



Putting Back the
Public
In **Public** Charter Schools:
Seeking Best Practices in State Law

2020 Report



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Our Mission

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

SUMMARY

“Putting Back the ‘Public’ in Public Charter Schools” is a report on research conceived by the Charter School Advisory Group of the American Federation of Teachers; we are a task force of AFT members who teach in charter schools across the United States.

Because of hard-fought gains in our union contracts, many of us have won a role in school decision-making as well as improved pay and teaching conditions in our charter schools. We are fighting for the schools our students deserve. Yet beyond our walls, in the complex fabric of school and community, we know our charter schools are still falling short on keeping the promises of a good public school education. Inequity and a lack of accountability seem “baked in” to the current charter paradigm.

In our research, we trace many of our concerns to state laws that impede educators and communities in such areas as public accountability, transparent governance, fair discipline policy, equitable retention policies and much more, even as we strive—with parents and our communities—to build a culture of academic excellence, openness, inclusivity and districtwide collaboration in our charter schools.

Charter schools are privately run, publicly funded schools exempt from many of the public education laws passed in state legislatures. Charter advocates defend these exemptions as necessary to protect charter flexibility in program design and operations. Our research is a unique and comprehensive effort to examine the effects of these exemptions and other forms of special treatment for charter schools as played out in recent years.

With our research, we hope to assist advocates, legislators and elected officials in the repair of structural weaknesses in charter school management and governance, as described within these pages.

BACKGROUND: The Early and Brief Promise of Charter Schools

The late AFT President Albert Shanker was among a group of early advocates of the charter school model. Shanker envisioned charter schools as incubators; that is, small, laboratory-like classrooms where teachers and students would investigate new learning strategies, analyze setbacks and share any successes that emerged. His was an educator’s model rooted in unionization to protect teacher latitude and creativity.

But over the last three decades, Shanker’s vision of an educational proving ground has been hijacked by privatizing opportunists with a market-driven ideology.

The result is a view of schools not as a public good, but rather as a commodity steered by the market, competition and profit seeking. Today, many charter school proponents see themselves as disruptors; that is, as champions of destabilizing plans to replace traditional public schools and redirect public funds to their favored models of education “reform.” Thus teacher and parent voices are muffled in a cacophony of management service providers, vendors, think tanks, politicians and single-issue organizations with a clear message of union avoidance and suppression of educators’ voices.

Reclaiming the Promise of Public Charter Schools: State-by-State Reform

The last decade has seen a surge in union organizing by educators in charter schools who, in many cases assisted by our union, the AFT, have formed their own unions and negotiated employment contracts in more than 250 charter schools in cities and towns across America. These schools are among more than 780 charter schools nationwide that engage in collective bargaining with their employers—that’s 11.3 percent¹ of the nation’s charter schools—and are organized with either the AFT or the National Education Association in California, Florida, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Washington, D.C., and elsewhere.

In these unionized schools, “at will” employment has been replaced by stable contracts with negotiated gains that seek to correct, school by school, the shortfalls in existing state law. In AFT locals, these hallmark contracts include:

- ▶ Caps on class sizes, including special education; workdays that maximize instructional time and reduce extraneous duties; meaningful wage increases for paraprofessionals; and “sanctuary school” protections for immigrant children and families (Acero Schools/Chicago Teachers Union-ACTS).
- ▶ “Just cause” protections for teachers and staff in charter schools to shield them from unjust terminations and discipline related to the nearly universal absence in state laws of due process rights (Olney Charter High School in Philadelphia Alliance of Charter School Employees).
- ▶ Strong salary gains in low-wage charter schools like Detroit’s Cesar Chavez Academy, where teachers won a 45 percent wage increase in the first year of their new contract in 2012, with 3 percent raises every subsequent year (Cesar Chavez Academy/Michigan Alliance of Charter Teachers & Staff).
- ▶ Progress in the fight against teacher turnover, which is staggeringly high in charter schools. For example:
 - ▶ One school had a 50 percent teacher retention rate in the year before unionization, and then had 100 percent retention in the year after unionization (Northeast Ohio College Preparatory School/Cleveland ACTS).
 - ▶ Teacher input into evaluations, including a process to improve instructional skills, and a committee on employee culture and wellness, including safety (Mundo Verde Bilingual Public Charter School/District of Columbia ACTS).
- ▶ Contractual gains that highlight educators’ concerns about student learning conditions and their own working conditions. For example:
 - ▶ A teacher-driven committee system attuned to student-focused curriculum, electives and extracurricular activities geared to student needs and interests (University Prep Charter High School in New York/United Federation of Teachers).
 - ▶ Student growth objectives, professional development and policies on teacher

¹ National Alliance for Public Charter Schools, https://www.publiccharters.org/sites/default/files/documents/2018-02/Unionized%20Charter%20Schools%202016-17_0.pdf.

coaching and mentoring (Olney Charter High School in Philadelphia/Alliance of Charter School Employees).

- ▶ A committee on school culture that addresses equity and student restorative justice (Mundo Verde Bilingual Public Charter School/District of Columbia ACTS).
- ▶ Teacher training in de-escalation techniques and student discipline policies that minimize student removal from the classroom (Stepstone Academy/Cleveland ACTS).

These contractual breakthroughs are consistent with the standards we champion in this report. We hope to see new language and concepts—such as these—elevated into state laws around the United States as states re-evaluate their own charter school policies.

The Current Scene

Today, the number of students attending charter schools continues to grow, even as the pace of new charter school creation has slowed. Charter school attendance in the United States jumped from 880,000 in 2004 to more than 2.5 million in 2014. During that time period, the number of charters increased from 3,399 to 6,495.² Currently, 45 states, along with Washington, D.C., and Puerto Rico, allow for public charter schools, but the numbers vary widely, from 1,118 in California and 652 in Florida to only 87 in Indiana, 32 in Oklahoma and three each in Iowa and Mississippi. Just five states—Montana, Nebraska, North Dakota, South Dakota and Vermont—are without charter school laws. In total, there are now approximately 7,000 charter schools in the United States, enrolling 3.2 million students.³

But growth, “flexibility” and freedom from oversight have not translated into higher student outcomes. Studies continue to show that students perform no better in charter schools than they do in traditional public schools.⁴ A huge majority (90 percent) of parents continue to send their children to traditional public schools that must be equipped to educate them. And even as new charter schools are opened, others are closed for failing academics, low enrollment or significant financial irregularities.

It is no surprise that charter schools are dogged by these irregularities, even scandals, as most states fail to impose upon charter schools even the most standard requirements of financial disclosure: that is, open records and meetings policies, proper procurement practices and conflict of interest reporting. In just one stunning example, Ohio’s “Electronic Classroom of Tomorrow” milked nearly a billion dollars from Ohio public school districts over 17 years while pouring contributions into the coffers of state legislators. ECOT promised, and failed, to provide online education to tens of thousands of students. In fact, ECOT “educators” neglected the most basic step: they failed to confirm that many enrolled students were logging on, even once a week, to their home computers.

Eventually, ECOT was closed—but ECOT administrators, with powerful allies in the state Capitol,

² The student enrollment increase from year to year was 5 percent, while the number of schools increase was 1 percent, <https://www.publiccharters.org/sites/default/files/documents/2018-03/FINAL%20Estimated%20Public%20Charter%20School%20Enrollment%2C%202017-18.pdf>; <https://data.publiccharters.org>.

³ National Alliance for Public Charter Schools, “Charter School FAQ,” <http://www.publiccharters.org/get-the-facts/public-charter-schools/faqs/> (accessed April 5, 2019).

⁴ See, for example, Dragoset et al., *School Improvement Grants: Implementation and Effectiveness* (Department of Education, 2017); Gleason, P., M. Clark, C. Tuttle and E. Dwoyer, *The Evaluation of Charter School Impacts: Final Report* (Department of Education, 2010); Center for Research on Education Outcomes, *National Charter School Study 2013* (Stanford University, 2013); Miron, G., *Review of Charter Schools: A Report on Rethinking the Federal Role in Education* (National Education Policy Center, 2011); and <https://nces.ed.gov/pubs2019/2019106.pdf>, pages 39-40.

were never charged with a crime. If Ohio state law had forced adherence to oversight indicators such as those found in our rubric (“Management Accountability,” page 10; “Effective Oversight by Authorizers,” page 12; and “Regulation of Virtual Charities,” page 17), ECOT would have been just another bad “reform” idea, quickly dismissed on arrival.

Moving Forward: Some Good News

In 2019, however, there were small signs that state legislatures are stepping up to the challenge of charter school oversight:

- ▶ The California Legislature placed charters under public records and meetings laws as well as state ethics rules. (“Transparent Governance,” p.7, indicators #4 and #7). The new law also requires charter boards to meet in the places where they operate, which makes them accessible to the community (indicator #5). Other new laws will pause the creation of online charters (“Effective Oversight by Authorizers” p. 12, indicator #1) and impose accountability measures (“Management Accountability,” p. 10).
- ▶ The Illinois Legislature passed a law to prevent a charter applicant who is denied a charter from shopping around to find a more lenient authorizer (“Effective Oversight by Authorizers,” pg. 12, indicator #6).

