

EXPAND HIGH-QUALITY

# CHOICES

FOR FAMILIES



# EXPAND HIGH-QUALITY CHOICES FOR FAMILIES

REFORM PENNSYLVANIA'S  
CHARTER SCHOOL LAW

This report was published  
in May 2012 by PennCAN:  
The Pennsylvania Campaign for  
Achievement Now.

To order copies of this report,  
please contact PennCAN:  
at [info@penncan.org](mailto:info@penncan.org)

**PennCAN: The Pennsylvania  
Campaign for Achievement Now**  
[www.penncan.org](http://www.penncan.org)

*Design & Layout*  
[house9design.ca](http://house9design.ca)

# Table of Contents

- 1 Pennsylvania’s public charter school law: What works and what must be fixed 4**
  
- 2 Charter schools in Pennsylvania: Expand high-quality choices 7**
  
- The three key deficiencies in Pennsylvania’s charter school law 9**
  
- Problems 10**
  - Pennsylvania’s restrictive authorizing environment 10
  - Lack of robust authorizer and charter school performance-based accountability system 12
  - Pennsylvania’s charter schools receive inequitable funding 13
  
- Solutions 14**
  - Promote strong charter school authorizing by enabling and holding accountable multiple types of authorizers 14
  - Implement statewide performance framework for both authorizers and charter schools 15
  - Provide charter schools with equitable access to fund facilities and other resources 16
  
- Conclusion 17**

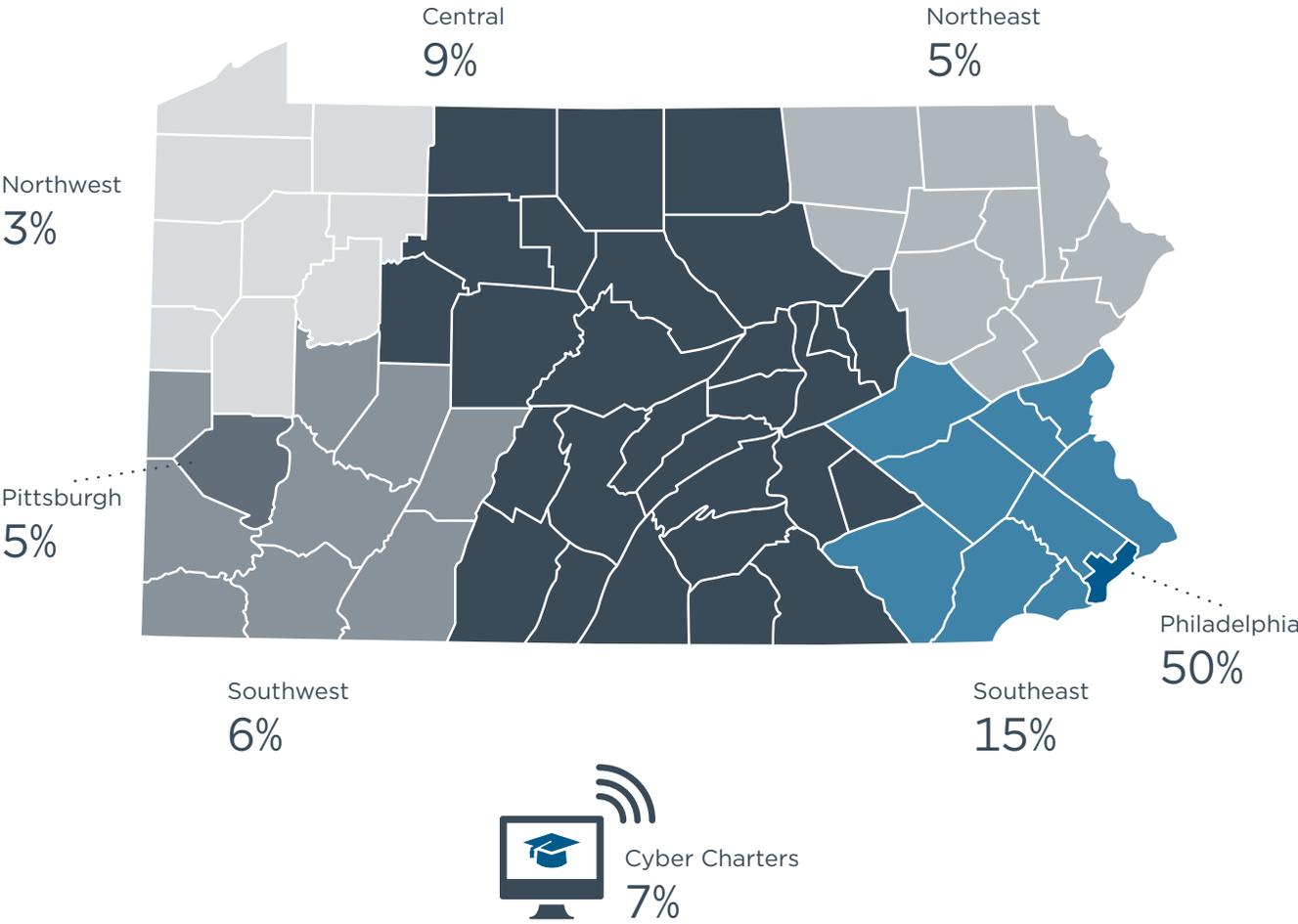
# Pennsylvania's public charter school law: What works and what must be fixed

