



REVIEW OF *SEPARATING FACT & FICTION*

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Summary of Review

The irony of a recent report from the National Alliance for Public Charter Schools is that it purports to “separate fact from fiction” about charter schools. Unfortunately, in addressing 21 “myths,” it embraces fiction whenever useful to push advocacy goals, thus perpetuating its own myths and fictions about charter schools. Since it relies overwhelmingly on other advocacy documents, it does not give a balanced or thorough examination of any of the 21 “myths.” But the exercise provides a useful opportunity for this review to walk through the various claims and succinctly address each. Among the areas addressed are the financial equality of charter schools, lower teacher qualifications, student selection demographics, academic outcomes, segregation, and innovation. While the NAPCS report itself may provide only sound-bite fodder for advocates, we hope that the two documents combined—report plus review—offer an overview of issues that does advance comprehensive understanding.

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REVIEW OF *SEPARATING FACT & FICTION: WHAT YOU NEED TO KNOW ABOUT CHARTER SCHOOLS*

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I. Introduction

Separating Fact & Fiction: What You Need to Know about Charter Schools is a concise policy document assembled by the National Alliance for Public Charter Schools (NAPCS).¹ No authors or contributors are identified. The paper (we use the term “report” throughout this review) lists 21 common “myths” about charter schools, which it then summarily rejects.

There exists an extensive body of research around charter schools, including a great deal of scholarly work published in peer-reviewed journals. The NAPCS report attempts to support its claims in response to the 21 “myths” with a narrative that includes 47 endnote references. But a closer look at these endnotes reveals that 15 of the citations came from NAPCS (the group that prepared the report), and another eight are from two reports produced by the school-choice department at the University of Arkansas, which have been strongly critiqued for advocacy-driven problems.

Because the report relies almost exclusively on other advocacy documents, does not give a balanced or thorough examination of any of the “myths,” and does not provide more than superficial research evidence to support its position that the myths are indeed false, this review will use the more neutral and factual term “criticism” instead of “myth.” The 13-page report is written for a lay audience and is beautifully laid out with colorful text and photographs of children. The criticisms are organized across four general areas: (i) charter school resources, (ii) students served, (iii) performance, and (iv) accountability and impact.

II. Findings and Conclusions of the Report

Although the NAPCS report claims to “set the record straight on the truth about charter schools,” its main purpose appears to be the repetition or “spinning” of claims voiced by advocacy groups and think tanks that promote privatization and school choice. Given the

extensive research literature related to charter schools, it is surprising that the NAPCS report relies on such a small and selective set of sources.

This review examines the claims made in the NAPCS report and summarizes the empirical evidence related to all 21 criticisms. The format is to list the criticism, quote the NAPCS claim, and provide a short commentary based on the research literature.

Criticism: “*Charter schools are not public schools.*”

NAPCS Claim: “*As defined in federal and state law, charter schools are public schools.*”

It is true that federal and many state laws define charter schools as public schools. Further, charter schools are funded primarily with public funds. But the actual legal status, in any meaningful policy discussion, is much less clear. A recent law review article, helpfully titled “The Legal Status of Charter Schools in State Statutory Law,” is available to the public online² and walks the reader through this nuanced landscape. The authors conclude, “While charter schools are generally characterized as ‘public schools,’ courts have had a difficult time determining their legal status because charter schools contain both public and private characteristics.”

To understand the extent to which charter schools are *de facto* either public or private, it is necessary to examine various aspects and components of the schools, such as ownership, public accountability, governance, management, employee status, and the extent to which the schools are open to all and are pursuing democratically and publicly established objectives.

- Most charter schools are governed by nonprofit boards. It is increasingly the case that charter school buildings are privately owned by the charter’s founders, by an affiliated private company, or by a private trust.
- In schools operated by private education management organizations (EMOs), the materials, furniture, and equipment in the schools are usually privately owned by the EMO and leased to the school.³
- Except for a small number of states that require teachers to be employees of the charter school, it is common for teachers to be “private employees” of the EMO.
- Although most charter schools have appointed nonprofit boards intended to represent the public (i.e., taxpayers’) interest, a growing portion of charter schools are operated by private EMOs, and key decisions are made at corporate headquarters, which are often out-of-state.
- Public schools, like other public entities, are subject to transparency laws. Charter schools and their private operators increasingly refuse to share information and data in response to public requests. This issue is explored further later in this review.

In 2011-12, 42% of the nation's public charter school students were enrolled in privately operated charter schools.⁴ Based on trends in the growth of EMOs, it is estimated that by 2015-16, more than half of the nation's charter school students will be enrolled in schools owned and operated by private EMOs.⁵

Thus, while claiming to be “public,” and while having some elements that are public (most importantly, public funding for a no-tuition education), their operations are basically private.⁶

Criticism: “*Charter schools get more money than other public schools.*”

NAPCS Claim: “*On average, charter schools receive less public funding than traditional public schools.*”

When comparing public funding of charter schools with that of district schools, it is critical that the portion of “pass-through” funds to charter schools from school districts be subtracted. Otherwise, the district revenues are erroneously and vastly inflated. For

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instance, if a public school district has the responsibility of providing transportation of charter school students, then the taxpayer funding for that transportation should be attributed to the charter schools, not the public school district. But sloppy calculations do not do this.⁷

Further, it is necessary to account for private dollars devoted to charter schools that are not publicly reported. This private funding is almost non-existent for some charter schools, but it is very large for others. A study of KIPP found that KIPP schools were actually receiving \$800 more per pupil in public sources of revenue than local school districts. Further, while KIPP schools reported no private revenues in the federal district

finance dataset, a review of IRS 990 tax forms revealed that KIPP schools were receiving an average of \$5,700 per pupil in private sources of revenue in 2008.⁸

Nevertheless, there is indeed a widespread research consensus that charter schools receive less public funding per pupil than surrounding district schools. This is largely explained by charter schools spending less on special education, student support services, transportation, and food services.⁹

Charter schools can receive a lot more public resources if they wish. Yet, they can only receive additional (categorical) funding if—for example—they serve more children with moderate or severe disabilities and if they start offering programs such as vocational technical programs that would qualify them for targeted funding.

