choices for students, increase innovation, improve student achievement and provide much-needed competition to public schools.

Opponents, meanwhile, argue that charter schools lead to increased racial or ethnic stratification of students, skim the best students from traditional public schools, reduce resources for public schools and provide no real improvement in student achievement.

A new RAND Corporation [study](#) examining charter schools in Chicago, San Diego, Philadelphia, Denver, Milwaukee, and the states of Ohio, Texas and Florida is the first to use longitudinal, student-level data to systematically examine these issues across multiple communities and varied charter laws. It finds that:

- Across locations, there is little evidence that charter schools are producing, on average, achievement impacts that differ substantially from those of traditional public schools. But the evidence is incomplete, because the performance of charter elementary schools -- which constitute a substantial proportion of all charter schools -- cannot be easily assessed. Many students who attend an elementary charter school enter at Kindergarten, and test scores for these students prior to entering Kindergarten are unavailable.
- There is reason for concern about low performance among two specific groups of charter schools: charter schools in their first year of operation; and, in Ohio, “virtual” charter schools that serve students remotely via technology rather than in a conventional school building.
- The most promising results for charter schools relate to the long-term outcomes of high-school graduation and college entry. In the two locations with available data on these critical attainment outcomes (Chicago and Florida), charter high schools appear to have substantial positive impacts, increasing the probability of graduating by 7 to 15 percentage points and increasing the probability of enrolling in college by 8 to 10 percentage points.
- Across seven locations examined, charter schools are generally not “skimming the cream” in recruiting students: Students entering charter schools generally have prior achievement levels that are comparable to those of their peers in traditional public schools.
- Across locations, charter schools do not appear to produce effects that substantially help or harm student achievement in nearby traditional public schools

“While the lack of positive effects on test scores may be disappointing to charter advocates, the positive relationships between charter high school attendance and graduating and going on to college in Chicago and Florida are encouraging,” said [Ron Zimmer](#), the report’s lead author. “These results suggest it may be time to include other important measures when evaluating charter schools.”

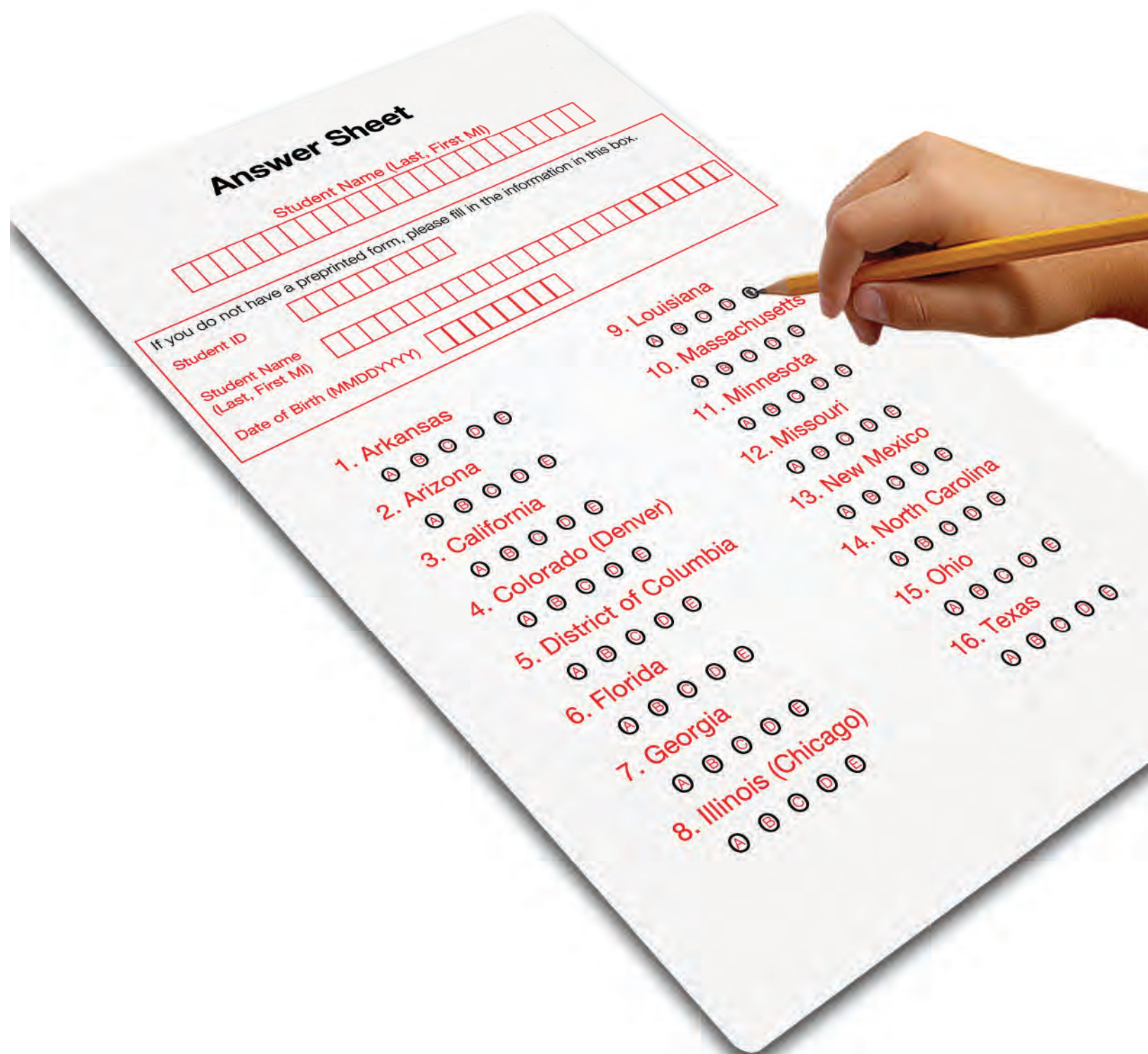
The report, “[How Charter Schools Affect Student Outcomes](#),” can be found at www.rand.org <<http://www.rand.org/>> . The report was conducted as a collaboration between [RAND Education](#), Mathematica Policy Research, Inc., and Florida State University. Support was provided by the Bill and Melinda Gates Foundation, the Joyce Foundation, the Stranahan Foundation and the William Penn Foundation.

