

NATIONAL EDUCATION ASSOCIATION

ACTION GUIDE **on Charter Schools**

The National Education Association is the nation's largest professional employee organization, representing 3 million elementary and secondary teachers, higher education faculty, education support professionals, school administrators, retired educators, and students preparing to become teachers.

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ACTION GUIDE

on Charter Schools

Charter schools are part of our public school system. Originally conceived as laboratories to test new ideas that could then be transferred to other schools, charters have evolved as competitors to traditional public schools. NEA is committed to advocating on behalf of educators, parents and students in charter schools that help drive innovative educational practices that can be reproduced broadly in schools across the nation. At the same time, we believe that **ALL** public schools must be held accountable to the same high standards of equity and transparency to ensure the success of all students.

Above all else, charter schools must operate in a manner that is fully accountable to the students, parents and communities they serve. Charter schools must meet the same high standards of accountability, quality and transparent use of tax dollars that people demand for traditional public schools. Unfortunately, at this time, hundreds of millions of dollars intended to educate students have been lost to waste, fraud and abuse in the charter school arena. Some of this waste is described below and more can be found at www.nea.org/charters.

This action guide describes techniques that have been used in the past and can be used in the future to hold charter schools accountable. The toolkit includes:

- ✦ Basic facts of charter schools
- ✦ Policies and solutions
- ✦ Communications on charter schools
- ✦ Action steps
 - ❖ Appendix on facts and myths about charters.
 - ❖ Appendix checklist that might be helpful in a campaign
 - ❖ Appendix NEA Resolution on Charter Schools

CHARTER SCHOOLS 101¹

What are charter schools?

Charter schools are privately managed, taxpayer-funded schools exempted from some rules applicable to all other taxpayer-funded schools.

When were they created?

The first charter school in the United States opened in Minnesota in 1992, following passage of a charter school law the preceding year.

Why were charter schools created?

The main argument initially offered for creating charter schools was a desire to create greater flexibility for innovation within public education. It was hoped that successful innovations could be adapted to benefit public education more broadly.

Do charter schools operate in the same way as traditional public schools?

There are significant differences. Charter schools typically have appointed, rather than elected, school boards. Charter schools tend to hire younger and less experienced teachers. Some charter boards hold open public meetings and some do not. About 4 in 10 charter schools nationally are managed under contract by for-profit or non-profit charter “chains” that may or may not be headquartered in the communities where their schools are located. The other 6 in 10 charter schools nationally, sometimes referred to as “mom and pop” charters, are not-for-profit and are operated by individuals or small groups of individuals, such as educators, who live in the local community.

How do charter schools come into existence?

To create a charter school, an individual or organization simply applies to a charter school “authorizer.” Each state’s charter law says which entities can authorize creation of a charter school. These entities can be a local school district, a state education department, or a separate state charter school board. The authorizer reviews each application and decides whether to approve or decline it.

Are charter schools private schools?

Charter schools are taxpayer-funded but privately managed. They are not private schools in the ordinary sense in which that term has been understood, to refer to schools operated by religious or non-denominational private organizations that charge tuition to enrolled families. Because of weak oversight and a lack of transparency of the charter sector in many states, and because charter schools have been exempted from some rules designed to protect students, families, communities, and taxpayers, there can be important differences in how charter schools are operated.

BASIC FACTS: Growing and Grown

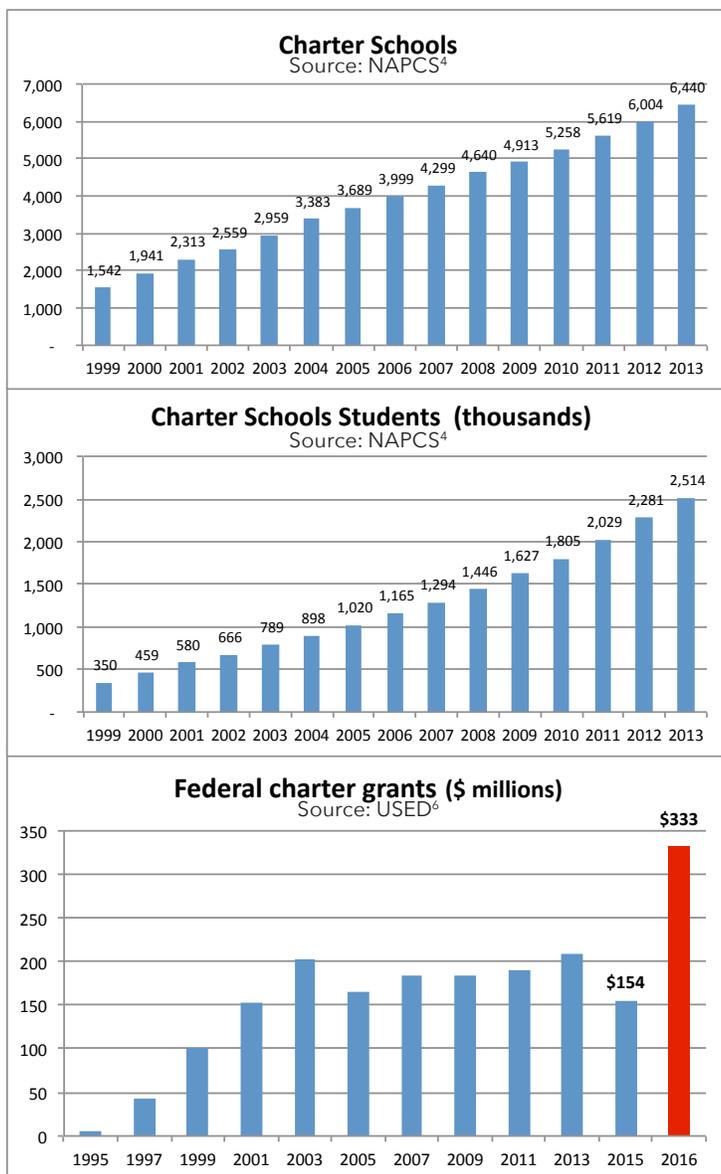
Charter schools are not merely growing, they're all grown up. The federal government has spent \$3.7 billion on charter schools since 1995, and private philanthropy has contributed many millions more.² The Walton Family Foundation alone spends

roughly \$200 million every year to promote, create and expand charter schools.³

The biggest driver of growth in charter schools is the federal government.