Most state funding formulas seek to provide equitable funding for charter schools and district schools alike. What a given person sees as fair probably depends on which sector one works in or otherwise identifies with.

Criticism: *“Charter schools receive a disproportionate amount of private funds.”*

NAPCS Claim: *“Charter schools receive fewer private funds per pupil than traditional public schools.”*

NAPCS provides no valid support for its claim. Nor do we know of any solid study upon which to make this comparison nationally. What we do know is that the variation within both sectors—charter¹⁰ and traditional public¹¹—is great, meaning that privately provided resources likely drive inequities in all these schools.

The NAPCS report attributes this finding to a study conducted by researchers at the University of Arkansas’s “Department of Education Reform.” However, this report was about an issue completely different from private funding disparities: the claim that charter schools operate with fewer funds in total. The fatal flaw in the study was—as noted above—in erroneously classifying pass-through money to charters as public school expenditures.¹² To make matters worse, the Walton report considers “other” funding to be the same as private philanthropy. Increasingly, charter schools set up private trusts that receive and spend private revenue on behalf of the charter school. This “off the books” revenue is not reported.

Criticism: *“There is a lack of transparency around charter schools’ use of funds.”*

NAPCS Claim: *“Charter schools have greater accountability and scrutiny over their finances than traditional public schools.”*

The report does not cite any evidence to substantiate this claim. Instead it cites a few reports about “ideal” standards for authorizing and oversight, but these do not comport with practice. The reason some policymakers are calling for oversight standards is the broad recognition that charter school oversight is inadequate.¹³

As journalists and researchers are finding, charter schools are often not responsive to Freedom of Information Act (FOIA) requests. One of the authors of this review (Miron) sent out over 400 FOIA requests to charter school governing boards requesting a copy of their contract with their Education Management Organization (EMO). Only 20% of the charter school boards provided a copy. Another 10% responded, claiming they were not legally required to share this contract. The remaining 70% simply did not respond.

While public transparency is a growing concern, there are an increasing number of cases in which charter school boards are not able to obtain data and information about their own schools that is held by the private EMO. In Ohio, charter school boards are currently engaged in litigation to force White Hat Management to share details on how this private

EMO is spending public dollars on charter schools that are—by nearly all accounts—struggling and failing.¹⁴

Criticism: “*Charter school teachers are less qualified than teachers in traditional public schools.*”

NAPCS Claim: “*Like all public school leaders, charter leaders aim to hire talented, passionate, and qualified teachers who will boost student achievement and contribute to a thriving school culture.*”

The report cites one of its own issue briefs as the only source of evidence to support this claim.¹⁵ But a number of independent empirical studies show that charter schools do, in fact, have a less qualified work force, if measured by experience or certification levels.¹⁶ Teacher attrition rates are extremely high in charter schools, and dissatisfaction with salaries and working conditions are common among the teachers who leave charter schools.¹⁷ A national study of charter school finance reported that district schools spend substantially more on teacher salaries than do charter schools (districts devoted 21.3% of their current operating expenditures on teacher salaries, compared with 15.1% spent by charter schools).¹⁸

Criticism: “Charter schools are anti-union.”

NAPCS Claim: “*Charter schools are neither pro-union nor anti-union: They are pro teacher.*”

Charter schools as originally designed are not inherently anti-union. However, the advocacy groups and the groups that sponsor them, such as the Walton Foundation, do have a track record of being opposed to unions.¹⁹ In fact, the NAPCS claim echoes Walmart’s statement that the retailer is not anti-union but pro-associate.²⁰

The NAPCS report points out that 12% of charter schools are unionized, but the largest portion of unionized charter schools are public school conversions. A rapidly increasing proportion of charter schools are operated by EMOs and, aside from Green Dot (a nonprofit EMO), very few of the schools operated by private EMOs are unionized.

Charter schools were originally intended to be “pro-teacher.” Al Shankar, past President of the American Federation of Teachers, is credited with playing a foundational role in the design and creation of the charter school concept.²¹ He and others involved with teachers’ unions believed that charter schools could provide new opportunities for teachers to innovate and create new learning environments, as well as providing opportunities for professional development for teachers. Yet what can be found in practice in today’s charter school is far from that ideal, given the above-mentioned research on working conditions, attrition and pay.

