



# Exploring Charter Schools in Kentucky

An Informational Guide

November 2014



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# INTRODUCTION TO THE STUDY

Charter schools, now allowed in 42 states and the District of Columbia, have also been proposed as an option for Kentucky, adding a new idea to the ongoing debate about which policies and programs can do the most to deliver higher levels of student achievement. Finding the approaches that will work must be a top priority for Kentucky: the Commonwealth has made a bold commitment to college and career readiness for *all* students, but currently has many students whose work is not at that high level and has especially grave achievement gap issues for African American students, Hispanic students, students with disabilities, and students from low-income families.

Seeking greater understanding of the charter concept, the Prichard Committee convened a study group to review the experiences of states with charter schools, to hear arguments from opponents and supporters of such schools and to research the practical, organizational and operational elements involved in authorizing and creating them. This report was developed as part of the study group's work. It is intended to serve as an informational guide for Prichard Committee members, education leaders, elected officials and other citizens.

*Charter School Basics* opens the report by exploring some introductory questions:

- What is a charter school?
- What are “conversion” and “start-up” charter schools?
- What evidence is available about charter school results for students?

*Eight Questions for Any Charter School Bill* identifies key issues to consider in reviewing any proposed charter legislation:

- What student results will charter schools be expected to deliver?
- Which public school requirements will be waived, and which requirements will charter schools have to follow?
- How will students be admitted or assigned to charter schools?
- Who will authorize charter schools?
- Who will be able to apply to run a charter school?
- Will charter school numbers and enrollments be subject to caps?
- How will charter schools be closed if they do not deliver?
- What funding will charter schools receive?

*Kentucky's Routes to Innovation* compares charters to other Kentucky strategies for improving schools:

- Can school councils implement charter-like strategies?
- Can Districts of Innovation implement charter-like strategies?
- Can external management organizations implement charter-like strategies in persistently low-achieving schools?

*The Big Question* at the end of the report remains open for wide discussion:

- Should Kentucky allow charter schools?

This report is designed to be useful to Kentuckians with many different views on that final question, clarifying possibilities and challenges and informing a broader public discussion about how best to equip Kentucky students for successful futures.

# CHARTER SCHOOL BASICS

## What is a charter school?

The charter school concept has been defined by many different groups, and their answers agree on some key features and vary on some issues.

The consistent features are that a charter school accepts *accountability for student results* in exchange for *freedom to innovate* and *public funding*. For example, the four sample definitions in the boxes below represent varied organizational perspectives, but the combination of results, freedom and funding appears in all four explanations of what counts as a charter school.

A charter school operates under a “*charter agreement*” between the organization that runs the school and a public authorizing body. The central features of the agreement are the ones that spell out the results, freedom, and funding arrangements.

Many (but not all) charter definitions add that *parents choose* whether their children will attend the charter school. In the four definitions shared below, choice is mentioned explicitly by the National Conference of State Legislatures and seems clearly implied by the National Alliance for Public Charter Schools’ statements about being open to all children and operating without special entrance requirements.

NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS DEFINITION	NATIONAL EDUCATION ASSOCIATION DEFINITION
<p>Charter schools are unique public schools that are allowed the freedom to be more innovative while being held accountable for advancing student achievement. Because they are public schools, they are:</p> <ul style="list-style-type: none"> <li>▪ Open to all children;</li> <li>▪ Do not charge tuition; and</li> <li>▪ Do not have special entrance requirements.<sup>1</sup></li> </ul>	<p>“Charter school” means a publicly funded elementary or secondary school that has been freed from some of the rules, regulations and statutes that apply to other public schools in exchange for some type of accountability for producing certain results.<sup>2</sup></p>
NATIONAL CENTER FOR EDUCATION STATISTICS DEFINITION	NATIONAL CONFERENCE OF STATE LEGISLATURES DEFINITION
<p>A <i>public charter school</i> is a publicly funded school that is typically governed by a group or organization under a legislative contract (or charter) with the state or jurisdiction. The charter exempts the school from certain state or local rules and regulations. In return for flexibility and autonomy, the charter school must meet the accountability standards stated in its charter. A school's charter is reviewed periodically (typically every 3 to 5 years) by the group or jurisdiction that granted it and can be revoked if guidelines on curriculum and management are not followed or if the standards are not met.<sup>3</sup></p>	<p>Charter schools are publicly funded, privately managed and semi-autonomous schools of choice. They do not charge tuition. They must hold to the same academic accountability measures as traditional schools. They receive public funding similarly to traditional schools. However, they have more freedom over their budgets, staffing, curricula and other operations. In exchange for this freedom, they must deliver academic results, and there must be enough community demand for them to remain open.<sup>4</sup></p>