The US Department of Education Charter Schools Program awarded on average \$172 million annually between 2000 and 2015. In 2016 the program doubled to an astonishing \$333 million.⁵ The dramatically increased federal money can be expected to fund between 500 and 800 new charter school start-ups every year. Growth at this level is starting to – and will continue to – undermine the stability of public schools, especially in districts that are already under stress.

States will not refuse this money. These are federal grants without strings attached, or even requirements for a state match. It is difficult to try to stop such a flow but smart to shape how it's used: Grant applicants must be held accountable for delivering promised results and honestly spending the taxpayer's money.



POLICIES AND Solutions

1. OUR SOLUTION: The Accountability Agenda

Our solution is clean and simple. To ensure the success of every student, every school that receives public funding **must be held to the same high standards of accountability and transparency.** We support straightforward proposals for charter school management whose importance is self-evident. Board meetings should be open, financials should be audited, and students who aren't enrolled shouldn't be paid for.

The NEA has defined its principles for responsible charter schools, and others have articulated similar criteria.⁷ For ease of reference we regularly draw on the *Standards* published by the **Annenberg Institute for School Reform**⁸ and the *Accountability Agenda* published by **In the Public Interest**.⁹ Speakers from such groups can be useful in public forums.

1. Transparency: Charter school governance must be open and transparent.

- A. Charter schools must be subject to the same open meeting and open record laws as the public schools.
- B. Companies and organizations that manage charter schools must welcome full financial disclosure, including budgets and contracts, so the public can see how they spend public money.
- C. Charter authorizers and public officials must conduct regular audits of charter school finances to detect waste, fraud or abuse of public funds.
- D. Charter schools must be subject to conflict of interest rules, especially prohibiting board members and family members from improper financial benefit.

2. Funding: Charter schools must not take money, facilities or resources from neighborhood public schools.

- A. Before approving any new charter school, authorizers should analyze the impact on neighborhood public schools.
- B. Shared facility arrangements must not disadvantage students in existing public schools.
- C. Charter laws should require charter schools to return public money for any student that leaves the charter school during the school year.

3. **Opportunity: Charter schools must ensure equal access to interested students.**
 - A. Policies or practices that discourage enrollment or disproportionately push-out segments of already enrolled students must be enforced.
 - B. Charter schools must serve high-need students such as special education or foreign language students at the same level as neighborhood public schools.
 - C. Charter school discipline policies must be fair and transparent, and applied equally.

4. **Quality: Hold charter schools to high standards of excellence and accountability to the community.**
 - A. Monitor charter schools to ensure performance in every measure.
 - B. Require that governing boards include parent and community representation.
 - C. Require all teachers who work in taxpayer funded schools, including charter schools, to meet the same training and qualification requirements.
 - D. Ensure that governing board members, administrators, school staff and community members have protection from retaliation for whistleblowing.

QUESTIONS TO ASK

Charter Schools

- ✦ Does the charter school publically release how it spends taxpayer money, including budgets and contracts?
- ✦ Are there conflicts of interest among board members, contractors and administrators?
- ✦ Are board meetings open to parents and the public, as public school board meeting are?
- ✦ Is the school local or national? The board?
- ✦ Are teachers required to meet the same high standards of licensure/ certification as teachers in neighborhood public schools?
- ✦ Does the charter school serve high-need students at the same level as neighborhood public schools?

Charter School Authorizers

- ✦ Do public authorities audit each school's (or operator's) finances?
- ✦ Is it a forensic audit to catch fraud as well as an accounting audit to catch discrepancies?
- ✦ How often are audits done?
- ✦ Does the authorizer have the staff and capabilities to ferret out problems?
- ✦ How do new charter schools affect neighborhood public schools? Financially? Facilities? Students?
- ✦ How is the impact on public schools weighed when new charters are being considered?
- ✦ Do schools keep their promises for performance? By what measure?
- ✦ What role, if any, does the authorizer play during years when the contract is **not** being renewed? What, if any, assistance or input is offered or accepted?

The Missouri National Education Association pulls such ideas together in a “belief” statement that guides its legislative platform on charter schools. The Missouri Association is committed to:¹⁰

[M]echanisms within the public schools that promote rigorous learning standards, decentralized and shared decision making, diverse educational offerings, and the removal of restrictive requirements. Charter schools, when well designed and operated, can be positive agents of change within the public school system by permitting new and creative ways of teaching and learning. Funding for charter schools should not diminish funding for the school district in which a charter school operates. Any legislation should hold charter schools and sponsors accountable, make the operations of schools transparent and protect the rights of schools, parents, teachers and other school employees. For-profit management companies should not operate charter schools. Charter school personnel policies should contain effective safeguards to ensure that teachers and other staff are not terminated arbitrarily or capriciously or for standing up for the best interest of students when the profit motive controls charter school decisions.

2. Popular Support for OUR SOLUTION

Good news. The wind is at our backs. Support for our accountability agenda is broad and sweeping.

In 2015 and 2016, the **Center for Popular Democracy** and **In The Public Interest** commissioned public opinion polls on charter schools.¹¹ They found a high expectation for transparency and accountability. We can use this research to bolster our demands and give decision makers the confidence to do the right thing without fear of public reprisal. It is good policy and great politics.