Criticism: *“Charter schools aren’t accountable to the public since their boards aren’t elected.”*

NAPCS Claim: *“Charter schools are directly accountable to the public.”*

Once again, this is a claim that is based on a charter school ideal rather than on actual evidence. It equates following public laws and filing periodic reports with being “directly accountable to the public.” Any form of accountability relies on transparency and the communication of accurate, relevant information. Although some appointed charter school boards assume fiscal and legal responsibility for their school, many boards consider themselves to be in an advisory role; their power and responsibility is curtailed by the private EMOs that operate the schools, with a large portion of decisions taken at corporate headquarters which are often located halfway across the country.²²

It is common practice for EMOs to write charter school proposals and determine how the school will be managed and operated long before a board is appointed. It is also common practice for the private EMO to provide a list of names for board members which the authorizer then approves. In recent years, board members have been refused access to information about how money is being spent. Further, there are cases where EMOs have asked the authorizer to remove board members when they start asking uncomfortable questions about finance.²³

Criticism: *“Charter schools cream or cherry-pick the best students from traditional public schools.”*

NAPCS Claim: *“Public charter schools are generally required to take all students who want to attend.”*

No empirical evidence is cited to support the NAPCS claim. While it is superficially true, it does not rebut the criticism. A variety of practices and abuses are used by charter schools to shape their enrollment. In fact, some staunch charter supporters, most notably Michael Petrilli of the Fordham Institute, see this relative exclusivity as “a feature, not a bug.”²⁴

There are a number of actions charter schools take to help ensure that they can end up with a more homogeneous set of higher-performing students.²⁵ In some cases charter schools use admission tests to determine “academic interest.” In other cases, charter schools such as KIPP use “admission” or “placement” tests to make decisions on student grade levels assignments. Rather than be held back one to three grade levels, struggling students often simply return to the district school so they can stay with their peer group. Many of the so-called “no excuses” charter schools use grade repetition as a means of weeding out weaker students. (Empirical research shows that the most prominent predictor of a student dropping out of school is requiring them to repeat one or more grade levels).²⁶ Harsh or push-out school discipline practices can also drive away more difficult students or drive them out once enrolled.

Because parents and students choose the school, it is almost impossible to avoid self-selection of students and families who are more engaged and who have more knowledge and skill in navigating school choice systems, even setting aside any active steps taken by the charter schools themselves.

Criticism: *“Charter schools don’t enroll children from underserved families.”*

NAPCS Claim: *“Public charter schools enroll more students of color and from low-income backgrounds than traditional public schools.”*

There is a terribly misleading bit of truth to this claim. The report is apparently comparing charter schools that are mostly in urban areas with a national population of traditional public schools. Looking beyond the gross numbers to compare the demographics of students in charter schools with those of their sending districts, it is true that the populations of minority and low-income students generally reflect the pool from which they were drawn. But the analysis should not stop there.

The differences emerge when we look at school-specific data. While the *aggregate* percentage of minority students in charter schools is similar to that of the sending districts, a distinct pattern emerges beneath that surface. Charter school enrollment tends to fall into a bimodal distribution, with either high-concentration minority or high-concentration white. In a 2010 study that examined the ethnic background of students in charter schools, one quarter of the charter schools had proportions of minority students that were similar to their local district schools (i.e., a difference of fewer than 10 percentage points). The other three-quarters of the charter schools were either segregative white, segregative black, or segregative Hispanic.²⁷

Aside from a few reports generated by advocacy groups, there is a substantial body of research concluding that charter schools are accelerating re-segregation by race, class, measured achievement, special education status (particularly when severity of disability is considered), and English-Language Learner status.²⁸ Two national studies in 2010 examined student characteristics and found that charter schools accelerated segregation of public school systems.²⁹ Both studies found that charter schools accelerated segregation by race and class.³⁰ One of the studies also looked at special education status and English-Language Learner status of students and found that charter schools were also much more segregative than the local district schools.

Criticism: *“Charter schools serve fewer English Learners than traditional public schools.”*

NAPCS Claim: *“There is no significant difference in the percentage of English Learners served by traditional or public charter schools.”*

This claim by NAPCS is unsubstantiated and demonstrably false.

In 2013 the Government Accountability Office (GAO) reported that it was unable to compare English-Language Learners (ELL)³¹ enrollment in charter schools and traditional

public schools because “Education’s only available data on school-level ELL enrollment were unreliable and incomplete. Specifically, for over one-third of charter schools, the field for reporting the counts of ELLs enrolled in ELL programs was left blank.”³²

In Miron, *et al.*’s 2010 study of charter schools operated by for-profit and nonprofit EMOs (which accounted for more than 40% of all charter school students at that time), comparisons between charter schools and the districts in which they lie found that charter schools were highly segregated when it came to serving ELLs. In this study, only 4.4% of the students in the EMO-operated charter schools were classified as ELL, compared to 11% of all students in the nation.³³

Criticism: *“Charter schools serve fewer students with disabilities.”*

NAPCS claim: *“According to the most recent publicly available data, 10 percent of charter school students are students with disabilities, compared to 12 percent of students in traditional public schools.”*

Once again, the response from NAPCS is intentionally misleading and false. It is true that the proportion of children with disabilities in charter schools has increased, although the proportion of children with severe and moderate disabilities still remains very low.³⁴ There are close to 60 charter schools in the country that focus on or almost exclusively serve students with disabilities. Most charter schools, however, continue to enroll between 0% and 7% students with disabilities, and these are largely children with mild disabilities, while the districts are still responsible for children with moderate and severe disabilities.³⁵ The national average for district schools was 13% in 2011.³⁶

Criticism: *“Charter schools’ strong academic results are attributable to charters ‘counseling out’ underperforming students, either explicitly or implicitly, through strict discipline and attendance policies or high academic or parent involvement expectations.”*

NAPCS Claim: *“There is no evidence of charter school policies that explicitly push out students.”*

The manner in which the critique is worded implies that charter schools have “strong(er) academic results” than traditional public schools, which is not correct. The overall performance of charter school students relative to demographically similar district schools students is mixed, and the results vary considerably among and within states.

