

# Kentucky Board of Education Follow-Up on Charter Schools

## What does good charter policy look like?

The [National Alliance for Public Charter Schools \(NAPCS\)](#) produced a [model charter law](#) that represents the best practices learned from 44 states over the course of more than two decades of charter schooling. The model law covers:

- Enrollment
- Authorizers
- Application Process
- Accountability
- Operations and Autonomy
- Facilities

Their original charter law was produced in 2009, but has since been updated to promote more equitable support, more flexibility, and stronger accountability for both charter schools and their authorizers.

NAPCS provides a score and ranking to each state with charter laws that indicates their alignment with the Model Law. [Indiana's charter law](#) was recently ranked by NAPCS as [the best charter law in the nation](#) as far as its alignment with the NAPCS model law. The charter sector in Indiana has produced [one of the nation's top high schools](#) along with [many other strong, locally-operated charter schools](#).

In Kentucky, two bills were raised last legislative session to establish a public charter school pilot project in our state. [One was by Sen. Wilson](#), another [by Rep. Montell](#).

The American Legislative Exchange Commission (ALEC) also published an example of [model charter legislation](#).

## What does good authorization look like?

The [National Association of Charter School Authorizers \(NACSA\)](#) provides guidance to support strong charter authorizing. Their [Principles and Standards for Quality Charter School Authorizing](#) details how states can ensure they:

- Maintain High Standards
- Uphold School Accountability
- Protect Student & Public Interests

## **How would a draft policy answer the questions posed by the Prichard Committee 2014 study on charter schools?**

*What student results will charter schools be expected to deliver?*

Charter schools enter a contract with their authorizer that specifies clear performance goals. The NAPCS Model Law recommends a performance framework that at a minimum would include student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, attendance, recurring enrollment, postsecondary readiness (for high schools), mission-specific goals, financial performance/stability, and board performance/stewardship.

*Which public school requirements will be waived, and which requirements will charter schools have to follow?*

Charter schooling is based on the trade-off of greater freedom for greater accountability. Accordingly, the NAPCS Model Law recommends that charter schools be exempt from state or local regulations, rules, and policies that relate to non-charter public schools. Federal requirements would not be waived, nor would any specific requirements/regulations stated in either the state charter law or authorizing agreement.

*How will students be admitted or assigned to charter schools?*

Charter schools ought to be open to any family that wishes to enroll their child. The NAPCS Model Law recommends that if a school has more enrollment applications than available seats, a fair lottery for enrollment should occur. In some circumstances, limited enrollment preferences could be granted to:

- Students in the former attendance area of a school if a charter is a traditional school conversion
- Siblings of current students
- Preschool students at the charter school (if preschool is offered)
- Children of school founders, board members, and/or full-time school employees

The NACPS Model Law also acknowledges the possibility for giving at-risk students enrollment preference.

*Who will authorize charter schools?*

States take many different approaches to charter authorizing. Ideally, multiple authorizers are recommended by charter advocates to be accessible from every jurisdiction. This would prevent high-quality charter applications from denial due to an uncooperative or hostile single authorizer. At minimum, an appeals process needs to be available if an authorizer turns down an application.

*Who will be able to apply to run a charter school?*

Charter schools can be operated by a variety of people or entities. Many charter schools are started by individual educators, some are started by community organizations, and others are started by external organizations.

In the 2015-2016 school year, 41% of charter schools were managed by external organizations - 27% by non-profit Charter Management Organizations (CMOs) and 14% by Education Management Organizations (EMOs). The NAPCS Model Law is agnostic on the type of individual or organization that can apply to operate a charter school.

*Will charter school numbers and enrollments be subject to caps?*

The NAPCS Model Law recommends that there be no cap on charter school growth. Instead, it is recommended that schools create desired enrollment levels in their charter proposal and that authorizers allow schools to grow (or not) based on performance. However, each state must decide what best fits its situation.