CPD-ITPI Poll, Charter School Accountability, 2016 ¹²	Total Support
Require companies and organizations that manage charter schools to open board meetings to parents and the public, similar to public school board meetings	92% (69% strongly)
Require companies and organizations that manage charter schools to release to parents and the public how they spend taxpayer money , including their annual budgets and contracts	90% (75% strongly)
Ensure that neighborhood public schools do not lose funding when new charter schools open in their area	78% (75% strongly)
Require state officials to conduct regular audits of charter schools' finances to detect fraud, waste of abuse of public funds	88% (72% strongly)
Require charter schools to return taxpayer money to the school district for any student that leaves the charter school to return to a neighborhood public school during the school year	80% (57% strongly)
Require all teachers who work in taxpayer funded schools, including neighborhood public schools and charter schools, to meet the same training and qualification requirements	89% (71% strongly)
Prohibit charter schools from using practices that result in pushing out children who they perceive as not a good fit for their school	49% (29% strongly)

At the same time, the poll found negligible interest in the primary argument of charter school advocates. **Only 8% considered lack of school choice a big concern.** People were far more concerned about excessive focus on standardized testing (42%) and cuts to programs like art, music and PE (35%). People considered the most important factors in K-12 education to be “highly qualified, caring teachers” (37%), “parental involvement” (31%), and “small teacher-student ratio” (31%). They were not crying out for choice.

The poll shows that the voting public favors the NEA supported idea of community schools that start with rigorous academics then add health and social services, youth and community development, and even parental education along with academics for students.

Finally, the survey also provides cautions about what *not* to say. The public is not hostile to the idea or the existence of charter schools. Questions about whether people favor or oppose charter schools generally lean towards “favor.” Thus, attacking what many people consider a worthwhile idea sets up a difficult struggle. Attacking the weak points of transparency and accountability puts us on the side of the public. That’s a more promising path to achieve the goal of reigning in high price, low quality charter schools.

ACTION STEPS:

What to Do, How to Do it

Our goal is to control the growth of irresponsible low-performing charter schools, improve the quality of all charter schools overall, and promote high quality public education for all children. Here are action steps to consider in a campaign to hold charter schools accountable and empower educators in those schools to advocate on behalf of their students.

1. Start with CAMPAIGN BASICS

In some ways this campaign is like any other. Pick a goal. Assess internal capacity. Assign responsibility. Make a calendar. Make a budget. Identify allies and ways to reach them. Identify opposition and assess weaknesses or points of potential agreement. Such details will not be discussed here – but not because they aren't important.

2. Learn the CHARTER SCHOOL RULES

One early step is to master the rules. Charter rules are highly localized. They are different from one state to the next, and among local education agencies. It is important to understand what laws and regulations the charter schools in your jurisdiction are bound by or exempt from, and what rules are in need of reform.

The big rules covering enrollment and transparency are obviously important – whether charter schools are required to accept all students, how admissions decisions are made, and whether charters and operators are subject to open record laws.

3. Identify BAD ACTORS

Charter school scandals make headlines and color the enterprise. In 2014 the Center for Popular Democracy exposed over \$100 million public tax funds misused by the charter school industry.¹³ In 2015 it found another \$100 million.¹⁴ But that is still, as its 2015 report is titled, the *Tip of the Iceberg*. Such reports provide a roadmap for where to look and what to look for:¹⁵

- ✦ In nearly half the charter schools in Ohio the headcount claimed by the schools was less than the headcount found when they were audited. In only seven schools, nearly 900 extra students were claimed and paid for.¹⁶
- ✦ The founder of a Pennsylvania charter school was indicted for using school funds for personal purchases, including a house, a Florida condominium and a \$300,000 plane. He allegedly formed

businesses that billed even though they had done no work, and accepted \$550,000 in kickbacks for a laptop computer contract.¹⁷

- ✦ The Oracle Charter School in Buffalo, NY borrowed \$5.1 million to purchase and renovate its building at an interest rate of 20%. Auditors found that the acquisition and renovation actually cost \$1.4 million, with the rest going to developer fees and interest.¹⁸
- ✦ Charter schools in Arizona spend more than twice as much on administrative expenses as public schools, costing taxpayers an extra \$128 million per year.¹⁹

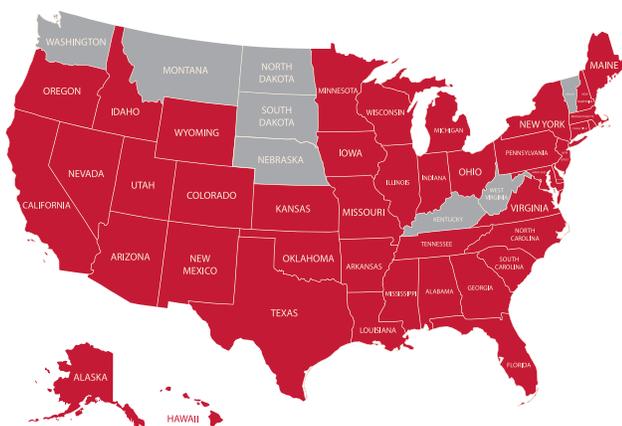
Uncovering such scandal is worth the effort. It may look like investigative reporting or muckraking research, but sadly it is now part of the job. To the degree that local NEA affiliates lack skills required for such investigation – or might not be believed, anyway – it may be useful to partner with organizations practiced at revealing scandal. But if something seems wrong in a nearby charter school, don't assume that it's a false alarm or that someone else will smoke it out. We need to help on that beat. The Center on Media and Democracy has even published a "Reporters' Guide" designed to help guide research into these questions.²⁰

Public schools are starving for funds, increasing class sizes, and cutting back on arts programs. We cannot sit idly while public money intended for education is misused by private hands.

4. Question the AUTHORIZER

Schools that fail our students and engage in practices that lead to fraud, waste and abuse are only one part of the problem. We need to investigate the next level up as well, and question those that authorize charter school operations. **Should difficulties arise in a school, the authorizer may be accountable for problems that arose on its watch.** We need to activate the authorizer to vigorously, skillfully and effectively monitor its charges.

Start with those rules. Under state law, **who authorizes charter schools?** Who grants the charter? Is it the state board of education? The local school board? The superintendent? Is the authorizer an independent entity? Are there multiple authorizers, or only one? **Who makes the decision affects every issue downstream.** The biggest difference is likely how accountable the authorizer is to the public. Local bodies tend to be more closely accountable than state bodies, and elected bodies tend to be more accountable than appointed ones. But every place is different.



