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## CHARTER DISCIPLINE: *The Impact on Students*

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### Charter Schools' Discipline Policies Face Scrutiny

**Some major urban districts move to create uniform standards for expulsions**

By [Jaclyn Zubrzycki](#), [Sean Cavanagh](#) and [Michele McNeil](#)

As the number of charter schools continues to grow, one facet of their autonomy—the ability to set and enforce independent disciplinary standards—has raised difficult questions about whether those schools are pushing out students who pose behavior or academic challenges and how their policies affect regular public schools.

Research on the issue is sparse, and data on expulsions and disciplinary incidents at charter schools paint a nuanced picture nationwide.

A new *Education Week* [analysis of 2009-10 federal data](#) collected by the U.S. Department of Education's office for civil rights, for example, shows that the expulsion rate for charter schools was no higher than for regular public schools, and that the regular schools had a somewhat higher suspension rate.

But in a few urban districts where high discipline rates at charter schools have drawn scrutiny, school officials have recently taken steps aimed at ensuring that students in both charter and other public schools are treated fairly. School officials in Newark, N.J., New Orleans, and San Diego have made such policy changes, and officials in other cities, such as the District of Columbia, are considering similar shifts.

"We didn't really feel that there was an equitable, fair, and uniform process across schools," said Laura Hawkins, the chief of staff for the office of portfolio schools in the [Recovery School District](#), a state-run system that oversees many charters in New Orleans. The RSD created a centralized admissions, transfer, and expulsion process for charters and other public schools last year. "Kids were subject to very different consequences and outcomes for different behaviors," Ms. Hawkins said.

The promise and appeal of charter schools hinges partly on the idea that their freedom from many of the state and district policies that govern regular public schools allows for more effective schools.

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Some experts on charters, though, say increased accountability on disciplinary issues in the sector is overdue.

"At the beginning of the charter school movement, there were all these promises that it'd do everything better than public schools with the same kids," said Amy Stuart Wells, a professor of sociology at Teachers College, Columbia University. But the regulatory leeway afforded to charters comes at a cost, she argued: "I don't think they're using their autonomy for what they said they'd be doing with it."

### Complicated Picture

Charter supporters counter that forcing the schools to give up their freedom to set individualized, and tough, disciplinary standards is a mistake. They say that many parents, particularly those in communities beset by violence and socioeconomic upheaval, choose charters because they offer safe havens that nearby regular public schools may not.

"If a school can provide a safe and supportive, nurturing environment, students are more likely to stay, and they'll develop the skills they need," said Greg Richmond, the president and chief executive officer of the **National Association of Charter School Authorizers**, a Chicago-based group that set standards for the organizations that oversee charters. "You want schools to build character and discipline," he said. "You can't do that if it's a free-for-all in your school."

Charters represent about 6 percent of the nation's 96,000 public schools, though in some cities they serve a far larger proportion of students. Their numbers have more than doubled over the past decade, and today there are an estimated 6,000 charters serving more than 2 million students. They serve larger proportions of black and Hispanic students, students eligible for free or reduced-price lunch, according to data collected by the **National Alliance for Public Charters Schools** from state departments of education. Additionally, some charters focus specifically on students with disciplinary problems.

Charters' records serving some specific populations, however, including students with special needs, have come under scrutiny recently. A federal report released last year, for instance, found that charters around the country serve a smaller portion of special education students than regular public schools do.

And critics have accused charter schools for years of screening out students who present disciplinary or academic challenges on the front end, or pushing or counseling them out later, a process that they say inflates charters' academic standing.

There is wide variation in not just charters', but regular public schools' disciplinary practices, and a rising debate over whether "zero tolerance" policies in general have excluded too many students from schools. (*Quality*

### Districts Take New Approaches

A number of major school systems have taken or are considering steps to standardize, or at least change, the policies that govern discipline or expulsions at charter schools. In some cases, that is occurring after hearing complaints about disparities between charters and traditional public schools.

#### District of Columbia

The District of Columbia's charter school board in 2012 publicly released individual charters' disciplinary statistics, including expulsions and suspensions, in an effort to foster transparency. The charter school board is also expected to consider adopting new, model disciplinary policies for charters seeking approval or reauthorization this year.

- **Policy Shift:** Policies up for consideration include having charters use "zero tolerance" discipline in very narrow circumstances, and having them clarify students' due process rights—such as their right to a hearing before an independent third party—in much clearer detail.

**Counts 2013**, Jan. 10, 2013.)

The *Education Week* analysis of federal data found that charter schools across the country did not expel students at a rate higher than that of regular public schools. Both charter and noncharter schools expelled far fewer than 1 percent of their students. The data also showed that the regular public schools suspended students—a practice that research shows can put students on the path to dropping out of school—at a higher rate, 6 percent, than charters, at 4 percent.

The picture differs in some individual urban districts, according to that data set and numbers collected separately by *Education Week*. Charters in some systems—such as Baltimore, Miami, and Milwaukee—did not have higher expulsion or suspension rates than their regular public school counterparts in 2009-10, according to the federal data.