## What are “conversion” and “start-up” charter schools?

A “*conversion* charter school” is one that previously operated as a public school. It is very likely to keep all of the students who attended the earlier school or give them preference in an enrollment lottery. It is also likely to use

an existing school facility and may keep some, most or all members of the previous school’s staff. Forty-four percent of Arkansas’s charter schools were formed as conversion schools, and Iowa only allows conversion schools.<sup>5</sup>

A “**start-up** charter school,” on the other hand, is a new school that recruits a new student body and new faculty. It may use a building that once housed a school, or rent space or borrow money to build a new facility. Most charter schools in most states are formed by the start-up approach.

## What evidence is available about charter school results for students?

The most systematic study of charter results is the 2013 National Charter School Study from the Center for Research on Educational Outcomes—widely referred to as the 2013 CREDO Study.<sup>6</sup>

That study worked on answering the widespread question about how charter results compared to those for similar students. To approximate that kind of “apples to apples” comparison, the 2013 CREDO researchers:

- Used student reading and mathematics scores from 27 states from the 2007 through 2011 school years.
- Matched charter school students with “virtual twins” who had identical demographic traits, had identical or very similar prior test scores, and were enrolled in traditional public schools that the charter students would have likely attended if they had not been admitted to a charter.
- Calculated differences in individual learning growth between charter students and their traditional public school “twins.”
- Reported those differences as fractions of a standard deviation.
- Transformed those statistics into estimated equivalent days of added or subtracted learning.<sup>7</sup>

The table below shows some of the key 2013 CREDO findings. For all students, attending a charter school was, on average, equivalent to adding eight learning days in reading compared to a traditional public school, but made no significant difference in math performance. Charter effects also vary sharply by student background, with the worst losses for white students and the best gains for black and Hispanic students in poverty. To facilitate rapid review, the chart shows positive charter impacts in blue and negative ones in yellow.

2013 CREDO STUDY RESULTS BY STUDENT GROUP		
STUDENT GROUP	READING DAYS GAINED OR LOST	MATH DAYS GAINED OR LOST
All Students	8	0
White Students	-14	-50
Black Students	14	14
Hispanic Students	0	0
Asian Students	0	-29
Special Education Students	0	14
Students in Poverty	14	22
Black Students Not in Poverty	0	0
Hispanic Students Not in Poverty	-7	-29
Black Students in Poverty	29	36
Hispanic Students in Poverty	14	22

Results also differed by level of school, with charter school attendance having a positive effect in elementary and middle schools, no significant effect in high schools, and a negative effect for schools that combined grades at multiple levels.

2013 CREDO STUDY RESULTS BY LEVEL		
SCHOOL LEVEL	READING DAYS GAINED OR LOST	MATH DAYS GAINED OR LOST
Elementary Schools	22	14
Middle Schools	29	36
High Schools	0	0
Multi-Level Schools	-14	-50

These findings averaged the results of many charter schools, but the CREDO study also emphasized that charters actually have widely varying results. Thus, even where the results showed that charters on average delivered added learning, many individual charters did not, and where the results showed charters as weaker than traditional public schools, many individual charters may have matched their peers or delivered stronger results. This caution about the variations is important when thinking about legislation, signaling that the charter label cannot, of itself, deliver excellence for students: the charter also has to provide a step up in the quality of teaching and learning.