State-by-state Charter Directory
www.qualitycharters.org

The National Association of Charter School Authorizers maintains a directory that might be useful – though its authorizer standards run closer to the industry than the Annenberg standards discussed above.²¹

Other questions follow naturally from the identity of the authorizer. **Critical for campaign purposes is whether the authorizer is elected or appointed.** Authorizers who are local and elected are likely to be more responsive to community input. Even if the authorizer is appointed, the person who makes the appointment may be elected and potentially sensitive to the needs of constituents, donors, media and the like.

The next question also follows naturally: **who can influence the authorizer?** What allies, relationships or elections are needed to reach the people who make the decisions? Map the relationships in your local community. The goal is to stop authorization of irresponsible charter schools and/or add conditions to improve performance and accountability.

A harder question is the capability of the authorizer. Does the authorizer have a staff of highly trained forensic auditors? Or a single accountant trained only in accounting? Does it have (or contract with) educators who can evaluate charter school claims of performance? How are schools' performance claims proven? Who validates them?

Authorizers should have internal capacity for examination and also the power to contract with independent specialists, especially if they've spotted something troubling. A strong case can be made for contracting with independent external forensic auditors with specialized skills – and with unquestionable incentives to dig for dirt rather than discretely finding everything to be okay.

Capability matters because the ultimate underlying demand is increased scrutiny of financials, fraud and performance. If the authorizer isn't staffed or budgeted for such an undertaking then the demand must go to the level that makes budgetary decisions: *either budget the authorizer to perform such work, or leave schools in public hands.*

Assuming sufficient capacity, the question becomes **what procedures does the authorizer have in place to perform these tasks?** Too many authorizers license a school, then five years later decide whether or not to renew. If the charter school has spent the five interim years siphoning public money or failing to educate its students, then the authorizer can do no more than stop the renewal.

That's not good enough. The authorizer should spend those intervening years working with the school to make sure everything is in order. Problems should be detected and solved on a rolling basis. A first grader should not wait until fifth grade for a performance problem to be addressed. Authorizers should be held responsible for failures, just like schools are.

The "highly performing" BASIS charter school management organization in Arizona did not serve any students who received free or reduced lunches or who were English Language Learners. In comparison, 45% of Arizona's public school students received free or reduced lunch and 7% were English Language Learners.²²

5. Demand ENFORCEMENT

Above and beyond the authorizer, who is in a position to detect and penalize malfeasance?

Independent authorities have responsibility to enforce the law or at least the violation of contract terms. Who are they? Are they doing their jobs? How can they be approached?

If the charter school operator is misusing public funds or falsely claiming attendance, state laws are likely being violated. The local prosecutor should have an interest in enforcing them. The state attorney general should be similarly positioned to assert the rights of state citizens against abuse. When charter school billing looked suspicious in Oregon, enforcement by the attorney general resulted in payment of damages and cessation of activities by the charter school operators.²³

If the charter school is not meeting performance expectations, the department of education inspector general may be pressured to examine it. On the financial side, most states have a General Accounting Office with a mission to assess financial systems and assure compliance with relevant statutes and rules. These public actors must be pressured to do their jobs holding private actors accountable to the public trust.

Don't just wait for them to act on their own. Typically we must perform our own investigation and present authorities with at least enough information to raise reasonable suspicions and often a fully documented case. Proving it ourselves, however, is not as valuable as having it proven by a third party with enforcement powers. Our job is to build the case and deliver it to responsible public authorities, and demand that they do their job.

Sample authorities

- ★ Local prosecutor
- ★ State Attorney General
- ★ Agency Inspector General
- ★ General Accounting Office
- ★ State auditors or Comptrollers
- ★ *Who else?*

The media can play a similar role. Find an interested journalist and present them with a storyline, background and supporting documentation. Again the preliminary research may need to be done in advance. Then the journalist can finish it off, adding anecdotes and literary finesse. Publication will increase both the credibility and the visibility of the story. Nothing adds heat like headlines calling people out for failing to do their jobs – especially if the injured parties are little kids.

6. TIGHTEN Policies

Public policy is always a consideration. Is a change in state law necessary or desirable? How about a change in regulation under control of the state department of education? Are the relevant rules under the control of the local authorizer, school board or educational agency?

Most charter laws were written many years ago, before there were charter chains, national charter management organizations, or hundreds of millions of dollars flowing every year. We need to update our laws and policies to reflect this new reality.

To increase accountability, rule changes along the lines of the Annenberg standards, discussed above, are an excellent beginning.

Connecticut made good progress in 2015 with a transparency bill pushed by Connecticut Education Association and the American Federation of Teachers.²⁴ The following table, excerpted from testimony, shows what reforms were or were not included in the bill during negotiations, and whether they came from the Annenberg standards. What's important is the fact that Connecticut educators passed some kind of accountability bill, but also that there is additional work still to do.

Connecticut Education Association
Re: SB 943 AAC Charter School Modernization And Reform
February 25, 2015

Key Charter School Accountability and Transparency Measures (Excerpt)		
A. Impact on students, local schools, and quality		SB943
Annenberg	State to consider fiscal impact of any new charter school on local district	Not included
Annenberg	State to annually assess impact of charters on local school districts.	Not included
	Require local approval of state charter schools	Not included
	Require Charter School Applications to address racial isolation	Not included
	SBE consideration of fiscal impact of any new charter school on local district	Not included
	Base application on state effort to close achievement gaps	Included
	Apply state board performance goals to charter schools	Included
	Base renewal on establishment of communication with local board	Included
	Base renewal on compliance with terms of charter	Included
	Require all teachers to be state certified and highly qualified	Not included
B. Governance, Transparency, and Oversight		
Annenberg	Charter School boards should be at least 50% parents and have a residency requirement like local school boards	Not included
Annenberg	Require Charter school board members to submit financial disclosures and Conflicts	Not included
Annenberg	Require Charter school board members to disclose conflicts of interest	Included
	Require CMOs to be subject to Freedom of Information Act	Not included
C. Management Contracts		
Annenberg	Make management contracts publicly available	Included
Annenberg	CMO financial disclosure of revenues and expenditures, by school	Not included
Annenberg	Ban charter staff or board members from having a financial relation with CMO	Not included

In **Illinois**, the American Federation of Teachers Alliance of Charter Teachers and Staff (AFT ACT) helped enact the Charter School Accountability Act in 2014.²⁵ The new law requires:

- ✦ Admissions lotteries are fair and transparent;
- ✦ Financial transparency including the possibility of quarterly financial reports and ensuring that education dollars are spent in the classroom and not for advertising;
- ✦ Regulates conflict of interest among charter operators, charter school employees, and contractors;
- ✦ Safeguards against an employee making a double salary by being employed by the charter management company and the charter school.
- ✦ In the event that a charter school closes, all assets associated with that school will be returned to the local school district.