Still, as charter school networks fight to expand, public concerns about educational equity, economic fairness and democratic accountability also continue to grow. Teachers in charter schools—even those of us with AFT representation and good contracts—continue to voice concerns about:

- ▶ A lack of transparency found in the institutional failure to conduct open school board meetings and to post minutes of meetings where teachers, parents and the community could find them.
- ▶ A failure to manage conflicts of interest when, for example, a business leader serves on a charter school board while providing costly services to the school, or a school leader hires unqualified family members for school positions.
- ▶ A related failure to openly track expenditures and publish the budgets of taxpayer-funded charter schools and their management organizations.
- ▶ A failure to enforce a fair discipline policy and an open and fair enrollment and student retention policy.
- ▶ And much more.

Our Activism and Allies

In 2016, as members of the AFT's Charter School Advisory Group, we brought our critique of state-level legislation to the biennial AFT Convention in Minneapolis. We called on the AFT to build upon its work in charter schools by conducting a granular comparative analysis of state charter school laws across the United States. Delegates approved the resolution.

That summer, our AFT resolution was just one statement in a remarkable convergence: the NAACP and the Movement for Black Lives each issued resolutions and policy agendas to condemn the destabilizing effects of charters upon public schools. Both organizations called for a moratorium on charter school expansion.

At the same time, the Democratic National Committee issued its 2016 platform, which stated opposition to "for profit" charter schools and support for "democratically governed, great neighborhood schools and high quality charter schools ... [which] should not replace or destabilize traditional public schools." The DNC also committed to the dissemination of best practices to school leaders and educators.

The Metrics of Best Practices: 'Listen to the People Who Do the Work'

In 2017, 42 members of our AFT Charter School Advisory Group set to work on a rubric of metrics to assist state legislators in evaluating and strengthening their charter school laws. As classroom educators, we drew from both academic research and our own daily experiences as charter school employees to create the rubric.

The metrics in this evaluation tool are written to reflect best practices and to reveal and assess in detail what states should do if they truly wish to put students' interests first. Our eight metrics address:

- ▶ Transparent school governance, which recognizes teacher and parent voice through employees' right to bargain collectively, and parents' right to sit on charter school boards.
- ▶ Collaborative district and charter relations that seek to balance district resources based on need.
- ▶ Accountable management organizations.
- ▶ Engaged monitoring and oversight by authorizers.
- ▶ High quality facilities and co-location.
- ▶ Fair discipline policy.
- ▶ Equitable enrollment and retention policies.
- ▶ Rigorous oversight of "virtual" online charter schools.

Each metric, explained here in detail, contains multiple criteria—here called "indicators"—to measure how varying state laws align with AFT charter teachers' vision of best practices and ideal charter school policy.

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Transparent School Governance *(appendix, p. 26)*

This metric examines differences between public schools that mostly operate either as:

- ▶ Traditional neighborhood district schools, subject to state law and local policy, overseen by local elected officials or elected boards of education; or
- ▶ Charter schools that often exist as islands, each with a unique board and state-level oversight which is separate from the traditional public school board.

Some charter school operators do not hold open board meetings or post minutes of board meetings and have no obligation to respond to requests for public records.⁵ Charter documents are often held by entities with nonprofit status, which may or may not be incorporated by local members of the community.

In some cases, a national for-profit charter management company selects the initial board of directors for the nonprofit that holds the actual charter. Charter operators may employ a variety of tactics, such as signing long-term management contracts, to ensure that they will always control the board of the charter holder. Charter board members are often drawn from business, finance, political, legal and real estate sectors—not from the world of education. They may have a national, not local, perspective and may have interests that conflict with those of the students and families they serve. More generally, board members may not even be required to live in the city—or the state—of the schools they oversee.

As an example, AFT’s charter advisory board members from the Cesar Chavez Public Charter Schools for Public Policy point to their own school in Washington, D.C. Its 11-member board includes only one member with significant teaching experience. Other members come from the private sector, including retired executives from Exxon Mobil and American Airlines as well as professionals in consulting, law and finance.⁶

Another factor in all states with charter school laws is the popularity of waivers that allow employers to ignore important teacher quality and labor standards, such as due process protections, as a matter of course. Teacher certification is often not required. Unions, and the teacher voice that comes with them, are discouraged.

Our metric measures whether individual states meet basic transparency and accountability requirements for charter school board members. It also addresses charter school administrative practices that include employee relations practices—that is, representation and unionizing—as required by state law.

⁵ For example, District of Columbia law only subjects its public records law to charter authorizers and not charter schools operators. See D.C. Code § 38-1802.14.

⁶ <http://www.chavezschools.org/board-of-directors/> (retrieved June 22, 2018)

In Search of TRANSPARENCY: How Charter School Managers Keep Secrets in Washington, D.C.

When DC Public Charter School Board members scheduled a public review of transparency rules in early 2019, the small hearing room was suddenly swamped by the outraged staff of one of D.C.'s historic charter schools, Cesar Chavez Prep.

A phone call from the Washington Post had tipped off the teachers that the Chavez school board was closing their school.

The closure decision was made in secret by a volunteer board of trustees, composed mostly of business executives who rarely set foot on the Chavez campus. Two parent representatives on the Chavez board had said nothing to warn other parents or engage the community in trying to save its school.

In public education in the United States, a basic tool of transparency is adherence to open meetings laws and the Freedom of Information Act. But charter schools are not required to respond to FOIA requests or to provide such documents as meeting agendas and minutes to parents, the press or the community.

Thus, behind closed doors, appointed charter boards are able to open and close schools, hire and fire educators, and otherwise spend millions of public education dollars with no public accountability.

In 2017, not coincidentally, the Chavez Prep staff had formed the first-ever union in a D.C. charter school. Their motto was, "What would Cesar do?" Cesar Chavez was an icon of civil, human and labor rights. He would have negotiated a labor contract in a process built upon fact-finding and trust-building. But after 18 months of contract bargaining, Chavez managers refused to sign a tentative agreement—and failed to mention their plans to close the school.

In fact, the Chavez board was deep in debt and struggling with the high cost of its for-profit management company, TenSquare, which was hired to "save" the network of Chavez charter schools. The board's final act was to shutter three schools, including Chavez Prep, and shrink the "network" down to one high school.

Ironically, the stated mission of the Chavez charter network is "to empower [students] to use public policy to create a more just, free, and equal world." Instead, February 2019 saw hundreds of families suddenly scrambling to enter D.C.'s citywide charter school lottery, while leaving behind the only school community many had ever known. Cesar Chavez Prep closed its doors in June 2019.

Still, the issues of transparency and accountability got some traction in March 2019. D.C. City Council member Charles Allen introduced a bill that would require all D.C. charter schools and their boards of trustees to honor public records requests and open meetings laws.

According to Washington, D.C.'s City Paper, the bill would "require that the DC Public Charter School Board help individual charters comply with these new rules. The charter sector currently receives more than \$800 million in taxpayer dollars annually." Advocates are hoping to move the bill forward in 2020.



Teachers from Cesar Chavez Prep in Washington, D.C. spend a Sunday afternoon knocking on doors in the community around their charter school while organizing their union; the Chavez network closed the school before the first union contract was finalized: Charles Allen

Indicators: Does your state law—

1. Require that the charter school's original application and current charter agreement be publicly available and posted online?
2. Require that at least 50 percent of the charter school board is composed of teachers and parents of students at the school, and that non-parent members of the governing board reside in the school district in which the charter operates?
3. Require schools to post board members' contact information or biographies on the school website?
4. Require board members to file publicly available financial disclosure or conflict-of-interest reports or abide by the state's ethics law for public officials?
5. Require charter boards to meet in the district in which their school operates?
6. Require charter boards to meet at times convenient to parents?
7. Require charter school compliance with state open meetings and records laws?
8. Require online access to minutes from charter school governing board meetings, school policies, school budgets and information about management company contracts?
9. Require that charter applications include a pledge of neutrality and non-interference with employees' right to unionize and bargain collectively, or allow for teachers to work under a district's collective bargaining agreement?
10. Require employee due process rights as a condition for receiving a charter?
11. Require specific and escalating sanctions for charter schools that fail to comply with state laws regarding freedom of information, public records, public meetings and financial disclosure of charter board members?

District and Charter Collaboration *(appendix, p. 27)*

Local control is crucial to ensuring that a new or existing charter school is accountable to the entire community it is intended to serve. Local, elected district school boards should be able to examine what kind of impact a charter school will have on their district's budgets, educational mission and responsibility to provide an education to *all* children in the community.

Unchecked charter expansion in many states has left local school districts searching for ways to balance budgets and retain high-quality services. For example, in 2012, Philadelphia faced a massive budget gap due to an increase in charter schools and a destabilizing school reform commission. Boston Consulting Group found that every student leaving for a charter school resulted in the loss of \$5,600 per departing student for the education of remaining students in traditional Philadelphia schools.⁷ Our metric measures whether a state encourages collaborative relationships between traditional public schools and charter schools within a school district.