The claim that charter schools do not “explicitly push out students” is misleading. Over the past decade, charter school results have been improving and catching up to those of district schools, largely due to the expansion of college-prep charter schools and so-called “no excuses” charter schools. These schools market themselves as having high standards and rigorous expectations for students. Responding to this marketing, families self-select. Families with children who have shown past academic commitment, families that can manage to provide transportation, and those that can meet parent volunteering and

tutoring expectations are more likely to self-select into these charter schools.³⁷ Many charter schools use placement tests and require students to repeat grades to ensure that students meet grade-level expectations. Students who are placed back a grade or who are retained in grade often decide instead to return to district schools. Many students realize they cannot meet the high academic or disciplinary standards and choose to return to the district school, or they are suspended or expelled, causing them to return.

Charter schools are also not required to back-fill the resulting empty places. Again, this is acknowledged, and again charter advocate Michael Petrilli has identified it as a feature, not a bug.³⁸ When students leave during the school year, in most states the money will stay with the charter school, even though the local district has to receive students at any time in the academic year. Further, the district is required to provide an education for all students even if the money for that academic year stays with the charter school.

These and a variety of other practices and abuses have resulted in charter schools actively shaping the population of students they enroll.³⁹

Criticism: *“Charter schools have higher suspension and expulsion rates.”*

NAPCS claim: *“Federal data show that the expulsion rate for public charter schools is no higher than that of traditional public schools.”*

This sweeping NAPCS claim is based on an *Education Week* article, which drew from a small number of major city comparisons. Among the selected cities, Los Angeles, Newark, and San Diego had much higher suspension rates for charter schools. For expulsions in 2011-2012, three of the four highlighted cities (Philadelphia, Washington, and Chicago) had vastly higher expulsion rates for charter schools.⁴⁰ NAPCS does report that only about one-fourth of charter schools are in the data set, which raises the further question of what the missing three-fourths of the data might say. Self-selection effects by students remain unaddressed.

In New York City, charter schools regularly have suspensions and expulsion policies that violate students’ civil rights.⁴¹ In Massachusetts, charter schools enroll 3% of all public school students but account for 6% of all disciplinary removals. Charter schools in this state (especially the Boston-based charter schools) have much higher discipline rates—many over 20%.⁴²

The NAPCS claim is simply not supported.⁴³

Criticism: *“Charter school students do no better than traditional public school students.”*

NAPCS claim: *“Between 2010 and 2013, 15 of 16 independent studies found that students attending charter schools do better academically than their traditional school peers.”*

The citation for this claim comes from an internally produced NAPCS study. Since there are more than 80 independent and generally accepted studies that examine student

achievement in charter schools, such an omission raises the question of why only these 16 are examined.

The NAPCS narrative further restricts its focus to *only two* of the 16 reports:

- First is the well-known CREDO study⁴⁴ that indicates there is no meaningful difference between charter schools and district schools. Maul and McClelland report, “. . . the study overall shows that less than one hundredth of one percent of the variation in test performance is explainable by charter school enrollment.”⁴⁵
- The second study, ascribed to the University of California at San Diego, is a Center on Reinventing Public Education (CRPE) study that in more lukewarm terms, states, “Charter schools on average produce results that are at least on par with and, in many cases, better than district-run public schools.”⁴⁶ This study was later criticized for reporting exaggerated positive results for statistically insignificant findings.⁴⁷

It is interesting to note that the most rigorous study, and by far the most expensive, commissioned by the US Department of Education, is not even mentioned. This study, undertaken by Mathematica, examined a sample of oversubscribed (i.e., popular and thus presumably better on average) charter schools and compared students at those schools to students who were on the waiting list but did not get a place. This longitudinal study showed no overall effect for charter schools.⁴⁸

Mathematica’s large-scale study identified a large pool of students who applied for charter schools. It then compared charter school students who received a place with students who didn’t and enrolled instead in their district school. The study found no overall difference between the two groups of students. It did find that urban charter school students did slightly better and suburban charter school students did slightly worse.

The clear answer that appears repeatedly is that after controlling for student demographics, charter schools show test-score results at levels that are not meaningfully better or worse than district schools. Thus, the criticism (“myth”) is very accurate.

Criticism: *“Underperforming charter schools are allowed to remain open.”*

NAPCS Claim: *“Charter schools introduce an unprecedented level of accountability into public education. If a public charter school is not improving student achievement as laid out in its foundational charter agreement, it can be closed down.”*

This assertion, which is frequently repeated by charter school advocacy groups, is based on how charter schools are supposed to work rather than on actual practice. The core bargain underlying charter school policies is that these schools would be freed from various governmental regulations and collective bargaining agreements, and in turn the schools would have to demonstrate strong performance, as set forth in each specific charter. Indeed, we recall that charter school accountability in the 1990s was sometimes referred to as *mission-driven accountability*.

But saying they *can* be closed is not the same as saying that they *are* closed. The staunchly pro-charter Center for Education Reform reports that about 15% of charters have closed over the past two decades, but most of these closures were for financial or mismanagement reasons. Only 19% of the closures (or about 3% of all charter schools) were closed due to underperformance.⁴⁹

Criticism: *“Charters are an urban-only phenomenon.”*

NAPCS Claim: *“Nearly half of all public charter schools are found outside city limits in rural communities, suburban areas, and towns.”*

This is a criticism not often heard, and it is interesting to consider why the NAPCS report takes it up. The report does not provide a source for its numbers and does not break out the percentage of charter schools located in suburban or urban areas. Given that school choice typically requires a concentration of potential customers within a short commuting distance, it is not common for charter schools to locate in rural areas.

