

# Charter Schools

*Adopted by the 2017 Representative Assembly, amended 2018*

---

## Introduction

Charter schools were initially promoted by educators who sought to innovate within the local public school system to better meet the needs of their students. Over the last quarter of a century, charter schools have grown dramatically to include large numbers of charters that are privately managed, largely unaccountable, and not transparent as to their operations or performance. The explosive growth of charters has been driven, in part, by deliberate and well funded efforts to ensure that charters are exempt from the basic safeguards and standards that apply to public schools, which mirror efforts to privatize other public institutions for profit.

Charters have grown the most in school districts that were already struggling to meet students' needs due to longstanding, systemic, and ingrained patterns of institutional neglect, racial, and ethnic segregation, inequitable school funding, and disparities in staff, programs, and services. The result has been the creation of separate, largely unaccountable, privately managed charter school systems in those districts that undermine support and funding of local public schools. Such separate and unequal education systems are disproportionately located in, and harm, students and communities of color by depriving both of the high quality public education system that should be their right.

As educators we believe that "public education is the cornerstone of our social, economic, and political structure," NEA Resolution A-1, the very "foundation of good citizenship," and the fundamental prerequisite to every child's future success. *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483, 493 (1954). The growth of separate and unequal systems of charter schools that are not subject to the same basic safeguards and standards that apply to public schools threatens our students and our public education system. The purpose of this policy statement is to make plain NEA's opposition to the failed experiment of largely unaccountable privately managed charter schools while clarifying NEA's continued support for those public charter schools that are authorized and held accountable by local democratically elected school boards or their equivalent.

**I. NEA supports public charter schools that are authorized and held accountable by public school districts.** Charter schools serve students and the public interest when they are authorized and held accountable by the same democratically accountable local entity that authorizes other alternative school models in a public school district such as magnet, community, educator-led, or other specialized schools. Such charters should be authorized only if they meet the substantive standards set forth in (a) below, and are authorized and held accountable through a democratically controlled procedure as detailed in (b) below.

a. Public charter schools should be authorized by a public school district only if the charter is both necessary to meet the needs of students in the district and will meet those needs in a manner that improves the local public school system. Public charters, like all public schools, must provide students with a free, accessible, non-sectarian, quality education that is delivered subject to the same basic safeguards and standards as every other public school, namely, in compliance with: i) open meetings and public records laws; ii) prohibitions against for-profit

operation or profiteering as enforced by conflict of interest, financial disclosure and auditing requirements; and iii) the same civil rights, including federal and state laws and protections for students with disabilities, employment, health, labor, safety, staff qualification, and certification requirements as other public schools. When a charter is authorized in a public school district that has an existing collective bargaining agreement with its employees, the authorizer will ensure that the employees will be covered by a collective bargaining agreement. Discrepancies between the existing collective bargaining agreement and the newly authorized charter bargaining agreement need to be reported to the members. Those basic safeguards and standards protect public education as a public good that is not to be commodified for profit.

In addition, charter schools may be authorized or expanded only after a district has assessed the impact of the proposed charter school on local public school resources, programs, and services, including the district's operating and capital expenses, appropriate facility availability, the likelihood that the charter will prompt cutbacks or closures in local public schools, and consideration of whether other improvements in either educational program or school management (ranging from reduced class sizes to community or magnet schools) would better serve the district's needs. The district must also consider the impact of the charter on the racial, ethnic and socio-economic composition of schools and neighborhoods and on equitable access to quality services for all district students, including students with special needs and English language learners. The impact analysis must be independent, developed with community input, and be written and publicly available.

b. Public charter schools should only be authorized by the same local, democratically accountable entity that oversees all district schools such as a locally elected school board or, if there is no school board, a community-based charter authorizer accountable to the local community.