2013 CREDO STUDY RESULTS BY TYPE OF CHARTER SCHOOL EFFECT		
	CHARTER EFFECT ON READING RESULTS	CHARTER EFFECT ON MATH RESULTS
Significantly Better Growth	25%	29%
No Significant Difference in Growth	56%	40%
Significantly Worse Growth	19%	31%

# EIGHT QUESTIONS FOR ANY CHARTER SCHOOL BILL

## What results will charter schools be expected to deliver?

There are multiple ways a charter law can answer this first question—and it definitely is the question that should be answered first.

Charter schools can simply be held to the *same expectations* as other public schools. In Kentucky, the key features of our accountability system are as follows:

1. Schools are called on to develop the broad abilities defined by the General Assembly (see box) and deliver the more specific knowledge and skills identified in Kentucky's academic standards.
2. School results are checked every year using multiple measures, including:
  - Assessments in reading, mathematics, science, social studies, writing and language mechanics
  - Graduation rates
  - Program reviews for arts & humanities, practical living and career studies, and writing
  - Professional Growth and Effectiveness System (PGES) results indicating the quality of work done by teachers, principals and other certified staff (scheduled to be added in 2015-16)
3. Those measurements are combined to define an overall score for each year and set annual measurable objectives (AMOs) for future years.
4. State intervention can kick in for multiple reasons: repeated failure to meet AMOs, weak graduation rates, or weak results for historically underserved student groups.<sup>8</sup>

Charter schools can also be asked to meet *higher expectations*, reflecting the argument that they are able to deliver more for students. For example, in Kentucky, that might mean charter schools agreeing to improve their overall scores one point faster per year than the AMOs set for traditional public schools.

Charter schools can also be allowed to propose *different definitions of how their results are measured*. For example, charter organizers may want to use different assessments that also measure Kentucky standards, such as the PARCC or Smarter Balanced tests being introduced in other states. They may want to replace Kentucky

### STUDENT ABILITIES REQUIRED BY KRS 158.6451(2)

Schools shall develop their students' ability to:

1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies and practical living studies to situations they will encounter throughout their lives;
3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, hard work, honesty, human worth, justice, knowledge, patriotism, respect, responsibility and self-discipline;
4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
5. Think and solve problems in school situations and in a variety of situations they will encounter in life;
6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources; and
7. Express their creative talents and interests in visual arts, music, dance and dramatic arts.

program reviews with another approach to showing strong programs in untested subjects. They may also want to take a different approach to developing their teachers and leaders, rather than implement the PGES approach that will soon apply to public schools statewide.

**A caution:** Allowing charter schools to apply different accountability rules than other public schools may have federal consequences. To qualify for federal funding, Kentucky must implement either the rules of the 2002 No Child Left Behind legislation or the rules set in an NCLB waiver application approved by the United States Department of Education. Kentucky's current accountability system has that approval, but any variation on those rules for charter schools might need a new round of federal consideration.

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

Flexibility is a second part of how charter schools are defined, and states vary in what flexibility is allowed. To understand any charter school law, it is important to check how the flexibility will work.

A charter law can allow schools to *apply for specific rules to be waived*. That approach is easy to write into law, and it makes the groups that want to start charter schools responsible for working through the full set of laws and regulations to decide which waivers to seek. If the charter school will operate as part of a larger school district, the proposal may also need to seek exemption from district rules and policies.

Alternately, a charter law can *require automatic waivers of nearly all rules* while specifying a few categories of rules that will still apply. For example, the National Alliance for Public Charter Schools argues that a strong charter law should provide “Automatic Exemptions from Many State Laws, except for those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information requirements and generally accepted accounting principles.”<sup>9</sup>

It may be helpful to think about some particular state requirements that apply to current public schools. The chart on the next page includes examples of rules that apply to current Kentucky public schools, loosely sorted according to whether they might or might not apply to charter schools. Do note the word “might,” since any actual charter law can handle the rules differently or (as already noted) allow each charter applicant to propose which rules will be waived.

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

Admissions frame a third important question for understanding any charter school proposal. Again, varied answers are possible.

For a conversion charter school, the students who attended the school before may still be assigned there or may be given preference if they apply to stay in their current building.