⁷ Dale Mezzacappa and Benjamin Herold, "Report detailing Boston Consulting Group findings and recommendations released," The Notebook. August 2, 2012. <https://thenotebook.org/articles/2012/08/02/report-detailing-boston-consulting-group-findings-and-recommendations-released/>

Local, elected district school boards should be able to examine what kind of impact a charter school will have on their district's budgets, educational mission and responsibility to provide an education to all children in the community.

Indicators: Does your state law—

1. Require school districts, authorizers, and charter schools to develop and update, with public input, a unified school district multiyear plan that includes projected demographic changes, criteria for new schools or school closings, and equitable geographic distribution of schools?
2. Require the state department of education annually to post on the internet an assessment of the enrollment and financial impacts of charter schools on school districts and neighborhood public schools, including the flow of funding between sectors?
3. Establish minimum academic, social and educational services that all taxpayer-funded schools should provide, including challenging courses, enrichment programs, athletics, school libraries, counselors and federally funded free lunch?
4. Require charter schools to report the full range of academic, enrichment and extracurricular offerings on their websites and in their marketing materials?
5. Require school districts to organize at least some joint professional development or planning for teachers in charter schools and teachers in traditional schools, and have other regular channels of communication to provide an exchange of ideas?

Management Accountability (*appendix, p. 28*)

Every charter school has a “charter holder.” In many states, a charter holder may manage the operations of a school directly, or may subcontract the day-to-day management to a private third-party charter management company. A management company may be a for-profit (often called an “education management organization” or EMO) or a not-for-profit organization (often called a “charter management organization” or CMO). Some management organizations are responsible for only a few schools; others manage dozens.

Many for-profit management organizations contract with charter schools for a substantial portion—in some cases 95 percent—of a school’s revenue, and essentially run the school as an opaque private, for-profit enterprise exempt from public accountability and transparency. Our metric measures whether state law requires management organizations to be nonprofit and held to high transparency and accountability standards.



Indicators: Does your state law—

1. Require charter boards to operate as entities structurally and legally independent of a management company, such as retaining legal, accounting and financial audit capacity independent of any management company?
2. Require management company board members to file publicly available financial disclosure or conflict-of-interest reports or abide by the state ethic's law for public officials?
3. Prohibit or tightly regulate conflicts of interest between a charter school's board members or employees and the school's management organization, vendor or authorizer?
4. Mandate that all management contracts follow procurement laws and post all vendor contracts over \$25,000 on a public website?
5. Require management companies to disclose donations, bond issuances, debt service, payments to authorizers, and administrative, marketing and student recruitment expenses?
6. Require management companies to comply with open records laws?

*Many for-profit management organizations contract with charter schools for a substantial portion—in some cases **95 percent**—of a school's revenue...*

Effective Oversight by Authorizers (appendix, p. 30)

Charter schools are primarily overseen by “authorizers,” i.e., legal bodies that have been empowered to issue the charter documents needed to create a school and oversee its operation. The types and number of charter authorizers vary by state. In some states, only local district school boards can authorize charter schools; in other states, dozens of nonprofits and universities can act as authorizers. Authorizers typically take a percentage of the charter revenue for each school they authorize. This may create a disincentive to regulate, fix or close a troubled charter school because those actions would negatively impact the authorizer’s own bottom line. For example, Michigan spends approximately \$1 billion a year on charters that are overseen by 40 separate independent authorizers. A yearlong investigation by the *Detroit Free Press* found that these authorizers either missed or overlooked a wide range of abuses in their charter schools, including wasteful spending, double-dipping, and dismal school performance that was enabled for far too long by a lack of appropriate oversight.⁸

A more comprehensive report by the Center for Popular Democracy and the Alliance to Reclaim Our Schools found, after a review of charter school audits in 15 states, that more than \$200 million of taxpayer money had been lost due to financial fraud, waste, abuse and mismanagement in charter schools in 2014 and 2015 alone.

The report estimated that without greater oversight from federal, state and local governments, the amount of public money lost nationally because of financial fraud, waste, abuse and mismanagement could be as high as \$1.4 billion.⁹ In places like Arizona,¹⁰ Washington D.C.,¹¹ and Louisiana,¹² charter schools have been caught attempting to secure higher funding for their enrolled special education students and students with disabilities without actually providing the required special education services. Our metric measures the structural independence of authorizers and the degree of ongoing oversight required of them.

⁸ Jennifer Dixon, “Michigan spends \$1B on charter schools but fails to hold them accountable,” *Detroit Free Press*. June 22, 2014. <https://www.freep.com/story/news/local/michigan/2014/06/22/michigan-spends-1b-on-charter-schools-but-fails-to-hold/77155074/>

⁹ “The Tip of the Iceberg Charter School Vulnerabilities To Waste, Fraud, And Abuse,” The Center for Popular Democracy and The Alliance to Reclaim Our Schools, April 2015. https://populardemocracy.org/sites/default/files/Charter-Schools-National-Report_rev2.pdf

¹⁰ Amy Silverman, “The New Segregation: School Choice in AZ Takes New Meaning If Your Child Has a Disability,” *Phoenix New Times*. May 15, 2014. <https://www.phoenixnewtimes.com/news/the-new-segregation-school-choice-in-az-takes-new-meaning-if-your-child-has-a-disability-6462340>

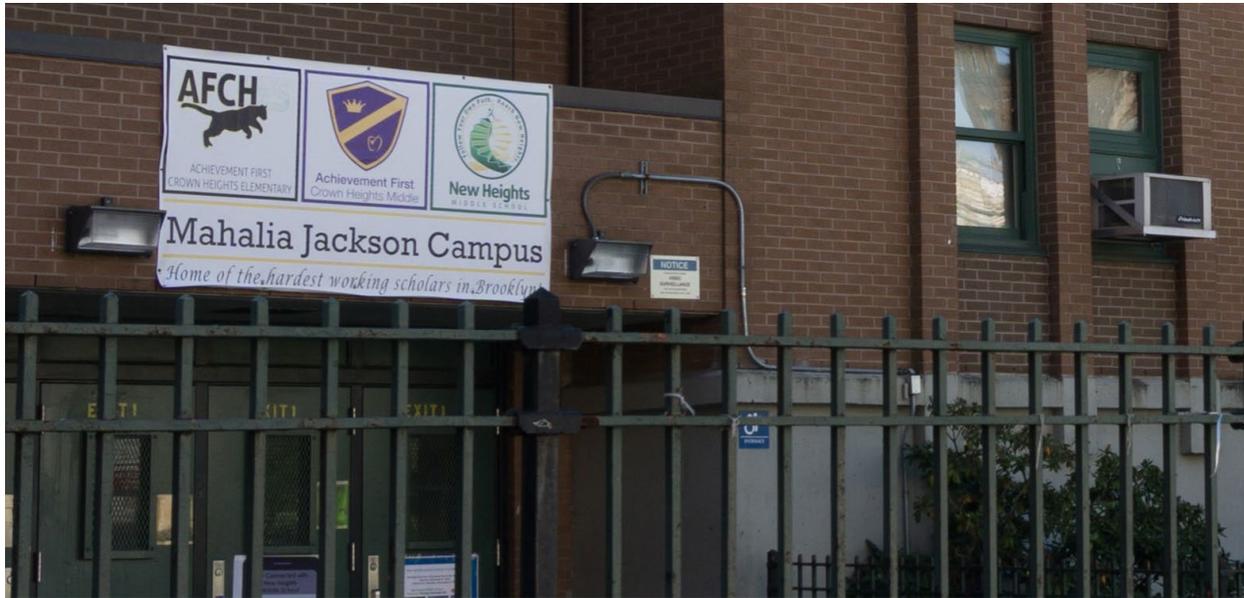
¹¹ Emma Brown, “Officials scrutinize special-education services at BASIS DC,” *Washington Post*. August 4, 2013. https://www.washingtonpost.com/local/education/officials-scrutinize-special-education-services-at-basis-dc/2013/08/04/adb16fe2-f880-11e2-afc1-c850c6ee5af8_story.html?utm_term=.aad2b19f798e

¹² Danielle Dreilinger, “Fraud in testing, special education found at ReNEW charter school,” *NOLA.com/The Times-Picayune*. January 29, 2016 http://www.nola.com/education/index.ssf/2016/01/renew_charter_fraud_report.html

Indicators: Does your state law—

1. Allow only public entities to be authorizers?
2. Not allow charters to pay authorizers for their oversight?
3. Require meaningful state oversight with automatic closure criteria?
4. Require authorizers to adhere to public meetings and public records laws?
5. Require whistleblowing protection for school staff?
6. Not allow for denials of charter applications by an authorizer to be overturned through refiling with an alternate authorizer, or appealing to a higher authority?
7. Require a charter term of no more than five years?
8. Require charter schools and management companies to report revenues and expenditures according to the same reporting guidelines as school districts, including the same level of revenue and expenditure detail?
9. Require posting of charter financial audits and budgets or detailed revenues and expenditures on websites of the authorizer, management company or charter school?
10. Require authorizers to document and disclose the owners of non-public property used to house a charter school, including rent paid, and conflicts of interest?