With the increasing involvement of private EMOs in drafting the charter proposals and determining the location of schools, a more sophisticated use of market analyses is emerging to identify ideal locations. In some cases, this means locating a charter school just inside the boundary of a suburban district so it can recruit from the city as well as the suburb. If per-pupil funding is higher in the urban district, the charter is often then located just inside the urban district boundary.

Criticism: *“Competition from charter schools is causing neighborhood schools to close and harming the students attending them.”*

NAPCS Claim: *“No research has shown that the presence of public charter schools causes neighborhood schools to close.”*

The NAPCS narrative does not address the issue it raises. Instead, it digresses on an unrelated review of school closures because of low student test scores.

While the research base includes no studies that we are aware of that show a direct causal relationship between charter school expansion and neighborhood school closure, there are plenty of documented instances of charter schools replacing neighborhood public schools and otherwise draining those schools of resources, thus causing closure.⁵⁰

The Journey for Justice Alliance asserts that charter school expansion and public school closures have had a devastating effect on minority communities.⁵¹ A study by Arsen and Ni demonstrated that after district schools lose their most resource-rich families to charters and other forms of school choice, they have less capacity to respond or compete.⁵²

District schools remain at a disadvantage since they must take all students whenever they arrive. They also have fixed costs for infrastructure and must maintain a staffing complement so that they can serve all students, including those who leave a charter school in the middle of the year.

Contrary to the clear implication of the NAPCS claim, all of these factors have the direct effect of closing neighborhood schools and replacing them with charter schools.

Criticism: *“Charter schools take funding away from traditional public schools.”*

NAPCS Claim: *“Public school funding is sent to the public school that a student attends.”*

Note that the NAPCS claim does not address the criticism. In the ideal narrative of charter advocates, “money follows the child.” Thus, when children move from public schools to charter schools, the traditional public schools lose money that then goes to the charter schools. Accordingly, in this ideal narrative, charter schools do in fact take money away from traditional public schools. A separate question is whether this harms public schools, given that the charters also take away the redistributed students (this is, in part, the question addressed in the previous criticism).

The NAPCS report returns to the different claim, that charter schools get less money than traditional public schools. As previously addressed, this does not take into account that the public school provides other services (e.g., transportation, special education, and food services) that charter schools may not provide. Furthermore, in many cases, charter school money is a flow-through from the public school. This results in inflated costs when the money is double-counted.⁵³

A closer look at high-poverty urban communities reveals that limited resources are now being stretched across two parallel systems of education that are, based on school performance measures and financial need claims, both struggling.

Criticism: *“Charter schools resegregate public education.”*

NAPCS Claim: *“Parents decide where to send their children to school within the options available to them.”*

Again, note that the NAPCS claim does not address the issue. There is a growing body of virtually undisputed evidence that charter schools segregate students.⁵⁴ The above discussion of criticisms concerning skimming and of serving fewer percentages of various high-need groups applies here as well. But the important question here is whether segregative and stratifying effects of charter schools can be justified or excused by invoking the exercise of choice. Is society’s obligation to eliminate segregation and to provide equal opportunity satisfied by pointing to the choices of parents? Or, put another way, if policymakers decide to create a system based on parental choice, do they have an obligation to mitigate segregative effects caused by that policy?

Criticism: *“Some charter schools are religious schools.”*

NAPCS Claim: *“No public school, whether traditional or charter school, can operate as a religious school.”*

After citing a federal law, this categorical claim is not discussed further. Reality is somewhat more nuanced.⁵⁵ In Gary Miron’s work evaluating charter school reforms for

state education agencies, he never observed religious instruction during classroom instruction, though he observed schools in which religiosity was evident—for instance, teachers, students, and parents engaged in Christian prayers at lunch time and outside the regular classroom schedule. During site visits for a state evaluation of charter schools in Michigan, a large portion of students enrolled in charter schools operated by National Heritage Academies reported that they believed they were in a Christian school.⁵⁶

In Colorado, the Douglas County School Board used the charter school law to create a shell charter school that then packaged the state money into vouchers for private (mainly religious) schools.⁵⁷ Further, in the 1990s, a small number of charter schools were started by Christian churches or church-affiliated groups. Church leaders direct some charter schools, and some charters lease facilities from church groups represented by the founder or charter school director. Over the past 15 years, there has been a growing number of charter schools catering to Islamic minorities, and there are growing networks of Hebrew charter schools serving the Jewish community.

While the report's avowed purpose is to separate fact from fiction, this is an advocacy document that embraces fiction at least as much as fact.

At national conferences, it is not uncommon to see at least one report session devoted to research on religious-oriented charter schools, and there is in fact a growing body of literature about “religious” and “faith-based” charter schools.⁵⁸ If researchers are studying religious charter schools, it is very likely that religious charter schools do in fact exist.