For start-up charters, admission by lottery is common. If a lottery is used, it may be important to note whether schools are allowed to give any preferences in the lottery. For example, a charter school might be allowed to give an advantage to siblings of current students, students who can add ethnic or economic diversity, or other factors.

The accessibility of the admissions process may also matter. Will parents have ample time to submit applications, or will they need to hurry or stand in line to meet a short application timeline? Will the application forms be



**SOME KENTUCKY PUBLIC SCHOOL REQUIREMENTS THAT *MIGHT* APPLY TO CHARTER SCHOOLS**

- Vaccinations
- Building safety standards
- Emergency plans and drills
- Criminal record checks
- Rules on weapons in school facilities
  
- Title IX gender equality
- Special education services
- English language learner services
- Free & reduced lunch program participation
- Fee waivers for low-income students
  
- Expulsion & suspension rules
- Rules on student seclusion & restraint
- Code of acceptable behavior
- Athletic eligibility rules
  
- Credits needed to graduate
- Alternate diploma
- Basic student records: *name, unique identifier, attendance, eligibility for special services, final class grades, scores on summative assessments, credits earned toward graduation, diplomas issued*
  
- School report cards
- Annual audits
- 2% contingency reserve
- Conflict of interest rules
- Competitive bidding rules
- Open records

**SOME KENTUCKY PUBLIC SCHOOL REQUIREMENTS THAT *MIGHT NOT* APPLY TO CHARTER SCHOOLS**

- Primary talent pool (K-3)
- Gifted and talented programs (4-12)
- Gifted student services plans (4-12)
  
- Extended school services
- Family resource and youth services centers
- Primary program
  
- Response to Intervention (K-3)
- Physical activity (K-5)
- Accelerated learning (4-12)
- Individual learning plans (9-12)
- College-level courses (high school)
  
- Class size
- School calendar
- School day
- More detailed student records: *daily schedule, grades on assignments, results of formative and interim assessments*
  
- Educator certification
- Salary schedule
  
- Certified retirement
- Classified retirement
- State health insurance
  
- School councils
- Open meetings

easy to find on the school’s website? Charter legislation can include statewide rules on this kind of issue or leave it up to the schools, to school districts, or to other agencies.

**Who will authorize charter schools?**

A charter is an agreement between an authorizer and an organization that applies to run the school. Charter laws can give varying answers on the question of who can take the authorizing role.

For example, charter school laws in other states include approaches like these:

- Local school district boards of education are the most common charter authorizers.
- Institutions of higher education authorize charters in some states.
- State boards of education also authorize charters in some jurisdictions.
- Specialized independent charter boards have been created as authorizers in eight jurisdictions.
- Nonprofit organizations can authorize charters in Minnesota and Ohio.
- Municipal governments are one more possibility: the mayor of Indianapolis and the Milwaukee city council have authorizing power in their states.<sup>10</sup>

The charter authorizer may have multiple responsibilities, including:

- Reviewing and approving applications from those who want to create charter schools
- Working out the exact details and wording of the “charters” or contracts
- Monitoring compliance with the key charter provisions
- Issuing warnings or ordering closure if a school does not meet major provisions of its charter
- Deciding whether to renew charters when the current agreement comes to an end<sup>11</sup>

## Who will be able to apply to run charter schools?

The applicant is the other party essential to any agreement to open a charter school. Charter laws can also give varying answers on the question of acceptable applicants.

Some states allow both for-profit and nonprofit groups to apply. Other states provide that only nonprofit organizations can apply to run charter schools. Combinations are also possible. Some states allow a nonprofit to get charter school approval and then contract with a for-profit entity to manage most of the school’s operations. In others, that kind of contract with a for-profit management company is prohibited.<sup>12</sup>

Discussions of charter schools also sometimes include questions about whether faith-based organizations can form charter schools. In Kentucky, Section 189 of our state constitution seems likely to apply. That provision, adopted in 1891, provides that:

School money not to be used for church, sectarian, or denominational school. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school.

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

States that currently allow charter schools vary in how they answer this question.