Authorizers typically take a percentage of the charter revenue for each school they authorize. This may create a disincentive to regulate, fix or close a troubled charter school



In 2006 Mahalia Jackson, MS 391, was one middle school with 1,800 seats. Today the building houses three schools with separate bureaucracies and sets of expectations, rules, uniforms, discipline policies and cultures. (Photo By Evan Rothman)

(Appendix, p. 31)

High-Quality Facilities/Co-Location

All public school students deserve facilities that enhance learning. Yet too often when traditional public schools and charter schools are forced to share a property, tensions arise between teachers and students. These tensions can stem from a clash of school cultures or the artificial scarcity created by competition for resources—cafeteria, gym, labs, music and art rooms—in the co-location. Our metric measures the strength and fairness of standards set for charter schools and traditional public schools that must share a facility, as well as the transparency of dealings between charters and traditional public schools in negotiations for resources.

Indicators: Does your state law—

1. Require co-located charter schools in district facilities to pay rent if charter schools receive facilities funding from the district or state?
2. Require that parents, educators and community members have input on co-location plans?
3. Require uniform standards on “underutilization” determinations of available public school facilities?
4. Require strong guidelines to ensure that *both* co-located schools have adequate and equitable access to sufficient space for classroom and administrative functions, cafeterias, gyms, labs, libraries and other instructional and common spaces, and that *both* schools have adequate personnel, including administrators, support staff and safety personnel?
5. Require yearly impact reports from co-located facilities, providing input from administrators, educators, school staff, students, and parents from both schools on how the co-location is working and details of capital improvements?

Fair Discipline Policy *(appendix, p. 33)*

Compared with traditional public schools, charter schools have fewer due process protections for students and often suspend and expel students at a higher rate.¹³ Charters often have a zero tolerance policy or a policy that students with high discipline rates cannot be promoted to the next grade even when they are academically fit to be promoted; this forces students to change schools if they want to stay on track with their grade level. Some charter schools design discipline policies that result in expelling or suspending students at several times the rate of traditional public schools.

A nationwide study from the Center for Civil Rights Remedies at UCLA found that black students and children with disabilities are disproportionately more likely to be suspended than their white and non-disabled charter-school peers; although a similar dynamic exists in traditional public schools, charters were nonetheless found to have an overall higher suspension rate when compared with the non-charter suspension rate.¹⁴ Suspensions may be used as a tool by public charter schools to remove underperforming students or manipulate test result data used to determine a school's performance. Charter schools with high suspension rates often correlate with having high test scores.¹⁵ Our metric measures the clarity and transparency of charter school discipline procedures in a state's charter law.

Indicators: Does your state law—

1. Require a school's charter to include the school's discipline policies, including suspension/expulsion practices?
2. Require charter schools to post their discipline policy on the school's website?
3. Require charter schools to follow some or all state laws governing traditional public school discipline policies?
4. Require that charter school discipline policies have some due process rights for students and parents?
5. Require an authorizer or another oversight body to monitor school suspension and expulsion rates and to develop intervention strategies for charter schools not following discipline code standards, including possible revocation of charter?
6. Require annual charter school reports on disciplinary actions, disaggregated by subgroup (e.g., race, income, English language learners)?

¹³ Jessica Schneider, "What Rights Do Students Have in the Charter School Era?" American Bar Association. March 30, 2017. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2017/what-rights-do-students-have-in-the-charter-school-era/>

¹⁴ Daniel J. Losen, Michael A. Keith II, Cheri L. Hodson, Tia E. Martinez, "Charter Schools, Civil Rights and School Discipline: A Comprehensive Review," UCLA Civil Rights Project. March 16, 2016. <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/charter-schools-civil-rights-and-school-discipline-a-comprehensive-review>

¹⁵ Kristina Rizga, "The Disturbing Reason Why Some Charter Schools May Have Higher Test Scores," Mother Jones. March 18, 2016. <https://www.motherjones.com/politics/2016/03/charter-schools-suspend-more-black-students-disabilities-test-scores/>

Suspensions may be used as a tool by public charter schools to remove underperforming students or manipulate test result data.

Equitable Enrollment and Retention *(appendix, p. 35)*

National studies have shown that charter schools systematically under-enroll English language learners (ELLs) and students with disabilities, and often serve a population of students from higher-income families than students in the surrounding neighborhood public schools.¹⁶ Evidence indicates that charter schools are able to use a number of strategies to influence their enrollment, including:

- ▶ Aggressive marketing;
- ▶ Lengthy application forms not always available in a parent’s native language;
- ▶ Mandatory school visits that are a logistical burden for families; and
- ▶ Strict requirements for parent involvement, sometimes with signed contracts.

Indicators: Does your state law—

1. Require charters to have open enrollment; ban requirements for essays, interviews, auditions or other measures of student academic achievement or aptitude; and ban mandates for parents?
2. Require an independent entity to conduct or oversee a lottery at charter schools with more students than slots and to manage a charter school waiting list?
3. Require that admissions information, forms, and the lottery procedure be posted on the schools’ website?
4. Create an independent ombudsman office with enforcement powers within the state board, authorizer or school district to whom parents can appeal enrollment, classification (e.g., as special education) or withdrawal decisions?
5. Specify a public entity to track student mobility in and between traditional district schools and charter schools?
6. Require charter schools to report—annually and in public—each student withdrawal, either voluntary or involuntary, including date, reason and disposition (i.e., a good faith effort to determine where the student ends up); disaggregated by subgroup (e.g., race, income, ELL)?
7. Require that, prior to voluntary withdrawal from a charter school, a parent or guardian sign a document stating that school personnel have not attempted to discourage the student from continued enrollment?

¹⁶ Additional Federal Attention Needed to Help Protect Access for Students with Disabilities, GAO-12-543: Jun 20, 2012. <http://www.gao.gov/products/GAO-12-543>

Regulation of Virtual Charters *(appendix, p. 37)*

Virtual schools have been caught engaging in some of the worst abuses in the charter school sector. A study of K12 Inc., one of the nation's largest providers of online education, found that learning gains for students in virtual schools were "significantly worse" than gains in traditional charters and public schools.¹⁷ Virtual charters have also been rife with financial mismanagement. In 2014, the founder of the Pennsylvania Cyber Charter School was indicted for diverting \$8 million of school funds for purchases of houses, a Florida condominium and an airplane.¹⁸ Our metric requires good charter laws to either ban or impose tight controls, reporting and oversight on virtual schools.

Indicators: Does your state law—

1. Either (1) prohibit full-time online charter schools, or (2) halt the expansion of online charters—for new schools or in existing schools—until an assessment of their academic performance, cost and operations is completed?
2. Or, if state law does *not* ban or halt expansion, does your state law—
 - ▶ Require detailed monthly reports from online charter schools on enrollment, attrition, teaching staff and revenue?
 - ▶ Establish and adequately fund a state-level office of cyberschool oversight that monitors cyberschool compliance with enrollment data and financial reporting requirements?
 - ▶ Require funding for online schools to be adjusted for changes in enrollment several times throughout the school year?
 - ▶ Have a fair and reasonable formula for funding cyberschools in proportion to the lower costs of online schools relative to brick-and-mortar schools?
 - ▶ Require cyber charter schools to provide evidence of compliance with compulsory attendance laws?
 - ▶ Require that teachers, administrators and certified staff at online charter schools meet the same licensing and credentialing requirements as in other charter schools?
 - ▶ Require education-related websites, online services, and mobile apps used in online charters to comply with state and federal privacy and data-sharing laws?

¹⁷ Gary Miron and Jessica Urschel, "Understanding and Improving Full-Time Virtual Schools," National Education Policy Center. July 2012. <https://nepc.colorado.edu/publication/understanding-improving-virtual>

¹⁸ "Fraud and Financial Mismanagement in Pennsylvania's Charter Schools," Center for Popular Democracy, Integrity in Education and Action United, September 2014

Summary

These state law metrics, while ambitious, represent an entirely practical vision for a public school system in every community that will help students at all educational levels to develop the skills and knowledge they need to be prepared for successful and fulfilling lives.

Charter schools, viewed through the prism of our metrics, have a long way to go. But AFT members, particularly those who are employed in charter schools, stand ready to work with state legislatures to move their charter schools closer to the ideals embodied in our nation's commitment to public education.

How the States Stack Up

At this time, every state charter law fails to measure up well to the metrics. As summarized in the following table below, the one state (California) with a charter law that is closest meets only a scant 17 of 52 indicators, or 33 percent. Twelve states meet even fewer indicators: that is, 10 to 13. Another 14 states have charter laws which reflect truly minimal oversight; that is, zero to five indicators out of 52 in the metric are met.



Teachers and staff at Mundo Verde Bi-Lingual Public Charter School on their "Wear Black" day of solidarity. In November 2019, as members of AFT's DC Alliance of Charter Teachers and Staff (ACTS), they became the first charter school union to win a union contract in Washington, D.C.