In **Nashville**, the school board simply adopted the Annenberg standards by name and in whole:²⁶ “BE IT RESOLVED, The Metropolitan Board of Public Education supports independent accountability and transparency standards for all of Metro Nashville’s Public Schools as recommended by the Annenberg Institute for School Reform and as proscribed by Tennessee State Laws.” Indeed, Leigh Dingerson of the Annenberg Institute was invited to testify on the subject.

Finally, in **Ohio**, a rash of charter school scandals led to new laws and perhaps dimmed the presidential aspirations of Governor John Kasich. The Ohio Department of Education charter schools chief falsified performance reports, had personal conflicts of interest, and “misspent public money ‘nearly four times more often than any other type of taxpayer-funded agency.’”²⁷ In the end he lost his job, the federal government froze future funding, and the legislature enacted new charter accountability measures. State Auditor David Yost isn’t satisfied, however. The new law still leaves space and he plans increased vigorous scrutiny in future years.²⁸

If all else fails, there are always elections. That’s a different way to change the rules. If the people in positions of responsibility – legislators, school board members, whatever – are protecting unaccountable charter schools, they may be held to account in the next election.

7. STUDY Their Plans

Sometimes the future is hard to see. In the case of charter schools, it is often a few clicks away.

States that apply for federal charter school funding are required to describe their strategies and plans for growth. The grant application can be expected to project how many new charter schools the state intends to create, and perhaps even the intended locations or operators. They can be gold mines of forward-looking information. They may make promises about accountability measures and how operators will be held accountable for producing results; indeed, the federal government considers such measures when deciding whether to award the grant. The open question is whether the state will be held accountable for instituting the measures it promises. Indeed, the best path is to work with the applicant to craft an application with tight and appealing accountability measures, and then hold them to it in the future.

Looking forward, federal grant applications are generally announced in June and due in July of each year. Thus, spring is the time to see if your state plans to apply and help shape the application to maximize community involvement in governance and accountability in performance.

2015 Federal Grantmaking Calendar²⁹

Grant	May	June	July	August	Sept	October	Nov	Dec
State Education Agency (SEA) Grant	Open call for peer reviewers	June 15 SEA grant announced in Federal Register	July 16 SEA grant application deadline	Aug. 14 SEA grant review closes	Sept. 28 SEA grants awarded			
Non-SEA (single site) Grant				Aug. 21 Non-SEA grant announcement In Fed Reg		Oct. 15 Non-SEA grant application deadline		Dec. 21 Non-SEA government review closes
Replication (CMO) Grant		June 12 Replication grant announced in Federal Register	July 15 Replication grant application deadline		Sept. 28 Replication grants awarded			

Looking backward, past grant applications and the federal comments on those applications are public records. They should be subject to Freedom of Information (FOIA) request at the state level or at the federal level if necessary. The benefits of such information searching are equally true for federal replication grants for charter management organizations (CMOs).

One place to start looking for information is the US Department of Education “Transparency Page” which often shows grant awards and applications.³⁰ Another place is the state department of education or whoever submitted the application. Be prepared to FOIA what is not readily available, and be ready to push. The “transparency” information readily available on the internet is the fruit of continuous aggressive demands by NEA and our partner the Center for Media and Democracy.

US Department of Education Grant Information³¹

innovation.ed.gov/what-we-do/charter-schools/charter-school-program-state-educational-agencies-sea/awards/

Awards

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Included below is information regarding the new awards made in each fiscal year since FY 2009.

Fiscal Year (FY)	Number of new awards
FY 2015	8
FY 2013-2014	0
FY 2012	3
FY 2011	2
FY 2010	12
FY 2009	5

Complete List of Charter Schools Programs State Educational Agencies (SEA) Grants [MS Excel](#) (30 MB)
 Information regarding the funding request (broken down by year) for the FY 2015 grantees [MS Excel](#) (28 KB)
 Information about other FY 2015 Applications [MS Excel](#) (47 KB)
 Process overview of FY 2015 SEA competition [PDF](#) (346 KB)

Additional Info

[Main](#)
[Applicant Info and Eligibility](#)
[Funding and Legislation](#)
[Awards](#)

Year Awarded	Grantee	Project Title	Duration (Years)	Year 1	Total Expected Funding	City	State	Score	Abstract	Application	Reviewers' Comments
Funded FY 2015 Applications											
2015	Arizona Department of Education	Arizona Charter Schools Program	3	\$7,833,899	\$23,624,997	Phoenix	AZ	109.67	MS Word (29 KB)	PDF (15,552 KB)	PDF (228 KB)
2015	Colorado Department of Education	Colorado Charter Schools Program	3	\$11,482,105	\$36,359,999	Denver	CO	101.00	MS Word (26 KB)	PDF (33,673 KB)	PDF (230 KB)
2015	DC Office of the State Superintendent of Education	DC Office of the State Superintendent of Education Charter Schools Program	5	\$2,050,330	\$20,167,800	Washington	DC	105.00	MS Word (24 KB)	PDF (9,734 KB)	PDF (245 KB)
2015	Illinois State Board of Education	Illinois State Board of Education Charter Schools Program	5	\$8,395,684	\$42,286,226	Springfield	IL	101.00	MS Word (24 KB)	PDF (26,232 KB)	PDF (229 KB)
2015	State of Nevada, Department of Education	Nevada Charter School Program	3	\$2,930,546	\$16,461,251	Carson City	NV	101.00	MS Word (26 KB)	PDF (12,700 KB)	PDF (234 KB)
2015	State of Ohio/Department of Education	Ohio Department of Education Charter Schools Program	5	\$7,118,964	\$71,058,319	Columbus	OH	100.33	MS Word (24 KB)	PDF (18,158 KB)	PDF (231 KB)
2015	Oregon Department of Education	Oregon Charter Schools Project	3	\$4,180,000	\$8,790,931	Salem	OR	102.67	MS Word (24 KB)	PDF (7,020 KB)	PDF (232 KB)
2015	South Carolina Department of Education	South Carolina Charter Schools NExT: New and Existing, Transforming through Quality, Innovation, and Sustainability (SC CS NExT)	5	\$6,071,075	\$30,437,602	Columbia	SC	110.33	MS Word (26 KB)	PDF (8,877 KB)	PDF (229 KB)