Criticism: *“Charter schools aren’t the incubators of innovation that they claim to be.”*

NAPCS Claim: *“Public charter schools are using their autonomy to push boundaries to better serve students, generating lessons that can be refined and shared throughout the broader public school system.”*

The NAPCS report cites only a few anecdotes to support its claim, yet there has been substantial empirical work on the issue of innovation in charter schools, which the report ignores or overlooks.⁵⁹ Much of this research was conducted between 1994 and 2004, a time when one of the strongest arguments for charter schools was that they would be innovative and create unique or innovative instructional practices and learning materials. With some notable exceptions, this has not been the case. Independent research on the issue shows that charter schools increasingly operate in much the same way as public schools.⁶⁰ In fact, over the past decade, charter school advocates have noticeably shifted away from rhetorical claims that charter schools are innovative, shifting instead to claims that charters benefit communities by replicating popular existing models of schooling.

III. The Report’s Rationale for Its Findings and Conclusions

While the report’s avowed purpose is to separate fact from fiction, this is an advocacy document that embraces fiction at least as much as fact. The apparent rationale is to construct a framework to dismiss criticisms of charter schools.

Instead of looking comprehensively at the available research evidence, the NAPCS report selected only a few supportive studies. In many cases, the report simply asserts that the criticism is untrue and then proceeds to discuss an entirely different point. Most of the publications cited to support the NAPCS claims are from like-minded advocacy think tanks.

IV. The Report’s Use of Research Literature

This is not a research report. Instead, it selects some common criticisms of charter schools, poses those criticisms in its own words, and provides a set of responses that relies on reports prepared by organizations and groups that advocate for charter schools. The authors of the report do not explain their method for determining or selecting the 21 criticisms that they chose to refute. This list of criticisms is selective, largely avoiding some key fundamental criticisms of charter schools, including that they stray from the initial, bipartisan vision of schools that are small, autonomous, locally run, innovative, mission-driven, and open to all. There are some schools that still live up to this ideal. But expansion of charter schools in the last dozen years has been fueled by private EMOs and should more appropriately be called “corporate” or “franchise” schools, not “charter schools.” NAPCS does not even mention this and other fundamental criticisms related to the role of some private interests in subverting the charter school ideal..

The report includes 47 endnotes, with many of the sources cited multiple times. Fifteen of the references were to documents or web-based resources from NAPCS itself. An overview of the sources and references is included below.

- National Alliance for Public Charter Schools 15 cites
- Department of School Choice (Univ. of Arkansas) 8 cites from 2 reports
- Center on Reinventing Public Education 5 cites
- References to legislation 3 cites
- National Center for Education Statistics 2 cites
- CREDO (Hoover Inst, at Stanford Uni.) 2 cites
- Assortment of other documents with single cites 12 cites

In this final category, we found a single citation to a single peer-reviewed journal article, plus four other publications from non-advocacy organizations. In a field where well over a million articles have been written and a vast scholarly literature exists, to rely on such a narrow and partisan slice of the literature telegraphs that this is an advocacy rather than an objective document.

V. Review of the Report's Methods

The report does not contain a methods section. It would have been helpful to understand how the authors of this report were able to sort out and decide on which criticisms to include and refute. For most of the claims made in the report, there are references to research or data sources. Unfortunately, the cited research comes overwhelmingly from think tanks or groups advocating for charter schools, school choice, and privatization. In many, if not most, of the criticisms, the complete and honest answers should be nuanced, but the report generally casts them in categorical terms.

VI. Review of the Validity of the Findings and Conclusions

A report that seeks to “separate fact from fiction” should be based on empirical evidence and make use of the large body of relevant, high-quality evidence. As noted above, this report fails to do so. It often draws conclusions based on how things are supposed to work in charter schools (i.e., the charter school ideal) rather than on empirical research that examines how things actually work. There is an abundance of empirical work on charter schools, including reports and books that have sought to summarize this evidence.⁶¹ But this wealth of knowledge is not put to use here. As a result, the conclusions cannot be considered valid.

VII. Usefulness of the Report for Guidance of Policy and Practice

The purpose of the NAPCS report is to advocate for the expansion of charter schools and for the increased allocation of resources to charter schools, and this is unfortunate. Over the years, the National Alliance for Public Charter Schools has alternatively seized and eased away from this blind advocacy role. Early on, the NAPCS and the organizations it was built upon pursued such a “circle the wagons” approach to advocacy. Essentially, they defended against any and all criticisms of charter schools and often attacked those who raised criticisms. In the last decade, however, there have been times when NAPCS and other organizations in the charter school establishment took another approach to their advocacy: with sober eyes and faced with mounting research evidence, they recognized problems in some charter schools and worked to improve charter schools. This approach led to greater investments in research, technical assistance and training.

This report is a clear sign that NAPCS has returned to earlier advocacy practices and defend-the-realm approaches. This may result in short-term gains, but in the longer term this approach is self-defeating. Given the empirical evidence on charter schools, there is much work to be done to redirect the sector toward original ideals. Charter schools were originally designed to be a new form of public school. They were supposed to be small, locally run, innovative, and highly accountable. They were supposed to be open to all and were expected to provide new freedoms for teachers to creatively innovate and serve their communities. In reality, the main outcomes of charter schools have been to promote privatization and accelerate the stratification and re-segregation of schools.

This report will not be useful to the discerning policy-maker. It is misleading and superficial. Perhaps its greatest utility will be in providing advocates with debate rejoinders. However, this does not engage the important underlying issues.