Overall Performance

State	Total indicators met	Percent of total indicators
Alabama	8	15%
Alaska	5	10%
Arizona	4	8%
Arkansas	5	10%
California	17	33%
Colorado	7	13%
Connecticut	11	21%
Delaware	8	15%
District of Columbia	5	10%
Florida	9	17%
Georgia	6	12%
Hawaii	5	10%
Idaho	8	15%
Illinois	13	25%
Indiana	7	13%
Iowa	4	8%
Kansas	5	10%
Kentucky	11	21%
Louisiana	13	25%
Maine	5	10%
Maryland	8	15%
Massachusetts	9	17%
Michigan	12	23%
Minnesota	10	19%
Mississippi	7	13%

State	Total indicators met	Percent of total indicators
Missouri	8	15%
Nevada	5	10%
New Hampshire	5	10%
New Jersey	8	15%
New Mexico	6	12%
New York	13	25%
North Carolina	7	13%
Ohio	10	19%
Oklahoma	10	19%
Oregon	3	6%
Pennsylvania	8	15%
Rhode Island	10	19%
South Carolina	5	10%
Tennessee	12	23%
Texas	13	25%
Utah	5	10%
Virginia	7	13%
Washington	8	15%
West Virginia	8	15%
Wisconsin	5	10%
Wyoming	6	12%
Puerto Rico	7	13%

In almost no state does the law tightly regulate school district and charter relations, facility co-location or online charter schools. In fact, when we step back, we find *only one* state law (Nevada) requiring a comprehensive plan that clearly establishes the role of traditional district and charter schools in a school district’s educational landscape. This leaves charter school parents, children and teachers unsure of their educational future while families in neighborhoods anchored by traditional public schools are increasingly vulnerable to sudden, often inexplicable, school closures.

Thus charter schools, instead of adding to a school district’s portfolio, can bring disruption.

Almost no state law addresses charter school co-location; the few that do are more often focused on helping charter schools to secure facilities, rather than on ensuring equal educational opportunity for all children in a state. This is particularly troubling when state laws fail to offer any meaningful criteria to guide decisions about co-location and the closure of traditional public school facilities.

Online charter schools are banned or prevented from expanding in only four states, and in no state are online charter schools tightly regulated.

Performance by Metric

State	Total indicators met— school governance	Percent	Total indicators met— district and charter collaboration	Percent	Total indicators met— management accountability	Percent	Total indicators met— oversight by authorizers	Percent
Alabama	3	27%	0	0%	1	17%	4	40%
Alaska	3	27%	0	0%	0	0%	2	20%
Arizona	2	18%	0	0%	0	0%	2	20%
Arkansas	1	9%	0	0%	0	0%	3	30%
California	4	36%	0	0%	3	30%	5	50%
Colorado	2	18%	0	0%	0	0%	2	20%
Connecticut	3	27%	0	0%	3	50%	5	50%
Delaware	2	18%	0	0%	0	0%	6	60%
District of Columbia	0	0%	0	0%	0	0%	3	30%
Florida	3	27%	0	0%	2	33%	3	30%
Georgia	2	18%	0	0%	0	0%	2	20%
Hawaii	2	18%	0	0%	1	17%	2	20%
Idaho	2	18%	0	0%	2	33%	1	10%
Illinois	2	18%	0	0%	2	33%	4	40%
Indiana	2	18%	0	0%	1	17%	1	10%
Iowa	1	9%	0	0%	0	0%	3	30%
Kansas	0	0%	0	0%	0	0%	5	50%
Kentucky	3	27%	0	0%	2	33%	3	30%
Louisiana	3	27%	0	0%	0	0%	5	50%
Maine	2	18%	0	0%	1	17%	2	20%
Maryland	3	27%	0	0%	0	0%	3	30%
Massachusetts	2	18%	0	0%	0	0%	5	50%
Michigan	3	27%	0	0%	2	33%	4	40%
Minnesota	3	27%	0	0%	1	17%	2	20%

State	Total indicators met— school governance	Percent	Total indicators met— district and charter collaboration	Percent	Total indicators met— management accountability	Percent	Total indicators met— oversight by authorizers	Percent
Mississippi	1	9%	0	0%	1	17%	3	30%
Missouri	2	18%	0	0%	1	17%	2	20%
Nevada	0	0	1	20%	1	17%	3	30%
New Hampshire	1	9%	0	0%	0	0%	3	30%
New Jersey	2	18%	0	0%	0	0%	4	40%
New Mexico	2	18%	0	0%	1	17%	2	20%
New York	2	18%	0	0%	1	17%	4	40%
North Carolina	1	9%	0	0%	0	0%	3	30%
Ohio	3	27%	0	0%	2	33%	3	30%
Oklahoma	2	18%	0	0%	1	17%	4	40%
Oregon	2	18%	0	0%	0	0%	0	0%
Pennsylvania	1	9%	0	0%	0	0%	4	40%
Rhode Island	3	27%	0	0%	0	0%	6	60%
South Carolina	2	18%	0	0%	0	0%	2	20%
Tennessee	4	36%	0	0%	0	0%	3	30%
Texas	2	18%	0	0%	2	33%	6	60%
Utah	2	18%	0	0%	0	0%	3	30%
Virginia	2	18%	0	0%	0	0%	4	40%
Washington	2	18%	0	0%	1	17%	4	40%
West Virginia	2	18%	0	0%	1	17%	3	30%
Wisconsin	0	0%	0	0%	0	0%	4	40%
Wyoming	2	18%	0	0%	0	0%	4	40%
Puerto Rico	2	18%	0	0%	0	0%	3	30%

State	Total indicators met— high quality facilities	Percent	Total indicators met— fair discipline policy	Percent	Total metrics met— equitable enrollment	Percent	Total metrics met— regulating virtual charter schools	Percent
Alabama	0	0%	0	0%	0	0%	0	0%
Alaska	0	0%	0	0%	0	0%	0	0%
Arizona	0	0%	0	0%	0	0%	0	0%
Arkansas	0	0%	1	17%	0	0%	0	0%
California	1	20%	2	33%	1	14%	1	50%
Colorado	1	20%	2	33%	0	0%	0	0%
Connecticut	0	0%	0	0%	0	0%	0	0%
Delaware	0	0%	0	0%	0	0%	0	0%
District of Columbia	0	0%	1	17%	1	14%	0	0%
Florida	0	0%	1	17%	0	0%	0	0%
Georgia	0	0%	1	17%	1	14%	0	0%
Hawaii	0	0%	0	0%	0	0%	0	0%
Idaho	0	0%	3	50%	0	0%	0	0%
Illinois	0	0%	3	50%	1	14%	1	50%
Indiana	0	0%	3	50%	0	0%	0	0%
Iowa	0	0%	0	0%	0	0%	0	0%
Kansas	0	0%	0	0%	0	0%	0	0%
Kentucky	0	0%	1	17%	1	14%	1	50%
Louisiana	0	0%	4	67%	1	14%	0	0%
Maine	0	0%	0	0%	0	0%	0	0%
Maryland	0	0%	2	33%	0	0%	0	0%
Massachusetts	0	0%	1	17%	1	14%	0	0%
Michigan	0	0%	2	33%	1	14%	0	0%
Minnesota	0	0%	2	33%	2	29%	0	0%
Mississippi	0	0%	2	33%	0	0%	0	0%
Missouri	0	0%	3	50%	0	0%	0	0%
Nevada	0	0%	0	0%	0	0%	0	0%
New Hampshire	0	0%	1	17%	0	0%	0	0%
New Jersey	0	0%	1	17%	1	14%	0	0%
New Mexico	0	0%	1	17%	0	0%	0	0%
New York	3	60%	2	33%	1	14%	0	0%
North Carolina	0	0%	2	33%	1	14%	0	0%
Ohio	0	0%	2	33%	0	0%	0	0%
Oklahoma	0	0%	2	33%	1	14%	0	0%

State	Total indicators met— high quality facilities	Percent	Total indicators met— fair discipline policy	Percent	Total metrics met— equitable enrollment	Percent	Total metrics met— regulating virtual charter schools	Percent
Oregon	0	0%	1	17%	0	0%	0	0%
Pennsylvania	0	0%	3	50%	0	0%	0	0%
Rhode Island	0	0%	1	17%	0	0%	0	0%
South Carolina	0	0%	1	17%	0	0%	0	0%
Tennessee	0	0%	3	50%	1	14%	1	50%
Texas	0	0%	2	33%	1	14%	0	0%
Utah	0	0%	0	0%	0	0%	0	0%
Virginia	0	0%	1	17%	0	0%	0	0%
Washington	0	0%	1	17%	0	0%	0	0%
West Virginia	0	0%	2	33%	0	0%	0	0%
Wisconsin	0	0%	1	17%	0	0%	0	0%
Wyoming	0	0%	0	0%	0	0%	0	0%
Puerto Rico	0	0%	2	33%	0	0%	0	0%

Indicators within our metrics paint a powerful picture of commonsense community expectations that currently are not met by *any* state charter school law. For example:

- ▶ No state requires specific and escalating sanctions for charter schools that fail to comply with state laws regarding freedom of information requests, public records, public meetings and financial disclosure of charter board members.
- ▶ No state requires management company contracts to abide by procurement laws.
- ▶ No state requires charter schools and management companies to report revenues and expenditures according to the same reporting guidelines as school districts, including the same level of revenue and expenditure detail.
- ▶ No state provides an independent office to field appeals from parents regarding charter school enrollment, classification or withdrawal decisions.
- ▶ No state requires charter schools to post their discipline policies on their website.
- ▶ No state requires an authorizer or another oversight body to monitor school suspension and expulsion rates and to develop intervention strategies for charter schools not following discipline code standards, including possible revocation of charter.
- ▶ No state requires management companies to disclose donations; bond issuances; debt service, payments to authorizers; and administrative, marketing and student recruitment expenses.
- ▶ No state requires at least 50 percent of a charter school board be composed of teachers and

parents of students at the school.