States that are not applying for current federal funding have likely applied in the past. Those applications and comments may not have the same forward-looking value, but they may contain priceless historical

baseline. **What promises were made? What accountability measures were proposed?** The promises can then be compared to actual practice. Past applications make it possible to measure what was promised against what actually happened, and to hold people accountable for lessons learned – or that should have been.

8. LOCATION, Location Location

A charter school needs a building. The location was either proposed in the application or selected after the school was authorized – but at some point a school building must be chosen. Papers are filed; permission to co-locate in a public school (or take it over completely) may be requested; building permits and zoning variances for a new building are submitted.

The effort to site the building provides an opportunity to stake opposition or make demands. Is the charter school co-located in an existing building but creaming the best students? How does the rest of the school feel about that? Is the charter school opening a new building and expecting the school district to provide bus service for free? How do public school parents suffering budget cuts feel about that?

The proposed location of a new charter school provides a literally concrete time to question the relationship between the new charter school and the rest of the public school system.

9. Communications STRATEGIES

Like any other campaign, a charter school action will require a communications strategy. Messaging tips are described below, and all of the traditional techniques will be needed – engaging reporters to inspire in depth reporting, training your spokespeople to engage in the discussion with key facts and statements, submitting op-eds and letters to the editor, community forums, school or neighborhood newsletters, and so forth. Bloggers can be identified with an interest in charter schools. Studies that ferret out bad actors can get a day's press. Themes need to be identified and repeated again and again with diverse audiences and opportunities.

Above all else, we need to use the right messenger. Our goal is the best interest of the children. The best messengers are students, parents and teachers.

10. UNDERSTAND the Opposition

Independent advocacy groups often take center stage or play crucial roles in debates over charter schools. **Who are they?** Charter schools have a whole cottage industry of support organizations. Typically they are funded by the same few foundations and they often have neutral or even friendly sounding names – but their missions are often more ideological than their names imply.

Which ones are working in your neighborhood? Who is writing opeds or bringing a handful of carefully selected parents into meetings with superintendents or legislatures? How are they funded? What's their history? Some simple Google searches, press reviews or examination of their web page might be informative. Downloading their 990 from Guidestar might yield useful clues.³² Media Matters for America is creating a disclosure guide for reporters.³³ SourceWatch or NEA Researchers might have a record of the actors or funders in question.

SourceWatch is an on-line encyclopedia of the people, organizations, front groups, industry-friendly experts, industry-funded organizations and think tanks trying to manipulate public opinion on behalf of corporations or big donors.³⁴

Need to learn about a new group in your neighborhood or a new funder? Check out SourceWatch.

11. INVOLVE the Community

As with any social change, community involvement is essential. Here the ultimate constituency is children and parents. As a general matter, public school unions must work with parents to improve public schools and must be seen as allies not adversaries. Efforts to hold charter schools accountable are not only good for children and good public policy ... they also provide an opportunity to show families that the union is on their side.

Did a charter school overstate its performance? Families that underwent inconvenience to attend the school need to be told. Were financial improprieties detected? The families in that school need to be mobilized and informed: **the missing money was intended for their children!** Was a charter school student unfairly suspended? That family's voice is critical. Community members can be mobilized as constituents and as spokespeople.

Former employees of charter schools can also be an important source of information or even public criticism. They may have inside knowledge and now be free to share it. Employees who are not protected by whistleblower statutes are natural proponents of such a change. Use connections in the community to identify them and explore their willingness to share what they know. Similarly, charter school educators who are union members or organizing their own union might be small in number but vitally important.

All of the traditional mechanisms of community engagement can and should be used, especially personal outreach and community forums. The **Alliance to Reclaim our Schools** is an umbrella organization of labor, youth and community-based groups with concerns about charter education; consider them for an early inquiry.³⁵

12. Educators as ADVOCATES

According to its charter, the Central Jersey Arts Charter School limits class size to no more than 15 students per class. When class sizes rose to 21, teachers and students started to complain.³⁶

"They were putting money decisions before the needs of children," said teacher Krissy Hosler. "We have a for-profit company working in a non-profit school, and it doesn't work." Hosler helped lead a union organizing drive that resulted in membership at the New Jersey Education Association. Support for the union was 85 percent when the final ballots were counted.

The original vision of charter schools included teachers as part of the design. Educators know what's best for their students. Educators know the needs and idiosyncrasies of individual students and they understand

education as a whole. Administrators should work closely with educators to create educational models that work. Charter schools should use educators' understanding of education as a force for change.

Educators are in a good position to see problems within their schools and do something about it. Whether it's a matter of protecting whistleblowers, forming a union, or simply being listened to, educators everywhere – charter schools and public schools alike – can work with parents to improve conditions for their children.

13. REVIEW Internal Union Materials

Likely this is being done in any case, but it is always wise to review internal union policies and priorities. In some cases it may be necessary to update old web pages or longstanding bylaws to make sure they reflect current understanding.

In the case of charter schools, the key is accountability. The goal is great schools for every student. If charter schools can achieve good results without cherry-picking students, falsifying test scores or cooking the books, we can welcome them to the neighborhood. If charter schools will open their board meetings and accept parents to join it, they can become part of the local community. The next step may be to organize their teachers to make sure they are professionally treated and adequately paid.