**Number limits** apply in some states, governing the number of charter schools that can be opened each year, the total number that can operate at one time, or both. For example, New Mexico law allows a maximum of 15 start-up charter schools to open each year, and Illinois allows 120 total charters.<sup>13</sup>

**Location limits** can also be part of a charter law. In Missouri, charter schools are allowed in Kansas City and St. Louis, and in Ohio, new charter schools can only be started in districts identified as “challenged.” In Oklahoma, charters are unlimited in school districts with more than 5,000 students and in counties with more than 500,000 residents.<sup>14</sup>

**Enrollment rules** are another limit set in some state laws. Connecticut limits charter schools to 25% of any district’s enrollment, and Maine provides that charters cannot enroll more than 10% of a district’s students in the first three years of operation.<sup>15</sup>

**Conversion-only rules** are still another approach that could limit total numbers. Iowa only allows charter schools to be created by converting an existing school to charter management.<sup>16</sup>

A charter law can also set **no cap** on charter schools. Nineteen states have no legal limit on the number of schools that can be approved.<sup>17</sup>

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

From 1992 to 2011, roughly 6,700 charter schools opened across the country and 1,036 closed, with 19% of those closures being for academic reasons, 42% for financial reasons and 24% for mismanagement; the balance was made up by facilities, district obstacles, and other/unknown factors.<sup>18</sup> Here again, states vary in how they set their charter requirements.

Closure can be *automatic* based on state-defined performance standards. Eleven states and the District of Columbia have set that type of rule, varying in the measures considered, the cut-points used, and the number of years of weak performance that lead to consequences.<sup>19</sup> Kentucky's definition of persistently low-achieving schools might provide a basis for those decisions if that definition were used every year to identify all schools that meet the statutory criteria.<sup>20</sup>

Closure can also be based on *negotiated rules* set in each school's charter.

Schools can also close voluntarily or be forced to close on other grounds, including the financial difficulties described above and showings of varied kinds of mismanagement. In any new charter legislation, it may be important to notice what standards of sound management will apply and to be clear about what kinds of shortcoming will lead to warnings, interventions and closure.

In addition to closing voluntarily and being closed for failure to deliver results or meet operational requirements, charter schools must apply for renewals on a regular schedule, and denying that application may be an alternate route for charter authorizers to close charter schools with recurring difficulties. Accordingly, any charter law should also be checked for its rules on when schools seek renewal and the criteria authorizers will use to decide whether to approve those applications.

## What funding will charter schools receive?

Funding is a final question to check in any charter school legislation.

*Negotiation between a charter school and a local school board* is one way to determine funding, at least when the school board is also the charter authorizer.

*Per-pupil funding under state formulas* can be another approach. Kentucky already uses state formulas to provide a SEEK base guarantee per pupil, added SEEK funds for students with special needs, and local shares of state and federal categorical programs.<sup>21</sup> A charter law might treat each charter school as its own district to be funded by the same formula, or it might provide funds to existing districts and specify a percentage to be passed on to each charter.

If state formulas are used, it will also be important to note how *optional local revenue* is addressed. All Kentucky districts raise added dollars by voluntarily taxing themselves above the legal minimum of 30¢ per \$100 of taxable property. Some of those optional local dollars receive state equalization under the Tier 1 portion of SEEK funding while others, known as Tier 2, do not.<sup>22</sup>

*Facilities funding* may or may not be addressed separately. For start-up charter schools, facilities can be a major challenge. Buildings that can easily be used as schools, with multiple rooms of the appropriate size, multiple fire exits, and space indoors and out for physical activity, are expensive to build and not often available for rent.<sup>23</sup> Like many other states, Kentucky provides some state funding for districts to build and renovate facilities.<sup>24</sup> A charter school law may or may not allow charter schools to apply for that funding. If the law does not offer that assistance, private donations may play an important role in making sure facilities are also available.

*State funded employee benefits* are another feature to check in charter legislation. For school district employees, the state of Kentucky pays the employer health insurance premiums, and for certified educators, the state also pays the employer retirement contributions.<sup>25</sup> To fully understand any charter proposal, it will be important to know whether charter school employees will participate in those programs and receive that state support.