- ▶ No state requires a public entity track student mobility between district schools and charter schools or annually report charter school student withdrawals.
- ▶ No state requires charter schools to disclose the use of non-public facilities.

Only one state law explicitly requires:

- ▶ Management organizations to make full financial disclosure reports or to observe state ethics and conflict-of-interest laws.
- ▶ Standards on “underutilization” determinations of available public school facilities; or
- ▶ Admissions information, forms, and the lottery procedure to be posted on the schools’ website; or
- ▶ An independent entity to conduct or oversee a lottery at charter schools with more students than slots or to manage a charter school waiting list.

Moreover, only four states require that charter applications include a pledge of neutrality and non-interference with employees’ right to unionize and bargain collectively, or allow for teachers to work under a district’s collective bargaining agreement. Two states explicitly require employee due process rights to be maintained and Puerto Rico charter school teachers enjoy the same just cause protections as other employees on the island. Only two states explicitly extend state whistle blower protections to charter school employees. The vast majority of non-unionized charter school teachers can be fired for any reason or no reason at all, even if that teacher voices a good faith belief that the employer is violating the law.

States that meet the most metrics—California, Illinois, Louisiana, New York, Tennessee, Texas—do so by providing clearer guidance in laws related to student enrollment and, to a certain extent, charter school oversight and governance. These states more tightly regulate discipline by often requiring charter schools to follow the same discipline policies as traditional district schools; admissions policies are also regulated. Charter schools—and authorizers—are held accountable for obvious “sunshine” expectations like public access to documents and meetings, as well as state ethics obligations, the same as a traditional district school. All of these states only allow public entities to be charter school authorizers.

But overall, most states’ charter laws are lacking basic and necessary provisions for accountability, equity and access provisions. Arizona, Iowa and Oregon are furthest from meeting the metrics.

Conclusion

The charter school concept arose in a time and place of good intentions. But today’s charter school laws—and lack thereof—have made it easy to turn public charter schools into pseudo-private schools that are open to waste, fraud and corruption. If charter schools are truly to be education laboratories and community assets as intended, stronger accountability metrics in state laws are required to protect charter school children and their teachers from exploitation, degraded outcomes and the lost dream of a better life through education.

Appendix

How Each State Measures Up—All Metrics and Indicators

Transparent School Governance (p. 7)												
Indicator	1-Charter agreement & application posted online	2-50% teacher-parent board	3-Post board contact info	4-Post board's financial disclosure, conflict of interest, ethics code	5-Board meets in district	6-Board meets at times good for parents	7-Comply with public records and meetings laws	8-Online access to board documents	9-Labor organizing rights	10-Employee due process rights	11-Sanctions for failure to comply	Total
Alabama	X	X	X	✓	X	✓	✓	X	X	X	X	3
Alaska	X	X	X	X	✓	X	✓	X	✓	X	X	3
Arizona	X	X	X	✓	X	X	✓	X	X	X	X	2
Arkansas	X	X	X	✓	X	X	X	X	X	X	X	1
California	X	X	X	✓	✓	X	✓	✓	X	X	X	4
Colorado	X	X	X	X	✓	X	✓	X	X	X	X	2
Connecticut	X	X	X	X	X	X	✓	✓	✓	X	X	3
Delaware	X	X	X	✓	X	X	✓	X	X	X	X	2
District of Columbia	X	X	X	X	X	X	X	X	X	X	X	0
Florida	X	X	X	X	✓	✓	✓	X	X	X	X	3
Georgia	X	X	X	✓	X	X	✓	X	X	X	X	2
Hawaii	X	X	X	✓	X	X	X	X	✓	X	X	2
Idaho	X	X	X	✓	X	X	✓	X	X	X	X	2
Illinois	X	X	X	✓	X	X	✓	X	X	X	X	2
Indiana	✓	X	X	X	X	X	✓	X	X	X	X	2
Iowa	X	X	X	X	X	X	✓	X	X	X	X	1
Kansas	X	X	X	X	X	X	X	X	X	X	X	0
Kentucky	X	X	X	✓	X	✓	✓	X	X	X	X	3
Louisiana	X	X	X	✓	X	X	✓	✓	X	X	X	3
Maine	X	X	X	✓	X	X	✓	X	X	X	X	2
Maryland	X	X	X	X	X	X	✓	X	✓	✓	X	3
Massachusetts	X	X	X	✓	X	X	✓	X	X	X	X	2
Michigan	X	X	X	✓	X	X	✓	✓	X	X	X	3
Minnesota	X	X	✓	X	X	X	✓	✓	X	X	X	3
Mississippi	X	X	X	X	X	X	✓	X	X	X	X	1
Missouri	X	X	X	✓	X	X	✓	X	X	X	X	2
Nevada	X	X	X	X	X	X	X	X	X	X	X	0
New Hampshire	X	X	X	X	X	X	✓	X	X	X	X	1
New Jersey	X	X	X	✓	X	X	✓	X	X	X	X	2
New Mexico	X	X	X	✓	X	X	✓	X	X	X	X	2
New York	X	X	X	✓	X	X	✓	X	X	X	X	2

Transparent School Governance (p. 7)

Indicator	1-Charter agreement & application posted online	2-50% teacher-parent board	3-Post-board contact info	4-Post-board's financial disclosure, conflict of interest, ethics code	5-Board meets in district	6-Board meets at times good for parents	7-Comply with public records and meetings laws	8-Online access to board documents	9-Labor organizing rights	10-Employee due process rights	11-Sanctions for failure to comply	Total
North Carolina	X	X	X	X	X	X	✓	X	X	X	X	1
Ohio	X	X	✓	✓	X	X	✓	X	X	X	X	3
Oklahoma	X	X	X	✓	X	X	✓	X	X	X	X	2
Oregon	X	X	X	✓	X	X	✓	X	X	X	X	2
Pennsylvania	X	X	X	X	X	X	✓	X	X	X	X	1
Rhode Island	X	X	X	✓	X	X	✓	X	X	✓	X	3
South Carolina	X	X	X	✓	X	X	✓	X	X	X	X	2
Tennessee	X	X	✓	✓	X	X	✓	✓	X	X	X	4
Texas	X	X	✓	X	X	X	✓	X	X	X	X	2
Utah	X	X	X	✓	X	X	✓	X	X	X	X	2
Virginia	X	X	X	✓	X	X	✓	X	X	X	X	2
Washington	X	X	X	✓	X	X	✓	X	X	X	X	2
West Virginia	X	X	X	✓	X	X	✓	X	X	X	X	2
Wisconsin	X	X	X	X	X	X	X	X	X	X	X	0
Wyoming	X	X	X	✓	X	X	✓	X	X	X	X	2
Puerto Rico	X	X	✓	X	X	X	X	X	X	✓	X	2

District and Charter Collaboration (p. 9)

Indicators	1-Unified plan	2-Post-financial impacts of charters	3-Minimum standards for schools	4-Charter report offerings	5-Joint professional development	Total
Alabama	X	X	X	X	X	0

District and Charter Collaboration (p. 9)						
Indicators	1-Unified plan	2-Post financial impacts of charters	3-Minimum standards for schools	4-Charters report offerings	5-Joint professional development	Total
Alaska	X	X	X	X	X	0
Arizona	X	X	X	X	X	0
Arkansas	X	X	X	X	X	0
California	X	X	X	X	X	0
Colorado	X	X	X	X	X	0
Connecticut	X	X	X	X	X	0
Delaware	X	X	X	X	X	0
District of Columbia	X	X	X	X	X	0
Florida	X	X	X	X	X	0
Georgia	X	X	X	X	X	0
Hawaii	X	X	X	X	X	0
Idaho	X	X	X	X	X	0
Illinois	X	X	X	X	X	0
Indiana	X	X	X	X	X	0
Iowa	X	X	X	X	X	0
Kansas	X	X	X	X	X	0
Kentucky	X	X	X	X	X	0
Louisiana	X	X	X	X	X	0
Maine	X	X	X	X	X	0