By some measures, Pennsylvania is a national leader in creating an environment where charter schools can thrive. Charter schools in Pennsylvania are given tremendous autonomy, which provides school leaders and educators the flexibility they need to implement programs that raise student achievement. To our state's credit, the legislature hasn't placed statutory caps on the number of public charter schools and encourages educators to lead new start-up efforts, public school conversions and cyber schools. For these reasons, in 2011, the National Alliance for Public Charter Schools ranked Pennsylvania 12th out of 41 states with charter school laws.

But there is also evidence that the Keystone State is losing ground. The National Alliance for Public Charter Schools now ranks us 16th out of 42 states with charter laws. This step backward stems from three critical problems in our laws:

- *Authorizers.* Strong charter school authorizers put public charter schools on the path to success. Many states encourage quality charter schools by permitting multiple authorizer choices, but Pennsylvania only allows local school boards to do so. Studies show that strictly granting this power to school boards leads to a lower-quality authorization process.
- *Accountability.* Pennsylvania lacks a performance-based framework by which to evaluate the quality of both authorizers and charter schools, making it difficult to hold them accountable for outcomes.
- *Funding.* Our charter schools receive less funding and fewer resources than do our traditional public schools. To make matters worse for Pennsylvanian families, there aren't enough seats in charter school classrooms to satisfy demand.

**FIGURE 1** Charter school distribution in Pennsylvania



Our children deserve to be at the head of the pack, and improving our state's charter school law in three key areas will help them get there. First, we must empower qualified entities other than local school boards to authorize charter schools. Next, we must hold these entities accountable for the performance of charter schools they authorize, and develop a performance-based framework by which to evaluate each charter school's quality. And finally, we should give charter school educators and students equitable access to funding, facilities and other resources. While taking steps to raise the quality of authorization and instruction, Pennsylvania must also increase access to charter schools.

# Charter schools in Pennsylvania: Expand high-quality choices

# 2

Many of our state’s charter schools are changing the life trajectories of African American, Latino and low-income students. Take, for example Propel Schools, where more than 75 percent of students come from low-income families.<sup>1</sup> Despite their economic standing, Propel’s students outperform their peers on state examinations in English Language Arts (ELA) and Mathematics.

Philadelphia’s Mastery Charter Schools network is not only boosting student achievement, but is also providing families with a safe place to send their kids to school. In 2006, Mastery began its turnaround efforts at the Shoemaker School, which was previously identified as the second-most dangerous campus in the district. Since the conversion, violent incidents have dropped 90 percent, and attendance is now above 95 percent. Middle school reading and math scores have risen dramatically, as well.<sup>2</sup> Shoemaker’s high school students are also gaining ground, with high college acceptance rates, and an 83 percent matriculation rate.<sup>3</sup>

Given the impressive results of charter school networks such as Propel and Mastery, it is no wonder why Pennsylvania’s parents are eager to send their children to charter schools. But there isn’t enough space in Pennsylvania’s charter schools to satisfy demand. More than 2,000 kids have been wait-listed to attend Propel School. In total, there are an estimated 30,000 students wait-listed to attend charter schools across our state.<sup>4</sup> Our children can’t afford to wait—they need an excellent education now. We need more high-quality public charter school choices. So what’s standing in the way?