But in San Diego, the 37 charter schools in the federal data set reported a suspension rate of 8 percent—twice the 4 percent rate of suspension in San Diego's regular schools that year. In Newark, the suspension rate was nearly 10 percent in charters, versus a noncharter rate of 3 percent. Chicago, Los Angeles, and Philadelphia charter schools had higher expulsion rates than regular public schools, according to district and state data provided to *Education Week*.

In Washington, just three students in the District of Columbia's 45,000-student regular school system, or roughly one in 15,000, were expelled during the 2011-12 academic year. But in the city's 35,000-student charter system, 227 students, or one in every 139, were expelled. The national average for all public schools is roughly one expulsion for every 500 students, according to federal data.

Many expelled charter students in the District of Columbia end up returning to the regular public schools, said Adele Fabrikant, the deputy chief in that school system's office of youth engagement. Principals in the regular system are often forced to investigate why those students were expelled from charters in order to ensure they are placed in appropriate new schools, she said.

Scott Pearson, the executive director of the District's Public Charter School Board, argued that charters should have the flexibility to set different disciplinary policies, as

- **Charter Presence:** 57 charter schools, with a total enrollment of 35,000; traditional public schools serve 45,000 students.

#### **Newark**

Concerns about disparities between discipline rates at traditional public and charter schools led the district to adopt a policy that requires charters seeking to lease Newark school district facilities to use the district's expulsion and suspension policies.

- **Policy Shift:** Sixteen charter schools in the district recently signed a compact in which they agree to monitor and minimize attrition and post suspension and expulsion rates. Schools also agreed to eliminate steps in admissions processes that may have been barriers to entry.

- **Charter Presence:** Charters serve about 10,000 students at 22 schools; traditional public school serve roughly 40,000 students.

#### **New Orleans**

Persistent concern about students in the city's schools being subject to different discipline policies led the state-run Recovery School District to create a centralized admissions, transfer, and expulsion process.

- **Policy Shift:** Expulsion hearings at all public schools but one within the district are now hosted by the RSD. Schools share a common list of expellable offenses. Suspensions are still handled on a school-by-school basis.

- **Charter Presence:** State-run Recovery School District operates 58 charters, serving 22,000 students, along with 12 traditional public schools, in New Orleans. Orleans Parish school system oversees 12 charter schools serving 7,000 students, in addition to six traditional public schools.

#### **San Diego**

Responding to allegations that some

long as they are clear and fair to students. While he believes the District's regular public schools' miniscule expulsion numbers indicate their disciplinary policies are too lax, he said the fact that the city charters' expulsion rates are higher than the national average is a "cause for concern." Charters "have an obligation to serve all students," he said.

**Accountability Measures**

Concerns about charter school discipline have led a number of major school districts to bring new standards and accountability to those schools' policies. In San Diego, district officials created a working group of charter school leaders and school system officials, which met last spring to draw up guidelines for charter school expulsions. Charter schools are now required to be clear about their expulsion policies in their charters and about the reasons why each student is expelled, and those policies are considered by the district when their charter agreements come up for renewal.

Communication between charter school leaders and the school system is critical to ensuring that students are properly placed, and to identifying cases in which students may have been encouraged to leave a school improperly, said Moises Aguirre, the charter school manager for the 132,000-student San Diego Unified district.

David Sciarretta, the principal of **Albert Einstein Academy Charter Middle School** in San Diego, said that while some charter leaders were concerned about maintaining their independence, most agreed with the need for transparency and communication. "If [district and charter schools] are going to coexist and do it well," he said, "we had to have an agreement in terms of what happens when kids move back and forth."

In Newark, the district recently required any charter school using a public school building to agree to abide by the system's discipline policy through language in the lease.

Meanwhile, the Los Angeles school board has begun requiring more data from charter schools it authorizes based on board members' concerns about students returning to regular public schools from charters, according to Jose Cole-Gutierrez, the charter school manager in the 640,000-student district. "We don't want to deal with perception; we want to deal with fact," he said.

In Washington, the District of Columbia charter board, which authorizes charters, will soon consider policies to establish model discipline policies for charter operators seeking approval or renewal of their contracts, said Mr. Pearson, the charter board's executive director. He argued that the board's

charter schools were pushing students out, and to data showing high discipline rates in charters, a working group of charter and district leaders in 2010-11 began efforts to craft discipline policy guidelines.

- **Policy Shift:** District policy now requires charter schools to clearly spell out their expulsion procedures. The district reviews charters' expulsion decisions and evaluates discipline data when charters are up for reauthorization.

- **Charter Presence:** 44 district-authorized charter schools serve 17,000 students in a school system with 132,000 students.

Source: Individual School Systems; *Education Week*

**2011-12 Expulsion Rates**

A closer look at 2011-12 expulsion rates in four cities with large numbers of charter schools.