*Kentucky's school council funding formula* is not likely to work for charter schools, because it excludes all special education costs, all employee pay beyond minimum 185-day contracts, and all funding from state and federal categorical programs. The formula also calls for local boards of education to vote on how much money will be allocated to categories controlled by central office staff and how remaining dollars will be divided among the district's schools, creating significant uncertainties that would be especially challenging for charter schools.<sup>26</sup>

# KENTUCKY'S ROUTES TO INNOVATION

## Can school councils implement charter-like strategies?

In Kentucky, school councils can adopt innovative learning strategies and have the full legal capacity to create instruction essentially identical to what charter schools provide. Under the state's school-based decision making law, nearly all schools have councils composed of teachers elected by teachers, parents elected by parents and the school's principal. Councils set school policy on curriculum, instruction, discipline, extracurricular activities, and a number of major issues, and they control the dollars allocated for school staff, instructional materials and professional development. They select the principal, and they advise the principal on the choice of the rest of the school staff.<sup>27</sup> With that legal authority, a school council clearly could convert its school to a Core Knowledge program, Success for All, KIPP, or another respected charter school model—or it could develop an equally bold approach on its own.

Still, councils and charters are not identical. For example, parent choice is part of many charter school definitions, but not a feature of Kentucky school-based decision making. The school board for each Kentucky district determines which schools students will attend, almost always doing so by setting geographic attendance line, or, in smaller districts, offering only one school that serves each age group.

As a second difference, school councils operate within school communities with established cultures and approaches, and they are set up to look for very broad support before they adopt major changes for the whole school. A small group that is deeply interested in a new school-wide strategy may work for years trying to convince other stakeholders to give it a try. Under a charter law, that small group would have the option of creating a new school, implementing the alternative they think will work better. That option of separating and starting fresh is not available in Kentucky school-based decision making.

## Can Districts of Innovation implement charter-like strategies?

Districts of Innovation are another major Kentucky initiative that invites big changes to how students learn. Based on 2012 legislation, districts throughout the state can design substantial changes in teaching, learning, school schedules, assessments, and other key aspects of their operations and show why and how those changes can be expected to move students to higher levels of achievement.<sup>28</sup> For the 2014-15 school year, seven districts have Kentucky Department of Education approval to implement innovation plans, including waivers to statutes and regulations that would usually create barriers to some of the changes proposed.<sup>29</sup>

Districts of Innovation can clearly apply to go even further than school councils in changing strategies. For example, councils cannot alter the local school calendar or the state-specified number of instructional days, and they must work within a district's job classifications and salary schedule. The Innovation law actively invites proposals to alter those and other elements that have been standardized features of Kentucky education.

Given those possibilities, Districts of Innovation create an opening for approaches as varied as those offered by charter schools. Their agreement with the state also resembles a charter system by reflecting a proposal for delivering strong student results and an understanding that failure to meet expectations can be the basis for revoking the district's new autonomy.

That said, the District of Innovation approach is more like school councils than like charters in two key ways: parent choice of schools is not built in, and major changes need broad endorsement before they are tried. For example, in addition to board of education support, an Innovation application must provide "documentation of broad support for innovations including educators, parents, local institutions of higher education, and business

and community partners,” and individual schools only participate in the district change if 70% of employees vote in favor of the application. When a school district community agrees on an approach, huge change is possible under the District of Innovation concept, but if the community is split, there is little opening for independent “start-ups” to create new schools that would appeal to a smaller group of parents.

## Can external management organizations implement charter-like strategies in persistently low-achieving schools?

Finally, if a Kentucky school is persistently low-achieving, it must adopt one of four intervention options, and the first of those options is defined in the statute this way:

“External management option” which requires that the day-to-day management of the school is transferred to an education management organization that may be a for-profit or nonprofit organization that has been selected by a local board of education from a list of management organizations. The management organization may be approved by the Kentucky Board of Education after a rigorous review process, which shall be developed by the state board by the promulgation of administrative regulations. The management organization's authority shall include the right to make personnel decisions that comply with KRS Chapter 161 and any employee-employer bargained contract that is in effect.<sup>30</sup>

In choosing an external management organization, a Kentucky school district certainly could select a group that operates charter schools and that will implement a full innovation strategy that has been used in charter schools elsewhere. That would resemble a full charter school in many ways, though not necessarily including the parent choice emphasized in some charter definitions. It is worth noting, however, that this intervention option has never been chosen for a Kentucky school identified as persistently low-achieving. It is also worth noting that the Kentucky Department of Education has not identified any such schools since 2012, arguing that it only has the staff and financial resources to support a small number of schools making the kinds of changes required by statute.