District and Charter Collaboration (p. 9)						
Indicators	1-Unified plan	2-Post financial impacts of charters	3-Minimum standards for schools	4-Charters report offerings	5-Joint professional development	Total
Maryland	X	X	X	X	X	0
Massachusetts	X	X	X	X	X	0
Michigan	X	X	X	X	X	0
Minnesota	X	X	X	X	X	0
Mississippi	X	X	X	X	X	0
Missouri	X	X	X	X	X	0
Nevada	✓	X	X	X	X	1
New Hampshire	X	X	X	X	X	0
New Jersey	X	X	X	X	X	0
New Mexico	X	X	X	X	X	0
New York	X	X	X	X	X	0
North Carolina	X	X	X	X	X	0
Ohio	X	X	X	X	X	0
Oklahoma	X	X	X	X	X	0
Oregon	X	X	X	X	X	0
Pennsylvania	X	X	X	X	X	0
Rhode Island	X	X	X	X	X	0
South Carolina	X	X	X	X	X	0
Tennessee	X	X	X	X	X	0
Texas	X	X	X	X	X	0
Utah	X	X	X	X	X	0
Virginia	X	X	X	X	X	0
Washington	X	X	X	X	X	0
West Virginia	X	X	X	X	X	0
Wisconsin	X	X	X	X	X	0
Wyoming	X	X	X	X	X	0
Puerto Rico	X	X	X	X	X	0

Management Accountability (p. 10)

Indicators	1-Independent boards	2-Board Member financial disclosure	3-Regulate conflict of interest	4-Follow procurement laws	5-Company disclosures	6-Open records laws	Total
Alabama	✓	X	X	X	X	X	1
Alaska	X	X	X	X	X	X	0
Arizona	X	X	X	X	X	X	0
Arkansas	X	X	X	X	X	X	0
California	X	✓	✓	X	X	✓	3
Colorado	X	X	X	X	X	X	0
Connecticut	✓	X	✓	X	X	✓	3
Delaware	X	X	X	X	X	X	0
District of Columbia	X	X	X	X	X	X	0
Florida	✓	X	✓	X	X	X	2
Georgia	X	X	X	X	X	X	0
Hawaii	X	X	✓	X	X	X	1
Idaho	✓	X	✓	X	X	X	2
Illinois	✓	X	✓	X	X	X	2
Indiana	✓	X	X	X	X	X	1
Iowa	X	X	X	X	X	X	0
Kansas	X	X	X	X	X	X	0
Kentucky	X	X	✓	X	X	✓	2
Louisiana	X	X	X	X	X	X	0
Maine	✓	X	X	X	X	X	1
Maryland	X	X	X	X	X	X	0
Massachusetts	X	X	X	X	X	X	0
Michigan	✓	X	✓	X	X	X	2
Minnesota	X	X	✓	X	X	X	1
Mississippi	✓	X	X	X	X	X	1
Missouri	✓	X	X	X	X	X	1
Nevada	✓	X	X	X	X	X	1
New Hampshire	X	X	X	X	X	X	0
New Jersey	X	X	X	X	X	X	0
New Mexico	X	X	✓	X	X	X	1
New York	X	X	✓	X	X	X	1
North Carolina	X	X	X	X	X	X	0

Management Accountability (p. 10)

Indicators	1-Independent boards	2-Board Member financial disclosure	3-Regulate conflict of interest	4-Follow procurement laws	5-Company disclosures	6-Open records laws	Total
Ohio	✓	X	✓	X	X	X	2
Oklahoma	X	X	✓	X	X	X	1
Oregon	X	X	X	X	X	X	0
Pennsylvania	X	X	X	X	X	X	0
Rhode Island	X	X	X	X	X	X	0
South Carolina	X	X	X	X	X	X	0
Tennessee	X	X	X	X	X	X	0
Texas	✓	X	✓	X	X	X	2
Utah	X	X	X	X	X	X	0
Virginia	X	X	X	X	X	X	0
Washington	✓	X	X	X	X	X	1
West Virginia	X	X	✓	X	X	X	1
Wisconsin	X	X	X	X	X	X	0
Wyoming	X	X	X	X	X	X	0
Puerto Rico	X	X	X	X	X	X	0

Effective Oversight by Authorizers (p. 12)

Indicators	1-Only public entities	2-Not allow authorizer payment	3-Closure criteria	4-Public meetings/records laws	5-Whistleblower protections	6-No authorizer appeal	7-Five-year maximum charter term	8-Report revenues and expenditures	9-Post audits and budgets	10-Facility owner disclosure	Total
Alabama	✓	X	✓	✓	X	X	✓	X	X	X	4
Alaska	✓	X	X	✓	X	X	X	X	X	X	2
Arizona	✓	X	X	✓	X	X	X	X	X	X	2
Arkansas	✓	✓	X	✓	X	X	X	X	X	X	3
California	✓	X	✓	✓	X	✓	✓	X	X	X	5
Colorado	✓	X	X	✓	X	X	X	X	X	X	2
Connecticut	✓	✓	X	✓	X	✓	✓	X	X	X	5
Delaware	✓	✓	X	✓	X	✓	✓	X	✓	X	6
District of Columbia	✓	X	✓	✓	X	X	X	X	X	X	3
Florida	✓	X	✓	✓	X	X	X	X	X	X	3
Georgia	✓	X	X	✓	X	X	X	X	X	X	2
Hawaii	X	✓	✓	X	X	X	X	X	X	X	2
Idaho	X	X	X	X	X	X	✓	X	X	X	1
Illinois	✓	X	X	✓	✓	✓	X	X	X	X	4
Indiana	X	X	✓	X	X	X	X	X	X	X	1
Iowa	✓	✓	X	✓	X	X	X	X	X	X	3
Kansas	✓	✓	✓	✓	X	X	✓	X	X	X	5
Kentucky	✓	X	X	✓	X	X	✓	X	X	X	3
Louisiana	✓	X	✓	✓	X	✓	✓	X	X	X	5
Maine	✓	X	X	✓	X	X	X	X	X	X	2
Maryland	✓	✓	X	✓	X	X	X	X	X	X	3
Massachusetts	✓	✓	X	✓	X	✓	✓	X	X	X	5
Michigan	✓	X	✓	✓	X	X	X	X	✓	X	4
Minnesota	X	X	X	X	✓	✓	X	X	X	X	2
Mississippi	✓	X	X	✓	X	X	✓	X	X	X	3
Missouri	X	X	✓	✓	X	X	X	X	X	X	2
Nevada	✓	X	✓	✓	X	X	X	X	X	X	3
New Hampshire	✓	X	✓	✓	X	X	X	X	X	X	3
New Jersey	✓	✓	X	✓	X	X	✓	X	X	X	4
New Mexico	✓	X	X	✓	X	X	X	X	X	X	2

Effective Oversight by Authorizers (p. 12)

Indicators	1-Only public entities	2-Not allow authorizer payment	3-Closure criteria	4-Public meetings/records laws	5-Whistleblower protections	6-No authorizer appeal	7-Five-year maximum charter term	8-Report revenues and expenditures	9-Post audits and budgets	10-Facility owner disclosure	Total
New York	✓	✓	X	✓	X	X	✓	X	X	X	4
North Carolina	✓	X	X	✓	X	✓	X	X	X	X	3
Ohio	X	X	X	✓	X	✓	✓	X	X	X	3
Oklahoma	✓	X	✓	✓	X	X	✓	X	X	X	4
Oregon	X	X	X	X	X	X	X	X	X	X	0
Pennsylvania	✓	✓	X	✓	X	X	✓	X	X	X	4
Rhode Island	✓	✓	✓	✓	X	✓	✓	X	X	X	6
South Carolina	X	X	✓	✓	X	X	X	X	X	X	2
Tennessee	✓	X	✓	✓	X	X	X	X	X	X	3
Texas	✓	✓	✓	✓	X	✓	✓	X	X	X	6
Utah	✓	X	✓	✓	X	X	X	X	X	X	3
Virginia	✓	X	X	✓	X	✓	✓	X	X	X	4
Washington	✓	X	✓	✓	X	X	✓	X	X	X	4
West Virginia	✓	X	X	✓	X	X	✓	X	X	X	3
Wisconsin	✓	✓	X	✓	X	X	✓	X	X	X	4
Wyoming	✓	✓	X	✓	X	X	✓	X	X	X	4
Puerto Rico	✓	✓	X	X	X	X	✓	X	X	X	3

High-Quality Facilities/Co-Location (p. 14)

Indicators	1-Charge rent	2-Community input on plans	3-Under-utilization standards	4-Strong guidelines for both	5-Yearly impact reports	Total
Alabama	X	X	X	X	X	0
Alaska	X	X	X	X	X	0
Arizona	X	X	X	X	X	0

High-Quality Facilities/Co-Location (p. 14)

Indicators	1-Charge rent	2-Community input on plans	3-Under-utilization standards	4-Strong guidelines for both	5-Yearly impact reports	Total
Arkansas	X	X	X	X	X	0
California	X	X	X	✓	X	1
Colorado	X	X	✓	X	X	1
Connecticut	X	X	X	X	X	0
Delaware	X	X	X	X	X	0
District of Columbia	X	X	X	X	X	0
Florida	X	X	X	X	X	0
Georgia	X	X	X	X	X	0
Hawaii	X	X	X	X	X	0
Idaho	X	X	X	X	X	0
Illinois	X	X	X	X	X	0
Indiana	X	X	X	X	X	0
Iowa	X	X	X	X	X	0
Kansas	X	X	X	X	X	0
Kentucky	X	X	X	X	X	0
Louisiana	X	X	X	X	X	0
Maine	X	X	X	X	X	0
Maryland	X	X	X	X	X	0
Massachusetts	X	X	X	X	X	0
Michigan	X	X	X	X	X	0
Minnesota	X	X	X	X	X	0
Mississippi	X	X	X	X	X	0
Missouri	X	X	X	X	X	0
Nevada	X	X	X	X	X	0
New Hampshire	X	X	X	X	X	0
New Jersey	X	X	X	X	X	0
New Mexico	X	X	X	X	X	0
New York	X	✓	X	✓	✓	3
North Carolina	X	X	X	X	X	0
Ohio	X	X	X	X	X	0
Oklahoma	X	X	X	X	X	0
Oregon	X	X	X	X	X	0
Pennsylvania	X	X	X	X	X	0