Maintaining local democratic control over decisions as to whether to authorize charters at all, and if so, under what conditions, safeguards community engagement in local public schools. A single local authorizing entity also ensures comprehensive consideration of whether each option, and the mix of options offered in a district, meets the needs of students and the community as a whole given the resources and facilities in the district. A single entity also permits effective integrated oversight of all schools, including charter schools, and a central mechanism for identifying and sharing successful innovations throughout local public schools.

The overall goal of the authorization and review process must be to improve the education offered to all students. That goal cannot be accomplished with a diffuse authorization system, comprised of multiple different entities, with differing partial views of the students served by a district and the overall scope of its educational offerings.

The local authorizer also must ensure that parents are provided with the same information about charters that is provided to parents about other district schools, as well as information about any significant respects in which the charter departs from district norms in its operations including the actual charter of the school.

The state's role in charter authorization and oversight should be limited to ensuring that local school districts only authorize charters that meet the criteria in (a) above and do so by way of a procedure that complies with (b). To that end, the state should both monitor the performance of districts as charter authorizers and hold districts accountable for providing

effective oversight and reporting regarding the quality, finances, and performance of any charters authorized by the district. In addition, the state must provide adequate resources and training to support high quality district charter authorization practices and compliance work, and to share best authorization practices across a state. States should entertain appeals from approvals or denials of charters only on the narrow grounds that the local process for approving a charter was not properly followed or that the approval or denial of a charter was arbitrary or illegal.

c. Unless both the basic safeguards and process detailed above are met, no charter school should be authorized and NEA will support state and local moratoriums on further charter authorizations in the school district.

**II. NEA opposes as a failed and damaging experiment unaccountable privately managed charters.** Charters that do not comply with the basic safeguards and standards detailed above and that are not authorized by the local school board (or its equivalent) necessarily undermine local public schools and harm the public education system.

The theory that charter competition will improve public schools has been conclusively refuted. Charters have a substantial track record that has been assessed in numerous research studies. Those studies document that charters, on average, do no better than public schools in terms of student learning, growth, or development. And those charters that do perform better are not incorporated into district-wide school improvement efforts.

In fact, at their worst, charters inflict significant harms on both students and communities. Of the charter schools that opened in 2000, a full fifth had closed within five years of opening and a full third had closed by 2010. Because the very opening of charters often prompts cutbacks and/or closures in local public schools, these alarmingly high charter closure rates subject students and communities to cycles of damaging disruption. Such disruption can leave students stranded mid-year. Even closures that occur at the year's end disrupt students' education and unmoors communities that previously had been anchored by the local public school.

Charters that are not subject to the basic safeguards and standards detailed above also open up the local public schools to profiteers. Such charters operate without any effective oversight, draining public school resources and thereby further harming local public schools and the students and communities they serve.

Finally, one particular form of unaccountable privately managed charters deserves specific discussion. Fully virtual or online charter schools cannot, by their nature, provide students with a well-rounded, complete educational experience, including optimal kinesthetic, physical, social, and emotional development. Accordingly, they should not be authorized as charter schools.

### **III. Organizing Communities for Quality Public Education**

NEA stands for our students wherever they are educated. Relegating students and communities to unaccountable privately managed schools that do not comply with the basic safeguards and standards detailed above has created separate systems of charters that are inherently unequal. To counter the threat to public education of such charters, NEA supports

both communities organizing for quality public education and educators working together to improve charter schools.

a. NEA supports communities that are working to hold charters accountable whether that work takes the form of state legislative initiatives, local school board resolutions and actions, or efforts to raise local awareness of the need for charters to comply with the basic safeguards and standards detailed above. NEA also will support state and local efforts to preserve public school funding and services by eliminating such funding and services from unaccountable privately managed charters that do not comply with those basic safeguards and standards.

b. NEA believes that all educators deserve the right to collective voice and representation, and that an organized workforce is a better guardian of quality standards for students and educators alike. For that reason, state affiliates that seek to organize charter schools may continue to seek NEA's assistance in those organizing efforts.