<sup>1</sup> Propel Schools: Results: Available: [www.propelschools.org/results.php](http://www.propelschools.org/results.php)

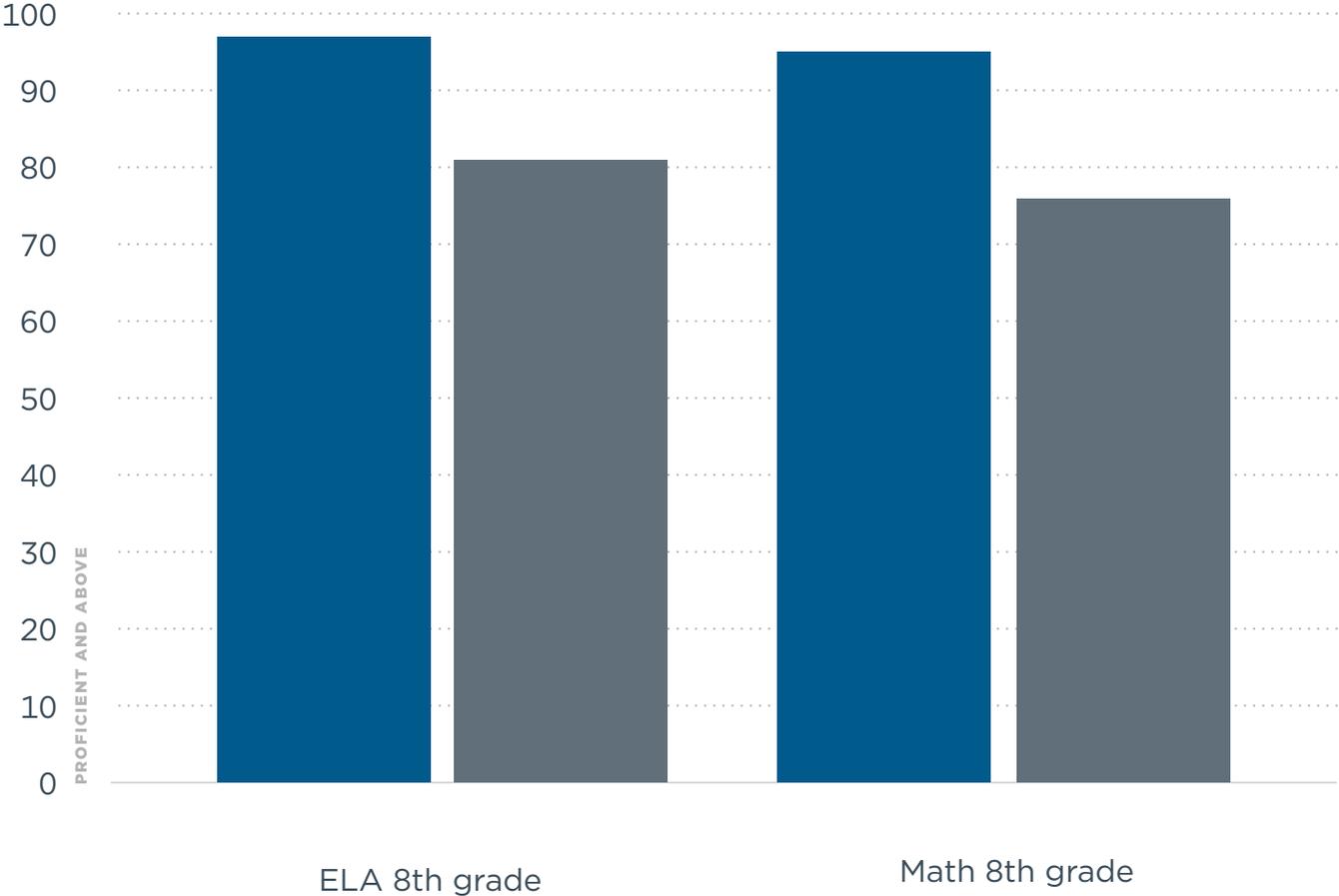
<sup>2</sup> Shoemaker Campus Information. Available: [www.masterycharter.org/schools/shoemaker-campus/about-shoemaker.html](http://www.masterycharter.org/schools/shoemaker-campus/about-shoemaker.html)

<sup>3</sup> Ibid

<sup>4</sup> Pennsylvania Coalition of Public Charter Schools. Available: <http://pacharters.org/why-charters/>

**FIGURE 2** Propel Mckeesport

**SOURCE** Propel CS—McKeesport 2010–2011 School Report Card. Pennsylvania Department of Education. Available: <http://pa.aarp.emetric.net/Content/reportcards/RCIIS103020003000007831.PDF>.