High-Quality Facilities/Co-Location (p. 14)

Indicators	1-Charge rent	2-Community input on plans	3-Under-utilization standards	4-Strong guidelines for both	5-Yearly impact reports	Total
Rhode Island	X	X	X	X	X	0
South Carolina	X	X	X	X	X	0
Tennessee	X	X	X	X	X	0
Texas	X	X	X	X	X	0
Utah	X	X	X	X	X	0
Virginia	X	X	X	X	X	0
Washington	X	X	X	X	X	0
West Virginia	X	X	X	X	X	0
Wisconsin	X	X	X	X	X	0
Wyoming	X	X	X	X	X	0
Puerto Rico	X	X	X	X	X	0

Fair Discipline Policy (p. 15)

Indicators	1-Require school defined discipline policy in charter	2-Post policy online	3-Shared discipline code for charter and public schools	4-Due process for discipline	5-Oversight body to monitor discipline	6-Annual reports	Total
Alabama	X	X	X	X	X	X	0
Alaska	X	X	X	X	X	X	0
Arizona	X	X	X	X	X	X	0
Arkansas	X	X	X	X	X	✓	1
California	✓	X	X	✓	X	X	2
Colorado	✓	X	X	✓	X	X	2
Connecticut	X	X	X	X	X	X	0
Delaware	X	X	X	X	X	X	0
District of Columbia	✓	X	X	X	X	X	1

Fair Discipline Policy (p. 15)

Indicators	1-Require school defined discipline policy in charter	2-Post policy online	3-Shared discipline code for charter and public schools	4-Due process for discipline	5-Oversight body to monitor discipline	6-Annual reports	Total
Florida	✓	X	X	X	X	X	1
Georgia	X	X	X	X	X	✓	1
Hawaii	X	X	X	X	X	X	0
Idaho	✓	X	✓	✓	X	X	3
Illinois	X	X	✓	✓	X	✓	3
Indiana	✓	X	✓	✓	X	X	3
Iowa	X	X	X	X	X	X	0
Kansas	X	X	X	X	X	X	0
Kentucky	✓	X	X	X	X	X	1
Louisiana	✓	X	✓	✓	X	✓	4
Maine	X	X	X	X	X	X	0
Maryland	X	X	✓	✓	X	X	2
Massachusetts	✓	X	X	X	X	X	1
Michigan	X	X	✓	✓	X	X	2
Minnesota	X	X	✓	✓	X	X	2
Mississippi	X	X	✓	✓	X	X	2
Missouri	✓	X	✓	✓	X	X	3
Nevada	X	X	X	X	X	X	0
New Hampshire	✓	X	X	X	X	X	1
New Jersey	X	X	X	✓	X	X	1
New Mexico	✓	X	X	X	X	X	1
New York	✓	X	X	X	X	✓	2
North Carolina	X	X	✓	✓	X	X	2
Ohio	X	X	✓	✓	X	X	2
Oklahoma	X	X	✓	✓	X	X	2
Oregon	✓	X	X	X	X	X	1
Pennsylvania	✓	X	✓	✓	X	X	3
Rhode Island	✓	X	X	X	X	X	1
South Carolina	✓	X	X	X	X	X	1
Tennessee	✓	X	✓	✓	X	X	3
Texas	X	X	✓	✓	X	X	2
Utah	X	X	X	X	X	X	0
Virginia	✓	X	X	X	X	X	1

Fair Discipline Policy (p. 15)

Indicators	1-Require school defined discipline policy in charter	2-Post policy online	3-Shared discipline code for charter and public schools	4-Due process for discipline	5-Oversight body to monitor discipline	6-Annual reports	Total
Washington	✓	X	X	X	X	X	1
West Virginia	✓	X	✓	X	X	X	2
Wisconsin	✓	X	X	X	X	X	1
Wyoming	X	X	X	X	X	X	0
Puerto Rico	✓	X	X	✓	X	X	2

Equitable Enrollment and Retention (p. 16)

Indicators	1-True open enrollment	2-Lottery oversight	3-Admissions transparency	4-Independent ombudsman	5-Tracked student mobility	6-Annual report	7-Withdrawal documentation	Total
Alabama	X	X	X	X	X	X	X	0
Alaska	X	X	X	X	X	X	X	0
Arizona	X	X	X	X	X	X	X	0
Arkansas	X	X	X	X	X	X	X	0
California	✓	X	X	X	X	X	X	1
Colorado	X	X	X	X	X	X	X	0
Connecticut	X	X	X	X	X	X	X	0
Delaware	X	X	X	X	X	X	X	0
District of Columbia	✓	X	X	X	X	X	X	1
Florida	X	X	X	X	X	X	X	0
Georgia	✓	X	X	X	X	X	X	1
Hawaii	X	X	X	X	X	X	X	0
Idaho	X	X	X	X	X	X	X	0
Illinois	✓	X	X	X	X	X	X	1

Equitable Enrollment and Retention (p. 16)

Indicators	1-True open enrollment	2-Lottery oversight	3-Admissions transparency	4-Independent ombudsman	5-Tracked student mobility	6-Annual report	7-Withdrawal documentation	Total
Indiana	X	X	X	X	X	X	X	0
Iowa	X	X	X	X	X	X	X	0
Kansas	X	X	X	X	X	X	X	0
Kentucky	✓	X	X	X	X	X	X	1
Louisiana	✓	X	X	X	X	X	X	1
Maine	X	X	X	X	X	X	X	0
Maryland	X	X	X	X	X	X	X	0
Massachusetts	✓	X	X	X	X	X	X	1
Michigan	✓	X	X	X	X	X	X	1
Minnesota	✓	X	✓	X	X	X	X	2
Mississippi	X	X	X	X	X	X	X	0
Missouri	X	X	X	X	X	X	X	0
Nevada	X	X	X	X	X	X	X	0
New Hampshire	X	X	X	X	X	X	X	0
New Jersey	✓	X	X	X	X	X	X	1
New Mexico	X	X	X	X	X	X	X	0
New York	✓	X	X	X	X	X	X	1
North Carolina	✓	X	X	X	X	X	X	1
Ohio	X	X	X	X	X	X	X	0
Oklahoma	✓	X	X	X	X	X	X	1
Oregon	X	X	X	X	X	X	X	0
Pennsylvania	X	X	X	X	X	X	X	0
Rhode Island	X	X	X	X	X	X	X	0
South Carolina	X	X	X	X	X	X	X	0
Tennessee	X	✓	X	X	X	X	X	1
Texas	✓	X	X	X	X	X	X	1
Utah	X	X	X	X	X	X	X	0
Virginia	X	X	X	X	X	X	X	0
Washington	X	X	X	X	X	X	X	0
West Virginia	X	X	X	X	X	X	X	0
Wisconsin	X	X	X	X	X	X	X	0
Wyoming	X	X	X	X	X	X	X	0
Puerto Rico	X	X	X	X	X	X	X	0

Regulation of Virtual Charters (p. 17)			
Indicators	1-Ban or halt expansion	2-Tight regulation	Total
Alabama	X	X	0
Alaska	X	X	0
Arizona	X	X	0
Arkansas	X	X	0
California	✓	X	1
Colorado	X	X	0
Connecticut	X	X	0
Delaware	X	X	0
District of Columbia	X	X	0
Florida	X	X	0
Georgia	X	X	0
Hawaii	X	X	0
Idaho	X	X	0
Illinois	✓	X	1
Indiana	X	X	0
Iowa	X	X	0
Kansas	X	X	0
Kentucky	✓	X	1
Louisiana	X	X	0
Maine	X	X	0
Maryland	X	X	0
Massachusetts	X	X	0
Michigan	X	X	0
Minnesota	X	X	0
Mississippi	X	X	0
Missouri	X	X	0
Nevada	X	X	0
New Hampshire	X	X	0
New Jersey	X	X	0
New Mexico	X	X	0
New York	X	X	0

Regulation of Virtual Charters (p. 17)			
Indicators	1-Ban or halt expansion	2-Tight regulation	Total
North Carolina	X	X	0
Ohio	X	X	0
Oklahoma	X	X	0
Oregon	X	X	0
Pennsylvania	X	X	0
Rhode Island	X	X	0
South Carolina	X	X	0
Tennessee	✓	X	1
Texas	X	X	0
Utah	X	X	0
Virginia	X	X	0
Washington	X	X	0
Wisconsin	X	X	0
Wyoming	X	X	0
Puerto Rico	X	X	0



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