The report authors are Ron Zimmer of Michigan State University, Brian Gill and Kevin Booker of Mathematica Policy Research, Tim Sass of Florida State University, and Stéphane Lavertu and John Witte of University of Wisconsin.

RAND Education, a division of the RAND Corporation, is a leader in providing objective, reliable research and analysis on educational challenges that is used to improve educational access, quality and outcomes in the United States and throughout the world.

Multiple Choice: Charter School Performance in 16 States

Executive Summary



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I. EXECUTIVE SUMMARY

INTRODUCTION

As charter schools play an increasingly central role in education reform agendas across the United States, it becomes more important to have current and comprehensible analysis about how well they do educating their students. Thanks to progress in student data systems and regular student achievement testing, it is possible to examine student learning in charter schools and compare it to the experience the students would have had in the traditional public schools (TPS) they would otherwise have attended. This report presents a longitudinal student-level analysis of charter school impacts on more than 70 percent of the students in charter schools in the United States. The scope of the study makes it the first national assessment of charter school impacts.

Charter schools are permitted to select their focus, environment and operations and wide diversity exists across the sector. This study provides an overview that aggregates charter schools in different ways to examine different facets of their impact on student academic growth.

The group portrait shows wide variation in performance. The study reveals that a decent fraction of charter schools, 17 percent, provide superior education opportunities for their students. Nearly half of the charter schools nationwide have results that are no different from the local public school options and over a third, 37 percent, deliver learning results that are significantly worse than their student would have realized had they remained in traditional public schools. These findings underlie the parallel findings of significant state-by-state differences in charter school performance and in the national aggregate performance of charter schools. The policy challenge is how to deal constructively with varying levels of performance today and into the future.

PROJECT APPROACH

CREDO has partnered with 15 states and the District of Columbia to consolidate longitudinal student-level achievement data for the purposes of creating a national pooled analysis of the impact of charter schooling on student learning gains. For each charter school student, a virtual twin is created based on students who match the charter student's demographics, English language proficiency and participation in special education or subsidized lunch programs. Virtual twins were developed for 84 percent of all the students in charter schools. The resulting matched longitudinal comparison is used to test whether students who attend charter schools fare better than if they had instead attended traditional public schools in their community. The outcome of interest is academic learning gains in reading and math, measured in standard deviation units.

Student academic learning gains on reading and math state achievement tests were examined in three ways: a pooled nationwide analysis of charter school impacts, a state-by-state analysis of charter school results, and an examination of the performance of charter schools against their local alternatives.