14. Propose other SOLUTIONS

Let us not accept the presumption that public schools are broken nor that the only viable educational option is charter schools. Magnet schools enroll about as many students nationally as charter schools even though the federal government spends over three times more on charter than magnet school expansion.³⁷

What are Community Schools?³⁸

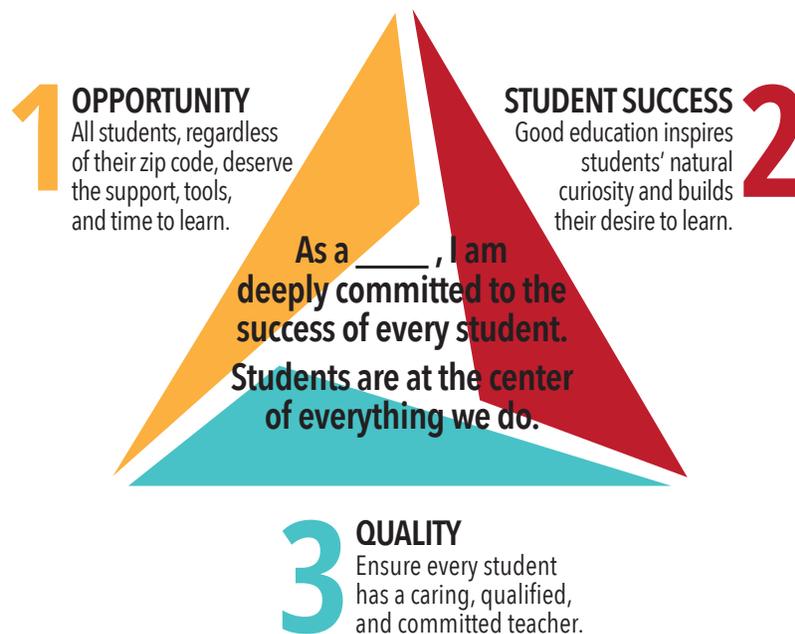
A Community School is a set of partnerships inside a place of learning that helps students – and members of the entire community – to overcome barriers that can cause them to lose focus and hope. Community Schools are distinguished by their emphasis on caring for all of a child's various needs – academic, health, nutritional, psychological, and more. The schools are able to do this through collaboration with multiple partners and volunteers, from pediatricians and dentists to mentors, and it is all provided on the school campus. By providing these comprehensive services, public Community Schools strengthen students, support parents and build up neighborhoods.

Let us question the idea that charter schools are the magic solution, and advance other alternatives that we know work. Ideas will include magnet schools, community schools, smaller class sizes, and expanded professional opportunity in teaching and educational support professions.

COMMUNICATIONS: What to Say, How to Say it

Our overall message is simple and universal: Excellence in education requires devotion to children, families and communities. Charter schools funded with public money must be held to the highest standards of transparency and accountability, and they must be accessible to every student— just like neighborhood public schools.

The NEA has developed a message triangle to guide educators everywhere.



Applying similar principals to charter schools leads to a communications strategy with these elements. Failure to meet these ideals invites waste, fraud and abuse. Meeting all of these ideals is essential to success.

1. The goal is to help and educate children. Whether it is a traditional public school or a new charter school, children always come first.
2. Schools, funders and regulators must be held accountable. Charter schools must keep their promises about transparency, accessibility and performance. Authorizers and public officials must hold them to it.

3. Frauds, failures and disappointments must be highlighted– not swept under the rug. Many people are invested in success; optimism must not blind people to the problems.
4. The community's voice is essential. Whether it is parents in the board room, educators on the planning committee, or neighbors debating disciplinary policies, the community needs to be involved.

The messenger matters a lot. We can be sure that charter school operators will mobilize parents and families to complain about their local schools and to praise the charter school they chose instead.

We need to show the other side. We need charter school parents to share their disappointments, and charter school students to share the problems they see in the classroom. They are the most credible messengers.

Behind it all, we need to lift the success of our traditional public schools. We need to show students, families and educators working together to make good schools better – and making the case that the best way to help children in under-performing schools is to ensure that taxpayer dollars are invested in public schools that allow for innovation, don't stifle with excessive testing, and provide the extra programs from sports to arts. We want to be sure that every child has a good quality neighborhood public school, wherever they live.

APPENDIX

Facts

Some factual questions arise regularly in debate about charter schools. Common ones are rehearsed here. An excellent single source is Gary Miron’s *Review of Separating Fact from Fiction*, published by the National Education Policy Center in 2015.³⁹

QUESTIONS

Are charter schools public schools?

On one hand, charter schools receive and rely on public funding so they are public schools. On the other hand, charters typically have private boards of directors, private ownership, often for-profit – so they are private schools. Overall, charter schools represent a perverse mix of public funding without public accountability.

Do charter school teachers have the same qualifications as public school teachers?

Generally, no. Charter schools do not require the same kind of official certification and indeed brag about their flexibility in credentialing. They also have extremely high attrition and turnover rates, so teachers tend to have less formal qualification and leave too soon.

Do public schools and charter schools serve the same students?

Generally, no. Research suggests that charter schools—on average—educate fewer students with special needs and fewer English Language Learners than traditional public schools nearby. There is widespread evidence that charters decline to enroll, or push out students who have behavioral issues or who need additional services (and are therefore more costly to educate). Indeed, some charter school supporters consider this exclusivity “a feature, not a bug.”⁴⁰

While push-out is a concern in traditional public schools as well, public districts are held more accountable. In addition, traditional school districts are better able to provide services to students with disabilities and English Language Learners, because they have central administrations than can aggregate these services.

Which are more effective? Public or charter schools?

The most comprehensive research on charter performance has shown that – just like traditional public schools – some are great, some are poor, and the majority are somewhere in the middle. It cannot fairly be claimed that charter schools outperform similarly situated public schools. Indeed, to the degree charter schools perform better it tends to be related to their exclusivity and selectivity.

Are charter schools bad for public schools?

To the degree that they work together to serve the community, charter schools are neither good nor bad for public schools. To the degree that charter schools divert public funds or saddle public schools with more than their fair share of fixed costs like school bus transportation or the neediest highest cost students, the charter schools create a problem.