Notes and References

- 1 National Alliance for Public Charter Schools. (2014). *Separating fact & fiction: What you need to know about charter schools*. Retrieved August 23, 2014, from <http://www.publiccharters.org/wp-content/uploads/2014/08/Separating-Fact-from-Fiction.pdf>.
- 2 Green, P.C. III, Baker, B.D., & Oluwole, J. (2015). "The Legal Status of Charter Schools in State Statutory Law." *University of Massachusetts Law Review*. Retrieved February 16, 2015, from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2560896.
- 3 When looking at contracts between charter school boards and the EMOs, it is often the case that the charter school is required to lease and pay for equipment and furniture over the course of many years, and then at the end of the lease period, to purchase the furniture and equipment.
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- 5 See the series of annual reports on Education Management Organization published by the NEPC, found at: <http://nepc.colorado.edu/ceru/annual-report-education-management-organizations>.
- 6 In a 2002 book, *What's Public About Charter Schools*, Christopher Nelson and Gary Miron examined in great detail the question of whether or to what extent charter schools are public. Alternative definitions of "publicness" were explored. According to the formalist definition, a large portion of charter schools are considered private because they are owned and steered by private entities. There is an increasing belief that even if schools are privately owned and operated, they should be considered public if they are publicly funded and pursue objectives specified by the general public's elected representatives. This functionalist definition of "publicness" is considerably more flexible. When looking at the specific objectives identified by state legislators, we found that a large portion of charter schools could still not be considered public because they were not pursuing or achieving the objectives set out for them in the charter school legislation.

Miron, G., & Nelson, C. (2002). *What's Public About Charter Schools? Lessons About Choice and Accountability*. Thousand Oaks, CA: Corwin Press.
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- 8 Miron, G., Urschel, J.L., & Saxton, N. (2011). *What makes KIPP work? A study of student characteristics, attrition, and school finance*. Occasional Report #195. New York: National Center for the Study of Privatization in Education. Retrieved November 14, 2014, from http://www.ncspe.org/publications_files/OP195_3.pdf.
- 9 Miron, G. & Urschel, J.L. (2010). *Equal or fair? A study of revenues and expenditure in American charter schools*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved January 8, 2015, from <http://nepc.colorado.edu/publication/charter-school-finance>.

- 10 Baker, B.D., Libby, K., & Wiley, K. (2012). *Spending by the Major Charter Management Organizations: Comparing charter school and local public district financial resources in New York, Ohio, and Texas*. Boulder, CO: National Education Policy Center. Retrieved February 16, 2015, from <http://nepc.colorado.edu/publication/spending-major-charter>.
- 11 See: Nelson, A.A., & Gazley, B. (2014). The rise of school-supporting nonprofits. *Education Finance and Policy*, 9(4), 541-566.
- Discussed in Rich, M. (2014, October 21). Nation's wealthy places pour private money into public schools, study finds. *New York Times*. Retrieved February 16, 2015, from <http://www.nytimes.com/2014/10/22/us/nations-wealthy-places-pour-private-money-into-public-schools-study-finds.html>.
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- 13 See: Dingerson, L. (2014). *Public accountability for charter schools: Standards and policy recommendations for effective oversight*. Providence, R.I.: Annenberg Institute for School Reform, Brown University. Retrieved February 16, 2015, from <http://annenberginstitute.org/sites/default/files/CharterAccountabilityStds.pdf>.
- 14 Starzyk, E. (July 16, 2013). Split of White Hat Management and charter school boards may cause confusion. *The Plain Dealer*. Retrieved January 8, 2015, from http://www.cleveland.com/metro/index.ssf/2013/07/split_of_white_hat_management.html.
- 15 Gross, B. & DeArmond M. (2011). How do charter schools get the teachers they want? *National Alliance for Public Charter Schools*. Retrieved August 27, 2014, from <http://www.publiccharters.org/publications/charter-schools-teachers-want/>.
- 16 See research and cited research presented in:
Cannata, M. & Peñaloza, R. (2012). Who are charter school teachers? Comparing teacher characteristics, job choices, and job preferences. *Education Policy Analysis Archives*, 20(29). Retrieved February 16, 2015, from <http://epaa.asu.edu/ojs/article/view/1021>.
- See also: Burian-Fitzgerald, M., Luekens, M. T., & Strizek, G. A. (2004). Less red tape or more green teachers: Charter school autonomy and teacher qualifications. In K. E. Bulkley & P. Wohlstetter (Eds.), *Taking Account of Charter Schools: What's Happened and What's Next?* (11-31). New York: Teachers College Press.
- 17 See, e.g.:
- Applegate, B. & Miron, G. (2007). *Teacher Attrition in Charter Schools*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved January 8, 2015, from <http://nepc.colorado.edu/publication/teacher-attrition-charter-schools>;
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- 18 Miron, G. & Urschel, J.L. (2010). *Equal or fair? A study of revenues and expenditure in American charter schools*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved January 8, 2015, from <http://nepc.colorado.edu/publication/charter-school-finance>.
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- See also: Dee, T. S., & Fu, H. (2004). Do charter schools skim students or drain resources? *Economics of Education Review*, 23(3), 259-271.
- One recent study of traditional and charter schools in an anonymous school district found no evidence of charter schools in that district pushing out students. While the study is well-designed and has a high level of "internal validity," the questions it asked and its relevance to other districts makes it of limited relevance to the broader question of sorting and stratification. See: Zimmer, R. W., & Guarino, C. M. (2013). Is there empirical evidence that charter schools "push out" low-performing students? *Educational Evaluation and Policy Analysis*, 0162373713498465.
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Dudley-Marling, C. & Baker, D. (2012). The Effects of Market-based School Reforms on Students with Disabilities. *Disability Studies Quarterly*, 32(2).
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Bifulco, R., & Ladd, H. (2007). School choice, racial segregation, and test-score gaps: Evidence from North Carolina's charter school program. *Journal of Policy Analysis and Management*, 26(1), 31–56;