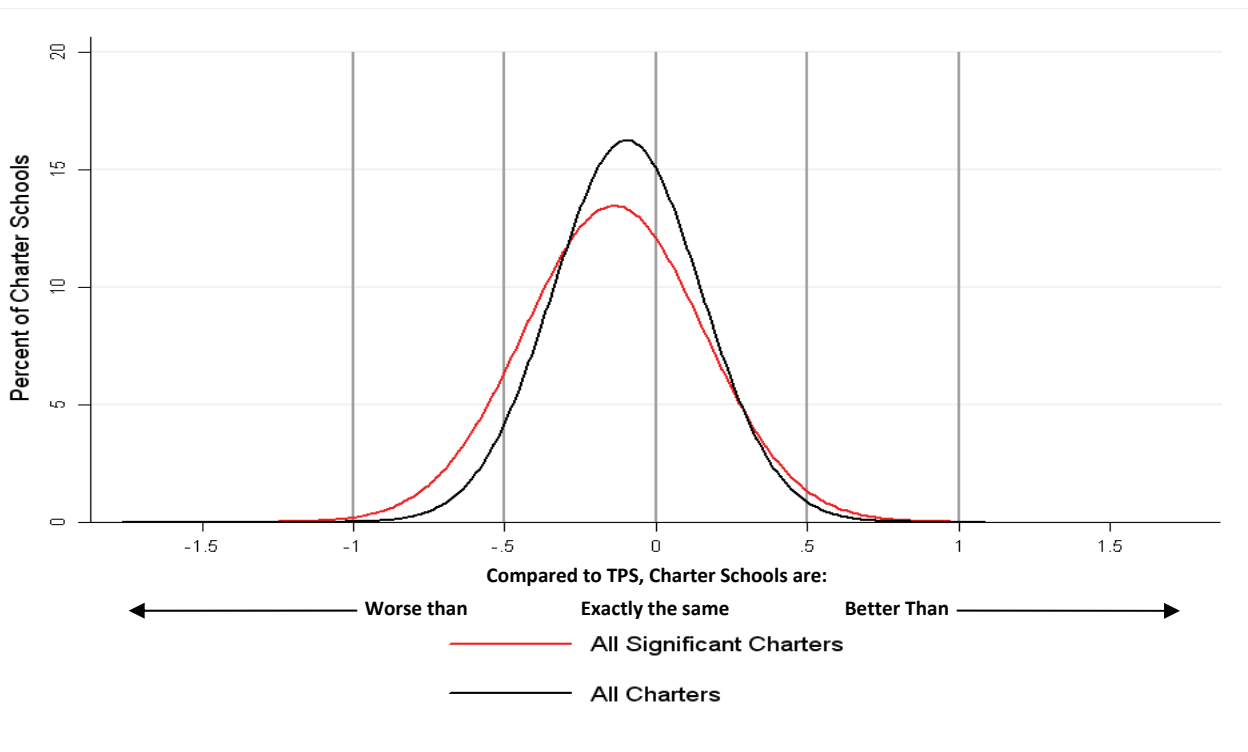
In all cases, the outcome of interest is the magnitude of student learning that occurs in charter school students compared to their traditional public school virtual twins. Each analysis looks at the impact of a variety of factors on charter school student learning: the state where the student resides, the school's grade-span, the student's background, time in charter schools, and a number of policy characteristics of the charter school environment.

SUMMARY OF FINDINGS

Charter school performance is a complex and difficult matter to assess. Each of the three analyses revealed distinct facets of charter school performance. In increasing levels of aggregation, from the head-to-head comparisons within communities to the pooled national analysis, the results are presented below.

When the effect of charter schools on student learning is compared to the experience the students would have realized in their local traditional public schools, the result can be graphed in a point-in-time Quality Curve that relates the average math growth in each charter school to the performance their students would have realized in traditional public schools in their immediate community, as measured by the experience of their virtual twins. The Quality Curve displays the distribution of individual charter school performance relative to their TPS counterparts. A score of "0" means there is no difference between the charter school performance and that of their TPS comparison group. More positive values indicate increasingly better performance of charters relative to traditional public school effects and negative values indicate that charter school effects are worse than what was observed for the traditional public school effects.

Charter School Market Fixed Effects Quality Curve



The Quality Curve results are sobering:

- Of the 2403 charter schools reflected on the curve, 46 percent of charter schools have math gains that are statistically indistinguishable from the average growth among their TPS comparisons.
- Charters whose math growth exceeded their TPS equivalent growth by a significant amount account for 17 percent of the total.
- The remaining group, 37 percent of charter schools, posted math gains that were significantly below what their students would have seen if they enrolled in local traditional public schools instead.

The state-by-state analysis showed the following:

- The effectiveness of charter schools was found to vary widely by state. The variation was over and above existing differences among states in their academic results.

States with significantly higher learning gains for charter school students than would have occurred in traditional schools include:

- Arkansas
- Colorado (Denver)
- Illinois (Chicago)
- Louisiana
- Missouri

The gains in growth ranged from .02 Standard deviations in Illinois (Chicago) to .07 standard deviations in Colorado (Denver).

States that demonstrated lower average charter school student growth than their peers in traditional schools included:

- Arizona
- Florida
- Minnesota
- New Mexico
- Ohio
- Texas

In this group, the marginal shift ranged from -.01 in Arizona to -.06 standard deviations in Ohio.