City	Noncharter Expulsion Rate 2011-12	Charter Expulsion Rate 2011-12
Philadelphia	.07%	0.27%
San Diego	.15%	.14%
District of Columbia	.01%	.72%
Chicago	.08%	.54%

SOURCES: Pennsylvania Department of Education, Chicago Public Schools, District of Columbia Public Schools, San Diego Unified School District

decision last year to **release information on individual charters' expulsion and suspension rates** is already compelling those schools to refine policies and keep students in school.

"Schools don't like looking like outliers," he said.

Meanwhile, officials in the Chicago, Milwaukee, and New York City school systems told *Education Week* that while they routinely investigate individual schools with unusually high numbers of expulsions and suspensions, there are no plans to overhaul charter discipline policies across the board.



Donny Casey participates in class at Albert Einstein Academy. The charter's principal wants clear disciplinary policies across schools.  
—Sandy Huffaker for Education Week

## Keeping Track

Making sense of disciplinary and enrollment patterns is difficult, partly because many charters are located in urban communities where student and family mobility is high across all schools. About 55 percent of charters are in urban areas, according to the alliance.

A study released last week, for instance, showed **17,286 students entering and 15,081 exiting** the District of Columbia's combined charter and regular public school sectors during the 2011-12 year. While many more students migrated from charters to regular public schools mid-year than vice-versa, the majority of regular students entering public schools originated in other places, possibly outside the city, District charter school officials noted.

Nina S. Rees, the president of the National Alliance for Public Charter Schools, a Washington-based advocacy group, said it's likely that many students who leave or get expelled from charters move to other charters.

It is clear that not all students who leave charter schools return to regular public schools, but many do. In Chicago, 1,999 students had left charter schools this school year as of January, and 1,400 of them had returned to the 404,000-student regular public schools, said Marielle Sainvilus, a spokeswoman for the district.

In Detroit, the total number of students who have left a charter school was not available, but more than 1,500 students have returned to the 49,000-student regular school system from charter schools so far this schoolyear, according to district spokeswoman Michelle Zdrodowski.

Yet such numbers do not show why students left charter schools, and that information is hard to collect, said Margaret Raymond, the director of Stanford University's **Center for Research on Education Outcomes**. Researchers would have to try to determine, through interviews with students or families, whether individual students had left charters by choice, with prodding from school officials, or some combination of both.

Much of the focus on whether charters are expelling or counseling out students has been directed at those that have received praise for their academic performance, such as the Knowledge Is Power Program, or KIPP. A 2012 working paper by Mathematica, a Princeton, N.J.-based research organization, found that students were not leaving KIPP schools at a statistically higher rate than students were leaving regular public schools.

But another study, led by Gary Miron, a professor of education at Western Michigan University, concluded that those departing students were not replaced, a fact that might benefit the KIPP

network's academic performance by creating a positive peer effect.

Steve Mancini, a KIPP spokesman, said the network had been focusing on reducing attrition and has been sharing attrition data among its schools. Overall attrition has fallen over the past four years.

"That's the power of tracking something and measuring it," Mr. Mancini said.

### Due Process

The laws that govern discipline at charters like KIPP and at regular public schools vary by state and district, though some standards are universal, legal experts say.

Most state laws exempt charter schools from district disciplinary policies, typically allowing them to devise their own standards, with authorizer approval, said Paul O'Neill, a lawyer in New York City who has co-written a book on charter school law. But he noted that both districts and charter schools must also adhere federal disabilities law, and case law, which says schools must provide students with due process in disciplinary.

The fact that many charter schools set their own expulsion procedures means that it can be hard to get a neutral hearing, and many parents do not know their children's rights, said Sarah Jane Forman, a law professor who runs a legal aid clinic at the University of Detroit Mercy that works with students who have been expelled.

Kevin Welner, the director of the [National Education Policy Center](#), a Boulder, Colo.-based think tank, said that while he understands charters' desire to cultivate disciplined environments, there are fundamental reasons that freedom should have limits.

Supporters of charters "like to remind us they're public schools," said Mr. Welner, whose center has published numerous reports on charters, some critical of the sector. Tough disciplinary policies, he said, can allow charters to "have the kinds of schools they want, but it's not an acceptable argument for a public school."

In Newark, where language requiring charters to use the district's disciplinary policy has been written into building leases, a study of expulsion and suspension rates last spring found that "we had a few guilty parties—but some of them were our own district schools," according to Renee Harper, a spokeswoman for the 40,000-student district.

"The highest-performing district schools also had higher rates of expulsion," she said.

Ms. Harper said the district was working to improve discipline policies in both charter and regular schools. "We're trying to move beyond us versus them," she said.

Still, "charters are being pushed on this issue," especially as the sector grows, said Mashea Ashton, the chief executive officer of the Newark Charter School Fund.

"We're learning from places like New Orleans and D.C., where charters have a huge market share,"

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she said. "You have to own that challenge and really make sure that students are going to a new place that could be a better fit, and not just say, 'We've done what we can.' "

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