# THE BIG QUESTION

## Should Kentucky allow charter schools?

As of November 2014, the Prichard Committee has not answered that question. Some members think charters could open doors for higher student achievement, and other members think charters would weaken the work already underway to strengthening *all* students.

Instead of agreement on the final question, this report has explored varied parts of the issue, working to understand what charter legislation might involve and what experience elsewhere does –and does not– show about how charter schools might affect Kentucky students.

The “Eight Questions for Any Charter School Bill” can also provide a framework for exploring any legislation that emerges in future sessions of the Kentucky General Assembly, perhaps using a format like the organizer on the next page.

In the end, the question about charter schools should be seen as a piece of two larger questions.

First, what should Kentucky’s children know and be able to do?

Second, what are the best steps the Commonwealth can take to ensure that all Kentucky children develop that knowledge and those abilities?

Public engagement around the charter school issue will be constructive if those enduring concerns continue to frame the Kentucky discussion.

## Eight Questions for Any Charter School Bill

Bill Number:	
Bill Sponsors:	
What student results will charter schools be expected to deliver?	
Which public school requirements will be waived, and which requirements will charter schools have to follow?	
How will students be admitted or assigned to charter schools?	
Who will authorize charter schools?	
Who will be able to apply to run a charter school?	
Will charter school numbers and enrollments be subject to caps?	
How will charter schools be closed if they do not deliver?	
What funding will charter schools receive?	



## Development of This Report

The Prichard Committee for Academic Excellence is a statewide citizens organization working in its third decade on behalf of improving education for all Kentuckians. Throughout its history, the Committee has served as a convener of policy leaders, advocates and experts to review Kentucky's education policies and programs and make recommendations for improvement.

This report reflects the Committee's ongoing commitment to studying emerging education questions and informing the public on policy issues. It is deeply informed by the thoughtful work of its Charter School Study Group, which met twice in the fall of 2014 to explore the charter school concept.

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## Acknowledgements

The Charter School Study Group expresses its appreciation to Mary Ann Blankenship of the Kentucky Education Association, Dr. Wayne Lewis of the Kentucky Charter Schools Association, Patrick Walsh from the Louisiana Department of Education, Josh Cunningham with the National Association of State Legislators, Dr. Terry Holliday from the Kentucky Department of Education and Paul O'Neill, independent consultant and head of the education law practice group of Cohen Schneider & O'Neill in New York for sharing their expertise as part of our study process; to Danny Miller, Brown Fellow from Centre College, for providing the first draft of a white paper; to Susan Perkins Weston for distilling our conversations into the final draft of this guide; to Diana Taylor and Liza Holland for their support and facilitation of our sessions; and to Committee staff for their professional support of this and all of the Committee's projects in pursuit of academic excellence across the Commonwealth of Kentucky.