■ Propel: McKeesport  
■ Pennsylvania overall

**The three key  
deficiencies  
in Pennsylvania's  
charter school law**

# Pennsylvania's restrictive authorizing environment

## *Types of charter school authorizers*

Across the country, state laws empower a variety of organizations to authorize charter schools, including local school districts or school boards, mayors' offices, state boards of education, state education agencies, public colleges and universities, nonprofit organizations and state-approved independent boards. Strong authorizers exist in each category, and each type has potential advantages and disadvantages. Most states allow multiple types of entities to authorize charter schools. These states have authorized about 80 percent of the nation's total number of charter schools.<sup>5</sup>

There are several benefits to permitting multiple authorizers in a state. First, a diverse group of authorizers can raise the bar for charter schools by promoting professional practices and collaboration across the state. For example, a successful statewide authorizer can model best practices and provide technical assistance to school districts that choose to authorize charter schools. Multiple authorizers also provide choices for applicants seeking to open a public charter school.<sup>6</sup> If one charter school authorizer lacks capacity or relevant expertise to deal with a particular applicant, it might encourage the applicant to apply to another authorizer.<sup>7</sup> Third, multiple authorizers can provide checks and balances on high-stakes authorizing decisions.<sup>8</sup> But, perhaps most importantly, state laws that enable various entities to authorize public charter schools provide alternatives to the most common and often least-effective type of charter authorizer: the local school district.

## *Pennsylvania's charter school authorizers*

In Pennsylvania, with the exception of cyber schools, only local school boards are permitted to authorize charter schools. Research and experience suggest that of all possible authorizers, local school boards typically have the least capacity and objectivity to perform the authorizing function well. In 2003, researchers analyzed data from 23 states and the District of Columbia, finding lower-quality authorizing, in general, in states where many charter schools were overseen by local school boards.<sup>9</sup> The shortcomings of local districts as authorizers can be captured in three categories:

<sup>5</sup> Policy Guide: Multiple Charter Authorizing Choices. (2009). National Association of Charter School Authorizers. Available: [www.qualitycharters.org/images/stories/Multiple\\_Authorizers.pdf](http://www.qualitycharters.org/images/stories/Multiple_Authorizers.pdf)

<sup>6</sup> Independent Charter School Authorizer Task Force Report. (2010). Illinois State Board of Education. Available: [www.isbe.net/charter/pdf/final\\_task\\_force\\_report.pdf](http://www.isbe.net/charter/pdf/final_task_force_report.pdf)

<sup>7</sup> Ibid

<sup>8</sup> Policy Guide: Multiple Charter Authorizing Choices. (2009). National Association of Charter School Authorizers. Available: [www.qualitycharters.org/images/stories/Multiple\\_Authorizers.pdf](http://www.qualitycharters.org/images/stories/Multiple_Authorizers.pdf)

<sup>9</sup> Palmer, L.B., & R. Gau. (2003). Charter School Authorizing: Are States Making the Grade? Thomas B. Fordham Institute. Available: [www.edexcellencemedia.net/publications/2003/200306\\_charterschoolauthorizing/CharterAuthorizing\\_FullReport.pdf](http://www.edexcellencemedia.net/publications/2003/200306_charterschoolauthorizing/CharterAuthorizing_FullReport.pdf)

- *Minimal staffing and relevant expertise.* Most school districts lack the funding and capacity to properly carry out their authorizing function. Many can dedicate only one-half of one staff member’s time to charter school approvals and oversight. In addition, because many school districts authorize only one or two charter schools, they oftentimes do not have opportunity to build expertise and develop the necessary focus on the job.<sup>10</sup>
- *Inadequate attention to quality authorizing.* School districts sometimes view authorizing as a burden and, therefore, fail to provide the attention, commitment and resources required to do it well. They might adopt oversight practices that are similar to those used for other district schools, such as compliance-based accountability. Or, they might adopt inconsistent or unclear performance measures for charter schools. These school districts often lack the focus on quality that makes charter schools a promising alternative for students.<sup>11</sup>
- *Hostility to charter schools.* In some cases, school district leaders may be swayed against charter schools by local political pressure, or may simply be wary of creating new schools that some might see as competing against existing district schools for students and funding.<sup>12</sup> This dynamic often leads to an authorizing relationship that stymies charter school success. Some school districts may even choose not to authorize charter schools at all, thus eliminating the choice of charter schools entirely for students in those districts.