*How will charter schools be closed if they do not deliver?*

The NAPCS Model Law recommends that authorizers be required to develop closure protocols that: "ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets."

*What funding will charter schools receive?*

The NAPCS Model Law recommends that charter schools receive equitable access to operational and capital funding in "a timely fashion and in the same amount as district schools following eligibility criteria similar to all other public schools."

**What effective charter school practices can/should/could be replicated in traditional schools?**

[Research by Dr. Roland G. Fryer](#) (Harvard University) identifies five practices from high-performing charter schools that can improve student achievement in low-performing traditional public schools:

- Increased instructional time
- More-effective teachers and administrators
- High-dosage tutoring
- Data-driven instruction
- Culture of high expectations

[A recent publication by Andy Smarick for NAPCS](#) also outlines a potential strategy for employing charter-style performance contracts to district-run schools.

## **What impact do charter schools have on the achievement gap, particularly in inner-city environments?**

[The Stanford CREDO Urban Charter School Study](#) studied 41 regions in 2015. The report found that while there is variation between regions, in the aggregate, urban charter schools provide significantly higher growth in math and reading when compared to peers in traditional public schools, particularly for Black, Hispanic, low-income, and special education students.

This suggests that some charter sectors are more successful than others at producing schools with strong results for students and that urban charter schools in particular could be a tool to address a portion of the achievement gap.

## **Why do rural charter schools tend to under-perform when compared to urban charter schools?**

Rural charter schools face unique challenges compared to urban charter schools. Specifically, they struggle with:

- Attracting diverse and qualified human capital
- Funding the high cost of transportation
- Securing and maintaining facilities

This is not to say that rural charter schools cannot succeed. [A report from the National Charter School Research Center](#) identifies innovative practices rural charters are pursuing to overcome these challenges.

## Is there a difference in authorization of urban vs. rural charters?

The decision to authorize a charter school ought to be based on the overall quality of the application as set out by the guidelines established in law and by authorizers, not by the setting of the proposed school.

More specifically, the NAPCS Model Law recommends that approval guidelines include:

- Granting charters to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful charter school;
- Basing decisions on documented evidence collected through the application review process; and
- Following charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

## Do authorizers provide stronger accountability to charter schools in their first year of operation?

The NAPCS Model Law recommends that after a charter *application* is approved, the authorizer and the governing board of a charter school should execute a *contract* that explicitly states academic and operational performance expectations and measures. To ensure a stable opening year, the Model Law also recommends that no charter open without such a contract. Stronger accountability by the authorizer during the first year could be built into the contract.

Additionally, an authorizer may establish mutually agreed upon pre-opening requirements to ensure a new charter school will meet all building, health, safety, insurance and other legal requirements prior to opening.

## What research exists on high-performing CMOs like KIPP?

Mathematica conducted [a five-year study of KIPP schools](#). They found that KIPP schools have a "positive, statistically significant, and educationally meaningful" impact. [Another Mathematica study](#) of middle schools operated by Achievement First and Uncommon Schools in New York found that their "achievement impacts are positive, significant, and substantial."

## How would charter school funding impact traditional public schools?

The NAPCS Model Law recommends equitable funding for students that opt to enroll in a charter school. This funding equity would not necessarily have an impact on per-pupil funding in traditional public schools. However, lower enrollment would presumably translate to lower total revenue, even if per-pupil funding were held constant.

## **How would transportation work for charter school students?**

The Education Commission of the States produced [a report on charter student transportation](#) in June 2014. The NAPCS Model Law calls for charter transportation funding to be similar to the funding provided to districts.

## **What are best practices related to virtual charter schools?**

While full-time virtual charter schools can work well for some students, there are well-documented cases of low-performing virtual charter schools. In response to this, NAPCS released [a joint report with NACSA and 50CAN](#) that outlined specific actions to improve the quality of full-time virtual charters. Their recommendations include a stronger authorizing structure, enrollment expansion based on demonstrated student success, and performance-based funding.