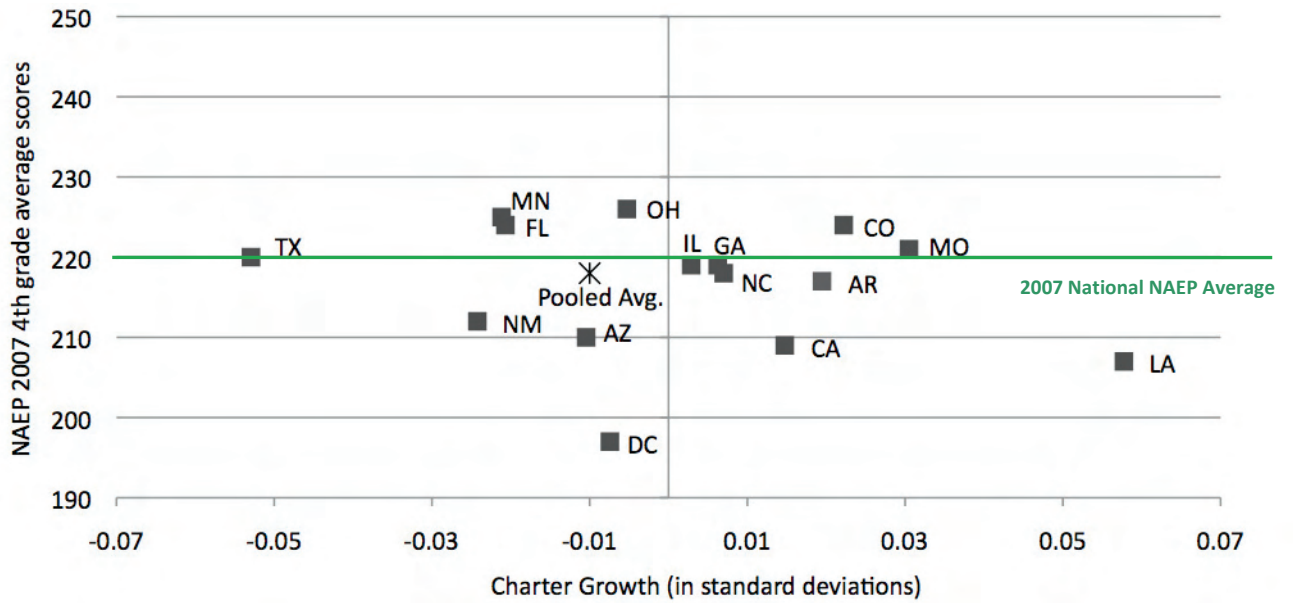
Four states had mixed results or were no different than the gains for traditional school peers:

- California
- District of Columbia
- Georgia
- North Carolina

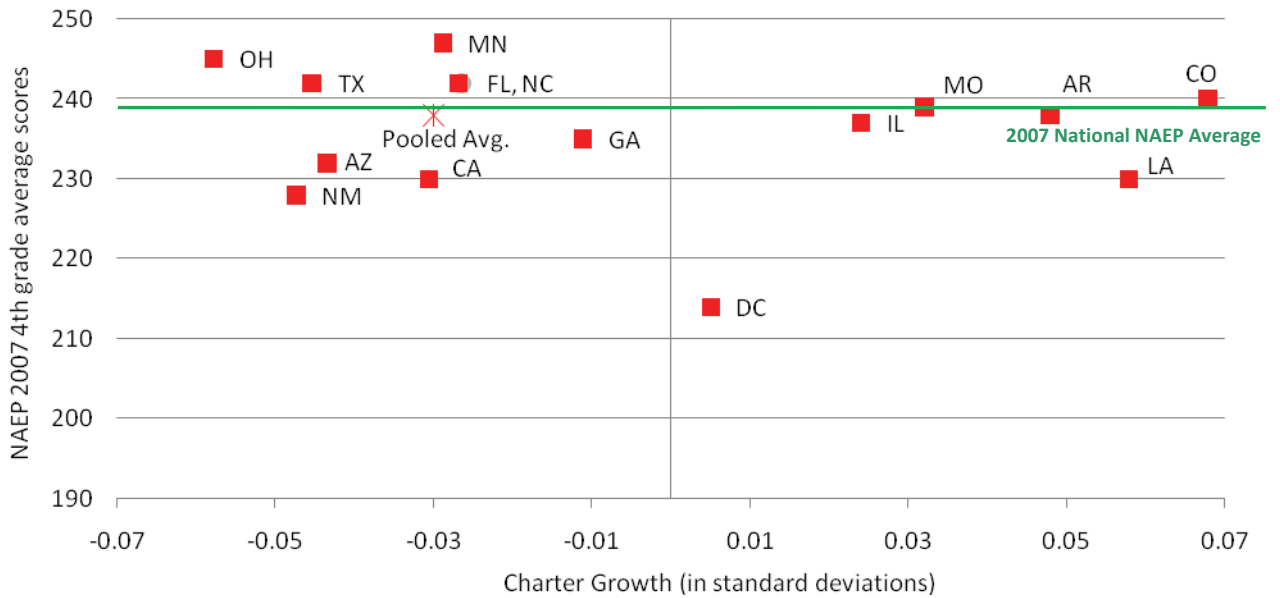
- The academic success of charter school students was found to be affected by the contours of the charter policies under which their schools operate.
- States that have limits on the number of charter schools permitted to operate, known as caps, realize significantly lower academic growth than states without caps, around .03 standard deviations.
- States that empower multiple entities to act as charter school authorizers realize significantly lower growth in academic learning in their students, on the order of -.08 standard deviations. While more research is needed into the causal mechanism, it appears that charter school operators are able to identify and choose the more permissive entity to provide them oversight.
- Where state charter legislation provides an avenue for appeals of adverse decisions on applications or renewals, students realize a small but significant gain in learning, about .02 standard deviations.