Bifulco, R., Ladd, H., & Ross, S. (2008). *Public school choice and integration: Evidence from Durham, North Carolina*. Center for Policy Research, Paper 58. Retrieved February 16, 2015, from <http://surface.syr.edu/cpr/58/>;

Chi, W. C. (2011). *Racial isolation in charter schools: Achieving the goals of diversity and constitutionality in the post-PICS era* (Doctoral dissertation, University of Colorado Boulder);

Garcia, D. R. (2008). The impact of school choice on racial segregation in charter schools. *Educational Policy*, 22 (6), 805-829;

Weiher, G. R., & Tedin, K. L. (2002). Does choice lead to racially distinctive schools? Charter schools and household preferences. *Journal of Policy Analysis and Management*, 21(1), 79-92.

At least one high-quality study, however, does not show the usual stratification effects; instead, it showed segregative effects only for African American students, who were more likely to move to charters with a higher proportion of their own racial group:

Zimmer, R. W., Gill, B., Booker, K., Lavertu, S., Sass, T. R., & Witte, J. (2009). *Charter schools in eight states: Effects on achievement, attainment, integration, and competition*. Santa Monica, CA: RAND Corporation.

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Escamilla, K. (2006). Semilingualism Applied to the Literacy Behaviors of Spanish-Speaking Emerging Bilinguals: Bi-illiteracy or Emerging Bilinguality? *Teachers College Record*, 108(11), p. 2329-2353
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- 34 See the research cited in:
Dudley-Marling, C. & Baker, D. (2012). The Effects of Market-based School Reforms on Students with Disabilities. *Disability Studies Quarterly*, 32(2).

This distinction can play out in the interesting way of showing charters in some jurisdictions either looking much better or worse, depending on the research question asked. See the analysis presented here, comparing two reports by New York City’s Independent Budget Office:
<http://dianeravitch.net/2015/02/09/the-unholy-alliance-charters-the-media-and-research/>.

- 35 Miron, G., & Nelson, C. (2002). *What’s Public About Charter Schools? Lessons About Choice and Accountability*. Thousand Oaks, CA: Corwin Press;
- Miron, G., Urschel, J. L., Mathis, W, J., & Tornquist, E. (2010). *Schools without diversity: Education management organizations, charter schools and the demographic stratification of the American school system*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved January 14, 2015, from <http://nepc.colorado.edu/publication/schools-without-diversity>.
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Public Advocates & California Charter Schools Association (2015, January 29). Department of education and charter schools association agree with civil rights group: Public schools can’t force parents to volunteer (jointly-issued press release). Retrieved February 15, 2015, from <http://www.calcharters.org/blog/2015/01/department-of-education-and-charter-schools-association-agree-with-civil-rights-group-public-schools.html>.

- 38 Petrilli, M. J. (2015, February 3). Backfilling charter seats: A backhanded way to kill school autonomy. *Flypaper*. Retrieved February 16, 2015, from <http://edexcellence.net/articles/backfilling-charter-seats-a-backhanded-way-to-kill-school-autonomy>.
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Goodman, J. F. (2013). Charter management organizations and the regulated environment: Is it worth the price? *Educational Researcher*, 42(2), 89-96.
- See also: Hirji, R. K. (2014). Are charter schools upholding student rights? (online article). Children's Rights Litigation, Section of Litigation, American Bar Association. Retrieved February 16, 2015, from <http://apps.americanbar.org/litigation/committees/childrights/content/articles/winter2014-0114-charter-schools-upholding-student-rights.html>.
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Consoletti, A. (2011, December). *The state of charter schools: What we know—and what we do not—about performance and accountability*. Washington, DC: Center for Education Reform. Retrieved January 6, 2015, from <https://www.edreform.com/2011/12/charter-school-closure-report/>.

50 Reforms designed to do so include those in New Orleans and many other major U.S. cities, usually characterized as “portfolio model” reforms. In addition, at least one well-designed study shows a draining of resources, as evidenced in teacher-pupil ratios:

Dee, T. S., & Fu, H. (2004). Do charter schools skim students or drain resources? *Economics of Education Review*, 23(3), 259-271.

News reports document specific instances of charter school growth draining students and resources, resulting in closure of traditional public schools. See:

Cesar, M. L. (2014, Nov. 14). Parents fight to keep Austin Academy open. *MySA*. Retrieved February 16, 2015, from <http://www.mysanantonio.com/news/local/communities/southside/article/Parents-fight-to-keep-Austin-Academy-open-5867285.php>.

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Also, the turn-around strategies set forth in federal law and regulations include the “restart” provision, which requires a “failing” public school be closed and—under one option—converted to a charter school. Six percent of school improvement grant schools have exercised this option. See:

Riddle, W. (2011, October; updated 2012, February 16). *Frequently asked questions regarding the secretary of education’s waivers of major ESEA requirements*. Washington, DC: Center on Education Policy. Retrieved March 4, 2014, from <http://tinyurl.com/nng7ape> (will automatically download a PDF file).

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- 56 This occurred in Michigan in 1999. At this time, a group of families had filed a federal lawsuit against NHA for religious instruction, citing among other things prayer circles during the lunch hour and the use of religious leaders for training and PD activities. See: Miron, G., & Nelson, C. (2002). *What’s Public About Charter Schools? Lessons About Choice and Accountability*. Thousand Oaks, CA: Corwin Press.
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