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## Notes

- <sup>1</sup> National Alliance for Public Charter Schools website, [www.publiccharters.org/get-the-facts/public-charter-schools/](http://www.publiccharters.org/get-the-facts/public-charter-schools/), viewed on November 4, 2014.
- <sup>2</sup> 2014 NEA Handbook Policy Statements, page 9, downloaded on November 4, 2014, from <https://www.nea.org/assets/.../NEA-Policy-Statements-2014-2015.pdf>.
- <sup>3</sup> National Center for Education Statistics Fast Facts at [nces.ed.gov/fastfacts/display.asp?id=30](http://nces.ed.gov/fastfacts/display.asp?id=30), viewed on November 4, 2014.
- <sup>4</sup> National Council of State Legislatures, [www.ncsl.org/research/education/charter-schools-in-the-states-authorizing-charter.aspx](http://www.ncsl.org/research/education/charter-schools-in-the-states-authorizing-charter.aspx), viewed on November 4, 2014.
- <sup>5</sup> National Alliance for Public Charter Schools, *The Health of the Public Charter School Movement: A State-By-State Analysis*, October 2014, page 23 and page 70.
- <sup>6</sup> Center for Research on Education Outcomes, *National Charter School Study 2013*, page 8.
- <sup>7</sup> Center for Research on Education Outcomes, cited above, page 48 and pages 64-81.
- <sup>8</sup> 703 KAR 5:220, School and District Accountability, Recognition, Support, and Consequences, at [www.lrc.ky.gov/kar/703/005/225.htm](http://www.lrc.ky.gov/kar/703/005/225.htm).
- <sup>9</sup> National Alliance for Public Charter Schools, *A New Model Law for Supporting the Growth of High-Quality Public Charter Schools*, June 2009, page 3.
- <sup>10</sup> National Conference of State Legislatures, *Authorizing Charter Schools*, May 2011, pages 3-4.
- <sup>11</sup> National Conference of State Legislatures, cited above, pages 1-2.
- <sup>12</sup> Center for Education Reform, *Charter School Laws Across the States 2012*, reporting on New Mexico (page 57), New York (page 59), and Tennessee (page 74).
- <sup>13</sup> Center for Education Reform, cited above, page 57 (New Mexico) and page 33 (Illinois).
- <sup>14</sup> Center for Education Reform, cited above, page 50 (Missouri), page 63 (Ohio), and page 65 (Oklahoma).
- <sup>15</sup> Center for Education Reform, cited above, page 19 (Connecticut) and page 41 (Maine).
- <sup>16</sup> Center for Education Reform, cited above, page 37 (Iowa).
- <sup>17</sup> Center for Education Reform, cited above.
- <sup>18</sup> Center for Education Reform, *The State of Charter Schools: What We Know –and What We Do Not–About Performance and Accountability*, December 2011, page 8.
- <sup>19</sup> Education Commission of the States, *Trends in state charter school laws: Authorizers, caps, performance-based closures and virtual schools*, June 2014, page 3.
- <sup>20</sup> KRS 160.346 on persistently low achieving schools, available for download at [www.lrc.ky.gov/Statutes/index.aspx](http://www.lrc.ky.gov/Statutes/index.aspx).
- <sup>21</sup> Prichard Committee for Academic Excellence, *Kentucky EdGuides: 2014 Edition*, "State Funding for P-12 Education."
- <sup>22</sup> Prichard Committee for Academic Excellence, *Kentucky EdGuides: 2014 Edition*, "The SEEK Formula."
- <sup>23</sup> National Conference of State Legislatures, *Charter School Facilities*, December 2011.
- <sup>24</sup> Prichard Committee for Academic Excellence, *Kentucky EdGuides: 2014 Edition*, "State Funding for P-12 Education."
- <sup>25</sup> Prichard Committee for Academic Excellence, *Kentucky EdGuides: 2014 Edition*, "State Funding for P-12 Education."
- <sup>26</sup> 702 KAR 3:246, School Council Allocation Formula, available for download at [www.lrc.ky.gov/kar/frntpage.htm](http://www.lrc.ky.gov/kar/frntpage.htm).
- <sup>27</sup> KRS 160.345, School-based decision making, available for download at [www.lrc.ky.gov/Statutes/index.aspx](http://www.lrc.ky.gov/Statutes/index.aspx).
- <sup>28</sup> KRS 156.108, Districts of innovation, available for download at [www.lrc.ky.gov/Statutes/index.aspx](http://www.lrc.ky.gov/Statutes/index.aspx).

<sup>29</sup> Kentucky Department of Education at <http://education.ky.gov/school/innov/Pages/Districts-of-Innovation.aspx>, viewed on November 4, 2014.

<sup>30</sup> KRS 160.346 on persistently low achieving schools, available for download at [www.lrc.ky.gov/Statutes/index.aspx](http://www.lrc.ky.gov/Statutes/index.aspx).