To put variation in state results in context, the average charter school gains in reading and math were plotted against the 2007 4th Grade NAEP state averages. The position of the states relative to the national NAEP average and relative to average learning gains tees up important questions about school quality in general and charter school quality specifically.

Charter Growth Compared to 2007 NAEP State by State – Reading



Charter Growth Compared to 2007 NAEP Score by State – Math



The analysis of total charter school effects, pooled student-level data from all of the participating states and examined the aggregate effect of charter schools on student learning. The national pooled analysis of charter school impacts showed the following results:

- Charter school students on average see a decrease in their academic growth in reading of .01 standard deviations compared to their traditional school peers. In math, their learning lags by .03 standard deviations on average. While the magnitude of these effects is small, they are both statistically significant.
- The effects for charter school students are consistent across the spectrum of starting positions. In reading, charter school learning gains are smaller for all students but those whose starting scores are in the lowest or highest deciles. For math, the effect is consistent across the entire range.
- Charter students in elementary and middle school grades have significantly higher rates of learning than their peers in traditional public schools, but students in charter high schools and charter multi-level schools have significantly worse results.
- Charter schools have different impacts on students based on their family backgrounds. For Blacks and Hispanics, their learning gains are significantly worse than that of their traditional school twins. However, charter schools are found to have better academic growth results for students in poverty.

English Language Learners realize significantly better learning gains in charter schools. Students in Special Education programs have about the same outcomes.

- Students do better in charter schools over time. First year charter students on average experience a decline in learning, which may reflect a combination of mobility effects and the experience of a charter school in its early years. Second and third years in charter schools see a significant reversal to positive gains.

POLICY IMPLICATIONS

As of 2009, more than 4700 charter schools enroll over 1.4 million children in 40 states and the District of Columbia. The ranks of charters grow by hundreds each year. Even so, more than 365,000 names linger on charter school wait lists.¹ After more than fifteen years, there is no doubt that both supply and demand in the charter sector are strong.

In some ways, however, charter schools are just beginning to come into their own. Charter schools have become a rallying cry for education reformers across the country, with every expectation that they will continue to figure prominently in national educational strategy in the months and years to come. And yet, this study reveals in unmistakable terms that, in the aggregate, charter students are not faring as well as their TPS counterparts. Further, tremendous variation in academic quality among charters is the norm, not the exception. The problem of quality is the most pressing issue that charter schools and their supporters face.

The study findings reported here give the first wide-angle view of the charter school landscape in the United States. It is the first time a sufficiently large body of student-level data has been

¹ National Alliance for Public Charter Schools As of June 3, 2009:
<http://www.publiccharters.org/aboutschools/benefits>

compiled to create findings that could be considered "national" in scope. More important, they provide a broad common yardstick to support on-going conversations about quality and performance. For the first time, the dialog about charter school quality can be married to empirical evidence about performance. Further development of performance measures in forums like the Building Charter School Quality initiative could be greatly enhanced with complementary multi-state analysis such as this first report.

It is important to note that the news for charter schools has some encouraging facets. In our nationally pooled sample, two subgroups fare better in charters than in the traditional system: students in poverty and ELL students. This is no small feat. In these cases, our numbers indicate that charter students who fall into these categories are outperforming their TPS counterparts in both reading and math. These populations, then, have clearly been well served by the introduction of charters into the education landscape. These findings are particularly heartening for the charter advocates who target the most challenging educational populations or strive to improve education options in the most difficult communities. Charter schools that are organized around a mission to teach the most economically disadvantaged students in particular seem to have developed expertise in serving these communities. We applaud their efforts, and recommend that schools or school models demonstrating success be further studied with an eye toward the notoriously difficult process of replication. Further, even for student subgroups in charters that had aggregate learning gains lagging behind their TPS peers, the analysis revealed charter schools in at least one state that demonstrated positive academic growth relative to TPS peers. These higher performers also have lessons to share that could improve the performance of the larger community of charters schools.