**10** Policy Guide: Multiple Charter Authorizing Choices. (2009). National Association of Charter School Authorizers. Available: [www.qualitycharters.org/images/stories/Multiple\\_Authorizers.pdf](http://www.qualitycharters.org/images/stories/Multiple_Authorizers.pdf)

**11** Ibid

**12** Mead, S., and A. J. Rotherham. (2007). A Sum Greater Than the Parts: What States Can Teach Each Other About Charter Schooling. Education Sector. Available: [www.educationsector.org/sites/default/files/publications/CharterSchoolSummary.pdf](http://www.educationsector.org/sites/default/files/publications/CharterSchoolSummary.pdf); Policy Guide: Multiple Charter Authorizing Choices. (2009). National Association of Charter School Authorizers. Available: [www.qualitycharters.org/images/stories/Multiple\\_Authorizers.pdf](http://www.qualitycharters.org/images/stories/Multiple_Authorizers.pdf); Lake, R. School Districts Choosing to Charter. (2004). National Association for Charter School Authorizers. Available: [www.qualitycharters.org/images/stories/publications/Issue\\_Briefs/IssueBriefNo6\\_Capacity\\_Districts\\_and\\_Chartering.pdf](http://www.qualitycharters.org/images/stories/publications/Issue_Briefs/IssueBriefNo6_Capacity_Districts_and_Chartering.pdf). Lake also discusses and profiles districts that have embraced chartering as an integral part of district-wide strategies for school improvement.

By limiting the pool of charter school authorizers in Pennsylvania to local school boards, the state has stacked the deck against charter school growth and quality. Alternative authorizers with the focus, capacity, expertise and objectivity to approve and hold charter schools rigorously accountable will be required to dramatically improve educational choices available to the state’s students.

In Pennsylvania, there is an exceptionally high risk of complicated relationships between the school districts as an authorizer and the charter schools they serve. Because of the high level of autonomy afforded charter schools, districts are put in the position of creating new schools that will be located in their district over which they have no direct oversight of day-to-day academic and financial practices. At the same time, they may perceive the charter school as draining students and money from the district.

# Lack of robust authorizer and charter school performance-based accountability system

It's important not only to expand Pennsylvania's pool of authorizers, but also to raise the standard to which they are held and provide them with adequate funding. Clear expectations, standards, rewards, consequences and sufficient funding are necessary components of a strong accountability framework. The National Alliance for Public Charter Schools' analysis of Pennsylvania's authorizer and overall accountability system identifies multiple shortcomings in the law:

- Pennsylvania lacks a registration process for local school boards to demonstrate their interest in authorizing a charter school or schools.
- Local district authorizers are not required to submit an annual report summarizing their respective authorizing activities or their charter schools' performance.
- There is no authorizer oversight body that reviews or evaluates local district authorizer activities or has the authority to revoke authorizing abilities.

On top of an absent authorizer accountability system, the charter law is also silent on a school performance framework by which to evaluate all charter schools' academic and operational performance. To make matters worse, local school board authorizers aren't provided with specific funding for academic and financial oversight. Without a standardized and transparent system and sufficient funding, the renewal and revocation process is particularly unclear, with decisions being made arbitrarily and inconsistently. Charter school educators and students deserve a fair accountability system.

# Pennsylvania's charter schools receive inequitable funding

All public school students deserve access to adequate resources in their schools, from school buildings to supplies and other materials. Unfortunately, Pennsylvania's charter school law fails to provide equitable operational and facilities funding. Additionally, the law gives school districts the choice to withhold surplus. And while Pennsylvania requires that relevant funding is to follow the students based on the per-pupil budgeted expenditure, a 2010 study found that a large disparity exists between per-pupil charter and district funding. On average, charter schools receive \$10,230 per pupil, while traditional public schools receive \$12,896 per pupil, a difference of more than \$2,000.<sup>13</sup>

The National Alliance for Public Charter Schools' analysis of Pennsylvania's charter school law related to equitable access to capital funding and facilities revealed the following key weaknesses:

