

Charters debate needs to address accountability

Brent McKim 1:30 p.m. EST January 9, 2016



With the election of a new governor who is a strong proponent of “public charter schools,” charter advocates in Kentucky have renewed their efforts to pass enabling legislation. But would charter schools actually be public schools? Certainly, as proposed in past bills introduced in the Kentucky General Assembly, charter schools would be public in the sense that they would be funded by public tax dollars.

But is public funding all it should take for a school to be considered public, or should the citizens of the commonwealth have the right to expect certain standards of public transparency, oversight and accountability for both finances and decision-making to be met if their tax dollars are to be used to pay for these schools? And do all public schools share civic responsibilities to the community beyond just academic instruction?

Based on how charter schools operate in most other states, these questions lead to a number of serious concerns.

Are charter schools transparent in their use of public funds?

This is an issue in a number of states because some of the “government red tape” from which charters have been “freed” includes laws assuring financial transparency. As a result, arrangements have emerged in which individuals who own “not-for-profit” charter schools also own for-profit school management companies and real estate companies. The owners of these deregulated charter schools, which do not have to follow competitive bidding for goods and services as traditional public schools do, then sign no-bid contracts with the owner’s for-profit management company and lease their buildings with no-bid leases from the owner’s real estate company, and so on.

Consider this example reported by the St. Louis Post-Dispatch (http://www.stltoday.com/news/local/education/imagine-schools-real-estate-deals-fuel-company-growth/article_dbf9b959-0c73-586c-97e7-6fca3a729b39.html): *“Imagine Schools Inc., the nation’s largest charter school operator, runs six charter schools in St. Louis. Together, their performance on state standardized exams is worse than any school district in Missouri. Nevertheless, those schools are generating millions of dollars for Imagine and a Kansas City-based real estate investment company through real estate arrangements ultimately supported with public education money. The deals are part of a strategy that has fueled Imagine’s national expansion. In most cases, Imagine sells its buildings to another company that leases them back to Imagine, with the schools themselves shouldering the rent with public funds.”*

All this is perfectly legal and very profitable, but is this how we want publicly funded schools to be able to operate? Citizens in some states have decided the answer is no and have attempted to apply open records laws to charter schools only to be met by legal resistance from charter owners and advocacy groups.

Are charter schools held accountable for academic results?

In most states, charters are authorized to operate for a number of years by a public authorizing board. In theory, this authorizing board may not renew the school’s charter if the school is not effective, but a study by the National Association of Charter School Authorizers (<http://www.qualitycharters.org/>) found that few charters are actually denied renewals by these boards that are often comprised of charter operators and advocates. And most charters that are shuttered are closed for financial or legal reasons, rather than poor performance.

Do charter schools have reasonable public oversight?

Once charter schools receive their charter to operate, in many states there is nothing akin to a publicly-elected school board from the community that provides citizen oversight and decision-making for the school. Instead, the school answers only to its owner or operator. Parent input panels may be offered in schools, but these typically do not have decision-making authority or the ability to review financial operations. The Washington State Supreme Court recently ruled that charter schools could not be publicly funded because they did not comply with the state constitution’s definition of a public school as they did not answer to the state’s citizens. And it is worth noting that Kentucky has very similar language in our state constitution.

Are the employees of “public charter schools” public employees?

The answer to this question is typically no. Although their salaries are ultimately paid for by public tax dollars, charter school employees who work for charter operators are typically not considered public employees, which has led to significantly higher educator turnover in charter schools. For example, [the Los Angeles Times reports](http://latimesblogs.latimes.com/lanow/2011/07/los-angeles-charter-schools-have-high-teacher-turnover.html) (<http://latimesblogs.latimes.com/lanow/2011/07/los-angeles-charter-schools-have-high-teacher-turnover.html>) that teacher turnover is three times higher in charter schools than regular public schools. A [study by the University of Washington](http://www.crpe.org/sites/default/files/pub_IC_S_Succession_Nov10_web_0.pdf) (http://www.crpe.org/sites/default/files/pub_IC_S_Succession_Nov10_web_0.pdf) found that 71 percent of charter school leaders plan to leave within five years. This high rate of turnover keeps labor costs low for charter operators, but does not afford students access to experienced teachers.

Do charter schools contribute to a respectful democratic society?

Traditionally, most students in American communities have attended a school overseen by an elected school board that sought to find a common-ground approach to curriculum, discipline and activities that reflected community values. Attending these public schools helped students participate in their community’s wonderful richness of diversity in race, religion, ethnic heritage, income and much more. This experience helped young people learn about differences, and it prepared them for life in our diverse democratic society.

There is a growing concern that the proliferation of independent charter schools is contributing to a much more isolated and homogeneous educational experience for young people that does not prepare them for the diverse and challenging world they will experience as adults.



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[\(http://www.courier-journal.com/story/opinion/2016/01/05/commentary-charter-schools/78265920/\)](http://www.courier-journal.com/story/opinion/2016/01/05/commentary-charter-schools/78265920/)

There is also concern that, because parents self-select the charter schools for their children, the curriculum, discipline and activities at these schools can drift far from shared community values. For example, consider the group of North Carolina charter schools where [ProPublica reports](http://www.propublica.org/article/charter-school-power-broker-turns-public-education-into-private-profits) (<http://www.propublica.org/article/charter-school-power-broker-turns-public-education-into-private-profits>) that instead of the traditional Pledge of Allegiance, “*Staff and students pledge to avoid errors that arise from ‘the comfort of popular opinion and custom,’ ‘compromise’ and ‘over-reliance on rational argument.’ Students must vow ‘to be obedient and loyal to those in authority, in my family, in my school, and in my community and country, So long as I shall live.’*”

If the Jefferson County Board of Education proposed such a change, the community that is paying the taxes for the public schools would very likely object to such a use of their tax dollars. But no one objects in North Carolina because only parents who share this ideology send their children to these charter schools. Again, this is perfectly legal there, but does this serve the civic mission we expect from our public schools?

These questions raise serious concerns. The good news for charter advocates is that all of these issues could potentially be addressed through properly crafted legislation. Local community oversight, accountability and adherence to shared community values could be protected by making locally elected school boards the sole authorizers of and ultimate decision-makers for charter schools. Employees of public charter schools could be designated by the law to be public school employees. Open meetings laws, freedom of information laws, financial disclosure laws and other public sunshine laws could be explicitly applied to both charter schools and any third-party providers with which they contract.

Unfortunately, the strongest advocates for charter schools often share such a deep-seated anti-government perspective that they are resistant to such public accountability and oversight provisions.

As the debate over charter schools in Kentucky continues, we can only hope that the discussion will go beyond just whether or not to have them, and will include critical issues like these, to ensure that if we do have “public charter schools” they will truly be public and serve the public’s interests.

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