The flip-side of this insight should not be ignored either. Students not in poverty and students who are not English language learners on average do notably worse than the same students who remain in the traditional public school system. Additional work is needed to determine the reasons underlying this phenomenon. Perhaps these students are "off-mission" in the schools they attend. Perhaps they are left behind in otherwise high-performing charter schools, or perhaps these findings are a reflection of a large pool of generally underperforming schools. Whatever the reason, the policy community needs to be aware of this dichotomy, and greater attention should be paid to the large number of students not being well served in charter schools.

In addition, we know now that first year charter students suffer a sharp decline in academic growth. Equipped with this knowledge, charter school operators can perhaps take appropriate steps to mitigate or reverse this "first year effect."

Despite promising results in a number of states and within certain subgroups, the overall findings of this report indicate a disturbing — and far-reaching — subset of poorly performing charter schools. If the charter school movement is to flourish, or indeed to deliver on promises made by proponents, a deliberate and sustained effort to increase the proportion of high quality schools is essential. The replication of successful school models is one important element of this effort. On the other side of the equation, however, authorizers must be willing and able to fulfill their end of the original charter school bargain: accountability in exchange for flexibility. When schools consistently fail, they should be closed.

Though simple in formulation, this task has proven to be extremely difficult in practice. Simply put, neither market mechanisms nor regulatory oversight been a sufficient force to deal with

underperforming schools. At present there appears to be an authorizing crisis in the charter school sector. For a number of reasons — many of them understandable — authorizers find it difficult to close poorly performing schools. Despite low test scores, failing charter schools often have powerful and persuasive supporters in their communities who feel strongly that shutting down *this* school does not serve the best interests of currently enrolled students. Evidence of financial insolvency or corrupt governance structure, less easy to dispute or defend, is much more likely to lead to school closures than poor academic performance. And yet, as this report demonstrates, the apparent reluctance of authorizers to close underperforming charters ultimately reflects poorly on charter schools as a whole. More importantly, it hurts students.

Charter schools are already expected to maintain transparency with regard to their operations and academic records, giving authorizers full access. We propose that authorizers be expected to do the same. True accountability demands that the public know the status of each school in an authorizer's portfolio, and that we be able to gauge authorizer performance just as authorizers currently gauge charter performance. To this end, we suggest the adoption of a national set of performance metrics, collected uniformly by all authorizers in order to provide a common base line by which we can compare the performance of charter schools and actions of authorizers across state lines. Using these metrics, Authorizer Report Cards would provide full transparency and put pressure on authorizers to act in clear cases of failure.

The charter school movement to date has concentrated its formidable resources and energy on removing barriers to charter school entry into the market. It is time to concentrate equally on removing the barriers to exit.

**Failed Promises: Assessing Charter Schools in the Twin Cities
Institute on Race and Poverty, Univ. of Minnesota Law School
November 2008**

After two decades of experience, most charter schools in the Twin Cities still underperform comparable traditional public schools and intensify racial and economic segregation in the Twin Cities schools. This is the conclusion of a new report issued today by the Institute on Race and Poverty at the University of Minnesota Law School.

Entitled “Failed Promises: Assessing Charter Schools in the Twin Cities,” the new study evaluates the record of charter schools in terms of academic achievement, racial and economic segregation, and their competitive impact on traditional public schools. The study finds that rather than encouraging a race to the top, charter school competition in fact promotes a race to the bottom in the traditional public school system.

“The Twin Cities is the birthplace of charter schools. Education reformers look up to Minnesota as the state with the longest track record with charter schools. But before they rush into expanding the charter sector in their states, they should take a closer look at the Twin Cities experience,” said Myron Orfield, Director of the Institute on Race and Poverty. “Rather than being a solution to the educational problems faced by low-income students and students of color, charter schools are deepening these problems.”

This reexamination of charter schools is timely. It comes as the next administration considers charter schools among the many alternatives to reform K-12 education. The study is one of very few to evaluate the academic performance of charter schools and their competitive impact on traditional public school systems within the context of racial and economic segregation.

“Research shows that students in segregated poor schools do worse than students in low-poverty schools,” said Tom Luce, one of the authors of the study and Research Director at the Institute. “Because of this, the way charter schools sort students racially and economically is likely to affect how students perform academically. This is why the report is careful to account for school characteristics when comparing achievement rates in traditional and charter schools.”

The study shows that although a few charter schools perform well on standardized tests, most offer low income parents and parents of color an inferior choice—a choice between low-performing traditional public schools and charter schools that perform even worse. The Institute’s analysis of proficiency rates in elementary schools finds that in both reading and math, a lower percentage of charter school students reached proficiency compared to students who attended comparable traditional public schools. For reading proficiency, the average difference is nearly 9 percentage points and for math it is nearly 10 percentage points.

Charter schools also perform worse than the schools participating in another public school choice program—The Choice is Yours Program. The program is based on the principle of moving low-income students to effective middle-class public schools in the suburbs. The report shows that, all else equal, suburban schools participating in the Choice is Yours Program outperform other comparable traditional public schools as well as charter schools. The clear implication is that the Choice is Yours Program provides better alternative schools than the charter system does.