- Pennsylvania leaves equitable operational funding for charter schools at the discretion of the local school board.
- Charter schools' access to federal and state funding is limited.
- We lack mechanisms to provide credit enhancements for public charter school facilities.
- Charter schools don't have equal access to existing state facilities programs that are available to traditional district schools.
- Pennsylvania does not give charter schools a right of first refusal to purchase or lease a closed, unused or underused public school facility or property at or below fair market value.<sup>14</sup>

Pennsylvania's law requires charter schools to dedicate regular per-pupil funding to facilities, without the support typically given to other public schools. As a result, Pennsylvania's charter schools have less money available where it is needed most: in the classroom, to provide the excellent instruction struggling students need to succeed.

## CYBER CHARTER FUNDING

Funding for cyber charter schools provides a unique challenge to advocates of equitable funding. Because cyber charters do not operate out of buildings, they do not require funds for facilities. At the same time, cyber charters have unique costs—such as broadband access, computers for students, and test site costs—that traditional brick and mortar schools do not have. The General Assembly should review the current system of funding and adjust it to ensure that students attending these schools receive the same resources as do their traditional school counterparts, while ensuring responsible stewardship of public funds.

<sup>13</sup> Batdorff, Megan, Larry Maloney & Jay May with Daniela Doyle and Bryan Hassel. Charter School Funding: Inequity Exists. (2010). Ball State University.

<sup>14</sup> Measuring Up to the Model: A Tool for Comparing State Charter School Laws [Pennsylvania state page]. National Alliance for Public Charter Schools. Available: [www.publiccharters.org/law/ViewState.aspx?state=PA](http://www.publiccharters.org/law/ViewState.aspx?state=PA).

# Promote strong charter school authorizing by enabling and holding accountable multiple types of authorizers

- *Empower entities other than local school districts to authorize charter schools.* Revisions to the state charter school law should create new types of authorizing entities with the capacity, expertise and motivation to approve only the highest-potential charter school applicants, provide them with a supportive operating environment and hold them strictly accountable for results.
- *Hold charter school authorizers accountable for the performance of the schools they authorize.*<sup>15</sup> Ultimately, what matters most is the quality of each charter school. All authorizers should be held accountable for their ability to screen out subpar applications and unqualified school operators, for creating clear and transparent processes for approval and renewal and for their commitment to improving or closing persistently failing schools.

Many other state laws permit multiple charter school authorizers. For example, New York allows the State University of New York and the State Board of Regents to authorize charter schools. Ohio law also allows multiple entities to authorize charter schools, including, for example, the board of education where the school will exist, the governing board of any educational service center located in the district where the school will reside, a qualified education nonprofit and the Ohio Department of Education.<sup>16</sup>

<sup>15</sup> For some choices of how to hold authorizers accountable, see Lake, R. J. *Holding Charter Authorizers Accountable: Why It is Important and How It Might Be Done*. (2006). Center on Reinventing Public Education. Available: [www.crpe.org/cs/crpe/download/csr\\_files/whp\\_ncsrp\\_wp1auth\\_feb06.pdf](http://www.crpe.org/cs/crpe/download/csr_files/whp_ncsrp_wp1auth_feb06.pdf)

<sup>16</sup> *Measuring Up to the Model: A Tool for Comparing State Charter School Laws*. National Alliance for Public Charter Schools. Available: [www.publiccharters.org/law/ViewComponent.aspx?comp=5](http://www.publiccharters.org/law/ViewComponent.aspx?comp=5)

# Implement statewide performance framework for both authorizers and charter schools

## *Institute authorizer and overall accountability system*

A systematic authorizer accountability system is crucial to establishing and maintaining the quality of the authorizers and the charter schools they oversee. Pennsylvania should look to Illinois as an example of a state with an authorizer accountability system. Illinois law requires all authorizers to submit a report to the state board of education every other year that includes the authorizer's strategic vision and implementation plans, each charter school's academic and financial status and its authorizing functions. For each off-year, the state board of education reports on each authorizer's performance. Based on this report, the state board of education may remove an authorizer and/or revoke its chronically low-performing charter schools.