APPENDIX

Checklist

Starting or expecting a campaign on charter schools? This checklist might be helpful.

1. **Choose a goal: to change a policy, stop a dubious authorization, hold existing actors accountable?**
2. **Campaign basics: budgets, calendars, responsibilities, power mapping, etc.**
3. **Research tasks**
 - a. Learn the rules in your jurisdiction: what governs authorizers and applicants?
 - b. Identify bad actors in your jurisdiction: who, why, how to learn more? Track problems of schools, authorizers and other enforcers.
 - c. Front groups or hidden forces in your jurisdiction: who are they, what are they doing? How are they funded?
 - d. Identify policy problems and policy solutions, and champions to advance them.
 - e. FOIA or otherwise obtain past applications for school charters or public funding
 - f. Determine locations of new schools
4. **Communications tasks**
 - a. Create themes
 - b. Create talking points, one pagers, opeds, etc.
 - c. Identify spokespeople
 - d. Identify interested journalists, news outlets or bloggers.
5. **Community involvement**
 - e. Outreach to community leaders
 - f. Outreach to parents and students
 - g. Outreach to teachers in public and charter schools

APPENDIX

2015-2016 NEA Resolutions⁴¹

A-32. Acceptable Charter Schools and Other Nontraditional Public School Options[†]

The National Education Association supports innovation in public education. The Association believes that acceptable charter schools and other nontraditional public school options, which comply with Association criteria, including, but not limited to, collective bargaining efforts and the full participation of the association, can provide educational alternatives for students. The Association also believes that, when concepts such as charter schools and other nontraditional school options are proposed, affected public education employees should be directly involved in the design, implementation, and governance of these programs.

The Association further believes that plans should not negatively impact the regular public school program and must include adequate safeguards covering contract and employment provisions for all employees, voluntary participation, health and safety standards for all students and employees, nondiscrimination and equal educational opportunity, staffing by licensed education professionals, and financial responsibility.

The Association believes that programs must be adequately funded, must comply with all standards for academic assessment applicable to regular public schools, must include start-up resources, must not divert current funds from the regular public school programs, and must contain appropriate procedures for regular periodic assessment and evaluation, as well as adequate attendance and record keeping procedures.

The granting of charters should be consistent with the following principles:

- a. Charter schools should serve as a laboratory for field-testing curricular and instructional innovations and/or to provide educational opportunities for students who cannot adequately be served in mainstream public schools.
- b. Charter school programs must be qualitatively different from what is available in mainstream public schools and not just an avenue for parental choice.
- c. Local school boards should be the only entity that can grant or renew charter applications.
- d. The criteria for granting a charter should include a description of clear objectives, missions, and goals. Renewal of a charter should be contingent on the achievement of these objectives, missions, and goals.
- e. Appeals of local school board decisions in charter applications should be made to a state education agency but appeals should be heard only on the grounds of arbitrary, capricious, or unreasonable decision making, not on the educational judgment of the local school board.
- f. Prior to employment at a charter school, educators should be given full disclosure with regard to working conditions, right of return, transfer rights, and financial implications.

- g. Private, for-profit entities should not be eligible to receive a charter.
- h. Charter schools should have a limited right to contract with for-profit entities for services only to the extent that mainstream public schools can do so.
- i. Charters should not be granted for the purpose of home schooling, including providing services over the Internet to home schooled students.
- j. Charter schools should be nonsectarian in nature.
- k. Private schools should not be able to convert to charter school status. If state law allows such conversions, the chartering agency should ensure that the converted school is significantly different in student body, governance, and education program than its predecessor. This assurance should be especially vigorous in the case of schools with prior religious affiliation.
- l. Charters should be granted for a limited period, with five years being the norm, and should be opened within one year of the date the charter was granted.
- m. School district lease agreements must not be written to exceed the length of time that a charter is authorized.
- n. Charter schools should be monitored on a continuing basis and the charter should be subject to modification or revocation at any time if the children's or the public's interest is at stake.
- o. Charters should not be granted unless the chartering agency is satisfied that adequate startup resources will be available.
- p. Charter schools should secure insurance for liability, financial loss, and property loss. A school district should not be responsible for debts of a charter school, except for debts previously agreed upon in writing by both the district and the governing body of the charter school.
- q. School boards must be authorized to deny applications that do financial harm to the authorizing school districts.

Charter schools should be designed and operated in accordance with the following principles:

- a. Charter schools may have flexibility within the requirements of law dealing with curriculum, instruction, staffing, budget, internal organization, calendar, and schedule.
- b. Charter schools must meet the same requirements as mainstream public schools with regard to licensure/certification and other requirements of teachers and education employees, health and safety, public records and meetings, finance and auditing, student assessment, civil rights, and labor relations.
- c. Teachers and education support professionals should be considered public employees.
- d. Teachers and education support professionals should have the same constitutional and statutory rights as other public employees.
- e. Charter schools should be subject to the same public sector labor relations laws as mainstream public schools and charter school employees should have the same collective bargaining rights under law and local practice as their counterparts in mainstream public schools.

- f. Students should not be charged tuition or required to pay a fee to attend a charter school.
- g. Students should not be involuntarily assigned to attend a charter school.
- h. Charter schools should have some discretion in selecting or rejecting students if they are designed to serve a targeted student population. Students shall not be screened on the basis of race, religion, gender, sexual orientation and/or gender identity, English-language proficiency, family income, athletic ability, special needs, parental involvement in school affairs, intellectual potential, academic achievement, or cost of educating the student. Indirect screening such as denying admission because of the cost of transportation of a student shall not be permitted.
- i. Charter schools should meet the needs of at-risk students and those students requiring special education services.
- j. The choice of employment at a charter school should be voluntary. Employees in conversion charter schools should be afforded an opportunity to transfer to a comparable position at another mainstream public school.
- k. Charter schools should not disproportionately divert resources from mainstream public schools. Charter schools should receive the same amount of money as a comparable mix of students in a mainstream public school. Adequate funds must be available for capital expenditures such as buildings and equipment that do not come from the operating budget of the charter school or the host district. (1993, 2013)

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National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036
www.nea.org/charters
charters@nea.org