“The poor performance of charter schools should not come as a surprise given how segregated they are,” said Baris Gümüş-Dawes, one of the authors of the study and a Research Fellow at the Institute. “Racially segregated schools have high concentrations of poverty. The average poverty rate in

segregated schools in the Twin Cities metro is 81 percent, compared to 14 percent in predominantly white schools. Research shows that high-poverty schools are associated with a wide range of negative educational and life outcomes. Low test scores is only one of these negative outcomes. Racially-segregated schools with high student poverty rates lead to high dropout rates, low college attendance rates, low earnings later in life, and greater risk of being poor as adults.”

Racial and economic segregation in charter schools intensifies these problems in the Twin Cities. Students of color are much more likely to be in segregated settings in charter schools than in traditional schools. In 2008, 89 percent of black charter students attend school in segregated settings compared to just 38 percent of black traditional public school students in the Twin Cities metro. Similarly, Hispanics and other students of color are more than twice as likely to be in segregated settings in charter schools as in traditional public schools. Charter schools also have higher poverty rates than traditional schools—50 percent versus 22 percent in 2008; and they are more likely to be intensely poor—60 percent of them have poverty rates above 40 percent, compared to 31 percent of traditional public schools.

Even when compared to the highly segregated traditional public schools in the Minneapolis and St. Paul school districts, charter schools are still more segregated than their traditional public school counterparts. In Minneapolis, for instance, 96 percent of all students of color who attended charter schools did so in segregated settings compared to 80 percent in traditional public schools in 2008.

In St. Paul, 88 percent of all students of color in charter schools attended segregated schools in 2008 compared to 73 percent of students of color in traditional public schools.

The presence of predominantly white charter schools with low poverty rates in St. Paul’s racially diverse school district also suggests the possibility that charter schools are facilitating white flight. Eleven percent of the district’s white students attend predominantly white charter schools in a district where there are no predominantly white traditional schools.

Charter schools in the Twin Cities metro perform worse than comparable public schools academically—measured by test scores—and socially—measured by segregation rates. “But the problem is not only with the academic and social performance of charter schools,” said Orfield “charter schools also hurt traditional public schools by triggering further segregation in the traditional public school system.”

Charter schools can compete with public schools in many ways, including areas of interest, ethnicity, risk factors or other characteristics. However, many charter schools in the Twin Cities choose to compete in ethnic niches by offering “ethno-centric” or “culture-specific” programs to their students. “We find that some school districts, in turn, are creating ‘ethno-centric’ schools and programs of their own to compete with these charter programs and to protect their ‘market share,’” said Orfield. “This is a real problem because when the niche that schools choose to compete in is an ethnic niche, it deepens segregation in the overall public school system.”

The study finds that charter school competition has deepened segregation in the traditional public school system in two important ways. First, school districts have responded to charter competition by sponsoring racially segregated and in some cases “ethno-centric” charter schools of their own. Second, districts have initiated “ethno-centric” programs within traditional public schools and have promoted “ethno-centric” magnet schools in their districts. The study concludes that “Overall, charter school competition in ethnic niches has been particularly detrimental for students of color and low-income students because this type of competition intensifies racial and economic segregation in metro schools and exiles these students to low-performing schools.”

DIANE RAVITCH

Charter Schools Aren't A Better Answer Than Public Education

Hartford Courant – August 13, 2009

The board of the [Los Angeles Unified School District](#) is opening 50 schools over the next few years and considering a proposal to allow some or all to be privately managed. Before taking this step, the board should take a hard look at the evidence about charter schools and privately managed schools.

Because of a brilliant media campaign by charter school organizations, there is a widespread impression that any charter school is better than any public school. This is not true. Charter schools vary in quality from excellent to abysmal.

On the authoritative federal tests called the National Assessment of Educational Progress, students in charter schools perform about the same as those in traditional public schools. A recent Stanford University study that compared half of the nation's charter schools with a corresponding neighboring public school concluded that 46 percent were no better, 37 percent were significantly worse and only 17 percent were significantly better than the public school.

[Philadelphia](#) launched an effort last year to compare its district-run schools with its charter schools and privately managed schools. Researchers from the Rand Corp. concluded that charter students did no better than those who attended public schools. Performance in the privately managed schools did not, on average, exceed the performance of the public schools. A few months ago, Philadelphia officials — looking at their own achievement data — said that six privately managed elementary and middle schools outperformed the public schools, but 10 were worse than district-run schools.

One of the major arguments for turning schools over to private managers is that the resulting competition will spur improvements in public schools. This did not happen in Philadelphia, nor is there evidence that it has happened elsewhere.