## *Specify performance standards to hold all charter schools accountable for positive results*

Many states require the inclusion of specific performance metrics in their charter laws. For example, Maine's charter school performance framework incorporates several indicators in each school's contract, including student academic proficiency and growth, achievement gaps, attendance, attrition, post-secondary readiness for high schools, financial performance and board stewardship.<sup>17</sup> Pennsylvania should implement a robust statewide charter school performance framework to include measures such as student achievement data, school attrition rates, attendance and other relevant metrics to be used to evaluate all charter schools throughout the state. Developing objective criteria to determine renewal and revocation decisions will bring transparency to how these decisions are made. It will also prevent poor-performing schools from continuing and enable great schools to expand more quickly.

<sup>17</sup> Measuring Up to the Model: A Tool for Comparing State Charter School Laws. National Alliance for Public Charter Schools. Available: [www.publiccharters.org/law/ViewState.aspx?state=ME](http://www.publiccharters.org/law/ViewState.aspx?state=ME)

# Provide charter schools with equitable access to fund facilities and other resources

- *Support charter schools in finding school buildings by giving them fair access to closed, unused or underused buildings.* Charter school founders expend considerable time and effort searching for school facilities. In the end, the facilities they find may be barely adequate to meet student needs. School districts may, in some cases, have access to suitable facilities that they choose not to make available to charter schools or that they only make available with strings attached.
- *Grant charter schools an equitable per-pupil facilities allowance for capital costs.* Requiring charter schools to dedicate operating funds to pay facilities costs, unlike traditional district schools, puts charter school students at a disadvantage compared to their peers in traditional public schools.
- *Require school districts to treat charter schools equitably with respect to surplus education materials, supplies, furniture and other equipment.* Pennsylvania law fails to require districts to provide equitable resources to charter schools. School districts have the choice to deny materials, supplies, furniture and other equipment to the charter schools they authorize, even though they enroll public school students.

Florida is one of several states that provide charter schools with per-pupil allocations to fund facilities costs. Florida charter schools may use these funds to purchase property. They can also use it to purchase, construct, or lease school facilities, as well as to renovate, repair, or maintain school facilities. Florida charter schools can also use these dollars to purchase vehicles for student transportation. Funding increases have paralleled charter school growth in the state, to \$56.1 million in fiscal year 2011.<sup>18</sup>

<sup>18</sup> 2010 Charter School Facility Finance Landscape. Local Initiatives Support Coalition. (2010) Available: [www.lisc.org/docs/resources/effc/2010CSFLandscape\\_r.pdf](http://www.lisc.org/docs/resources/effc/2010CSFLandscape_r.pdf).

# Conclusion

Pennsylvania must catch up with the rest of the country and provide high-quality educational opportunities to our neediest students. By revising our charter law to empower multiple non-district authorizers, hold authorizers and their charter schools accountable, and provide charter schools equitable funding, we can help foster the growth and increased quality of charter schools across the state.

Research on best practices and examples from other states point to promising strategies for making our charter school law the best in the country. Each of these strategies would help to broaden access to high-quality charter schools across the state by promoting growth and accountability. They would also free charter schools to innovate similar to their most successful peers across the country, departing from traditional public school rules to do what is necessary to get results for students. These strategies would also put these public schools on equal financial footing with traditional public schools across the state, ensuring that regular per-pupil funding ends up where it belongs: dedicated to improving learning for every student.

States with the strongest charter school laws allow their public charter schools the flexibility to innovate while still holding them accountable for improving student achievement. A strong charter school law provides careful and thoughtful oversight, and allows for the closure of low-performing schools while scaling up high-performing schools with a track record of success.

Research shows that with the right policies in place, public charter schools that have the ability to provide more instructional time for students and more classroom observations by principals can produce greater student performance gains, especially for low-income students and students of color in urban communities. Strong charter schools such as these are the type of schools that we need in Pennsylvania to bridge the achievement gap. Our educators and students deserve a better charter school law.

# About PennCAN

PennCAN: The Pennsylvania Campaign for Achievement Now will launch in spring 2012 as an education reform advocacy organization building a movement of Pennsylvanians with the political will to enact smart public policies so that every Pennsylvania child has access to a great public school. We are a branch of 50CAN: The 50-State Campaign for Achievement Now, a growing national network of state-based education reform advocacy groups with campaigns in Rhode Island, Minnesota, New York and Maryland based on the groundbreaking model developed by ConnCAN in Connecticut.

[www.penncan.org](http://www.penncan.org)