Many charter and privately managed schools get extra resources and smaller classes with the help of corporate sponsors, but public schools typically do not. What the public schools do get are the low-performing and disruptive students who are ejected by or eased out of the charter and privately managed schools.

The [Los Angeles](#) proposal for 50 new schools has been likened to [New York City's](#) approach. But Los Angeles should be aware of two points. First, under [New York Mayor Michael Bloomberg](#), spending on education has increased from \$12.5 billion annually to \$21 billion, or nearly \$20,000 per child. Is Los Angeles willing to match that?

Second, New York City's new high schools started small and were allowed to limit the admission of special-education students and students with limited English proficiency for the first two years. The remaining high schools were left with a disproportionate share of the neediest students. A study this year of the new schools found that, over time, when their enrollment became similar to traditional public schools, their attendance rates and graduation rates declined.

If we are ever going to get serious about improving education in [the United States](#), we have to face up to basic facts. We can't solve our problems by handing them off to businesses and community groups. Some schools will claim success by excluding the students who are hardest to educate; others will claim success by drilling children endlessly on test-taking skills.

What should we do? We must strengthen — not abandon — public education.

Our schools should have well-rounded curriculums that include the arts, history, science, geography, literature and foreign languages, as well as basic skills. Teachers should be well-educated and treated with dignity. Principals should be head teachers, who can capably evaluate and assist their teachers. School buildings should be well-maintained. Class sizes should be reasonable, making it possible for teachers to give extra attention to students who need it. Schools should have a firm and fair disciplinary code.

Are these common-sense policies beyond the reach of the citizens of Los Angeles?

We evade our responsibility to improve public education by privatizing public schools. In doing so, we undermine the egalitarian promise of public education, thus guaranteeing that many children will continue to be left behind.

• **Diane Ravitch is a historian of education at [New York University](#); her new book, "The Death and Life of the Great American School System," will be published in March. She wrote this for the [Los Angeles Times](#).**

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L.A. Now

Southern California --

Lackluster test results for Mayor Villaraigosa's high-profile schools and Locke High

August 18, 2009 | LA Times

The two highest-profile school-reform efforts in Los Angeles — the mayor's schools and the conversion of Locke High into six charter schools — achieved lackluster results in [state test scores](#) released this morning.

The picture was mixed for 10 schools overseen by appointees of Mayor Antonio Villaraigosa. At one school, [Markham Middle School in Watts](#), test scores declined slightly. On the brighter side, test scores bumped up strongly at [99th Street Elementary](#).



Overall, scores at these schools rose, but so did scores at most other district schools, and the mayor's schools did not ostensibly separate themselves from the pack.

"We are encouraged, but not satisfied," said Marshall Tuck, chief executive of the mayor's Partnership for Los Angeles Schools. "We are showing real progress and continue to have a strong sense of urgency to work at these schools to increase student achievement and give these children the high-quality education they deserve."

At Locke High in South Los Angeles, an intensive makeover by an outside charter operator failed to bring up test scores. Last year, 12.7% of students tested proficient in English; this year the number was 12.4%. Last year, 2% of students were proficient in math; same for this year.

But there was an important -- if more subtle -- marker of progress in the view of officials from Green Dot Public Schools, the nonprofit management organization that took over Locke. The number of test-takers exploded because the campus had more students at the end of the year and a higher percentage of them took the tests.

In May 2008, for example, 1,546 students took the state's English test; this year, that number rose to 2,130, an increase of 38%. The number of math test-takers rose by the same percentage.

Green Dot officials claim its dropout rate plummeted by just over 86%. It counts 19 dropouts and eight expulsions compared to 223 dropouts the prior year. Those figures won't be confirmed through the state's dropout tracking system for some time, and the numbers could change considerably, but the final statistics are unlikely to wipe out all the gains.

Green Dot's analysis is that test scores remained stable even as hundreds of lower-performing students were kept in school.

"A big part of this is building a college-going culture and kids feeling safe on campus," said Kelly Hurley, a senior Green Dot administrator. "I think we're there, but we have a lot of work to do in getting kids to grade level."

Statewide, test scores were up, although little progress was made on closing the achievement gap separating black and Latino students from their white and Asian counterparts. Some of the increase results from about 2% of the lowest-scoring disabled students being removed from the test pool and allowed to take a modified assessment.

In L.A. Unified, schools with some of the biggest improvements in math included [Playa Del Rey](#) and [Arminta](#) elementary schools, [Holmes](#) and [Portola](#) middle schools, and [Bell High School](#). Notable improvements in English scores were achieved by [54th Street](#) and [74th Street](#) elementary schools, [Mount Gleason Middle School](#) and [Hollywood](#) and [Fairfax](#) high schools.

-- Howard Blume

Photo: Martha Levin, right, a science teacher at Animo Locke 4 works with a student in the computer lab in June 2009. Credit: Spencer Weiner / Los Angeles Times