# CHAPTER FIVE

# **1.** Policy Recommendation: Expand family access to charter schools

Charter schools are public schools that operate free from many of the restrictions placed on other public schools. With this local autonomy, teachers and principals in charter schools are able to create customized educational programs that better meet the needs of children, especially those living in underserved communities.

Another key difference between charter schools and traditional public schools is that children are not assigned to charter schools based on zip code. Parents voluntarily enroll their children in a charter school, while most public school children are assigned to a school by the central school district office, with little choice or input from parents.

#### Charter schools are popular with parents

The innovative and high-performing programs offered by public charter schools make them popular with parents. Charter schools are the most rapidly expanding school choice innovation in public education since a public school teacher proposed the idea in the early 1990s. Today, there are 6,700 charter schools across the country serving nearly three million students.<sup>1</sup> Last year, enrollment at charter schools jumped by 14 percent nationwide.<sup>2</sup>

Research shows children attending charter schools are more likely to graduate from high school and to enroll in college.<sup>3</sup> In

<sup>1 &</sup>quot;Estimated Number of Public Charter Schools and Students, 2014-2015," National Alliance for Public Charter Schools, February 2015, at www. publiccharters.org/wp-content/uploads/2015/02/open\_closed\_FINAL.pdf. 2 Ibid.

<sup>3 &</sup>quot;Guide to Major Charter School Studies," by Liv Finne, Policy Brief, Washington Policy Center, July 23, 2012, at www.washingtonpolicy.org/ publications/detail/guide-to-major-charter-school-studies.

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2015, the CREDO research group at Stanford University found that learning gains in urban charter schools are dramatic. Urban charter schools add the equivalent of 28 days of additional learning in reading and 40 days of additional learning in math every year. For low-income and minority students the gains are 44 extra days of learning in reading and 59 extra days in math.<sup>4</sup> A recent study from Vanderbilt University shows that students attending charter high schools are more likely to stay in college and to experience higher earnings in their mid-twenties.<sup>5</sup>

In 2012, Washington became the first state to legalize charter schools by passing a citizen's initiative, Initiative 1240.<sup>6</sup> Then, in September 2015, Washington became the only state to have its charter schools defunded by state supreme court ruling, which held charter schools cannot receive revenue from the state General Fund.<sup>7</sup>

In 2016, the legislature passed a law which funds charter schools from the Opportunity Pathways Account.<sup>8</sup> Governor Jay Inslee,

<sup>4 &</sup>quot;A Rebuttal of Weingarten on the Facts," by Margaret Raymond, Director of the Center for Research on Education Outcomes (CREDO) at Stanford University, *Huffpost Education*, April 15, 2016, at www.huffingtonpost.com/margaret-raymond/a-rebuttal-of-weingarten-\_b\_9701622.html.

<sup>5 &</sup>quot;Charter High Schools' Effects on Long-Term Attainment and Earnings," by Tim R. Sass, Ron W. Zimmer, Brian P. Gill and T. Kevin Booker, Association for Public Policy Analysis and Management, Vanderbilt University, 2016, at news. vanderbilt.edu/files/pam\_21913\_Rev-FINAL-4416.pdf.

<sup>6</sup> Initiative Measure No. 1240, "Concerns creation of a public charter school system," Office of the Secretary of State, General Election results, November 6, 2012, at results.vote.wa.gov/results/20121106/Initiative-Measure-No-1240-Concerns-creation-of-a-public-charter-school-system.html.

<sup>7</sup> League of Women Voters of Washington, El Centro de la Raza, Washington Association of School Administrators, Washington Education Association, Wayne Au, Pat Braman, Donna Boyer, and Sarah Lucas v. State of Washington, En Banc Opinion, Supreme Court of the State of Washington, September 4, 2015, No. 89714-0, at www.courts.wa.gov/opinions/pdf/897140.pdf. 8 ESSSB 6194, "Concerning public schools that are not common schools," enacted April 3, 2016, without Governor Inslee's signature, at app.leg.wa.gov/ billinfo/summary.aspx?bill=6194&year=2015.

while not an active supporter of charter schools, agreed to let the bill become law without his signature.

Washington has eight charter schools, located in Seattle, Highline, Kent, Tacoma and Spokane. The schools are oversubscribed and must maintain waiting lists of families seeking to enroll. Two-thirds of the 1,200 students attending these schools come from low-income families and 70 percent are minority students.

Many parents in Washington, particularly in underserved communities, regard charter schools as offering a better option for learning than their local public school.

Current state law limits the number of charter schools to no more than 40, in a public system of more than 2,000 schools. Forty charter schools are insufficient to meet current demand from families, let alone the increasing needs of underserved families in the future.

#### Repeal the cap on charter schools

Lawmakers should dramatically increase, or better yet, repeal, the artificial limit on the number of public charter schools that can serve children in the state.

Given their popularity with parents, and the bipartisan support behind passage of the charter school law, lifting or removing the limit is well within the ability of the legislature. Expanding family access to charter schools is part of fulfilling the state's paramount constitutional duty to provide for the education of <u>all</u> children living within the state.<sup>9</sup>

<sup>9 &</sup>quot;Article IX, Section 1, Education," Constitution of the State of Washington, 1889, at leg.wa.gov/LawsAndAgencyRules/Pages/constitution.aspx.

# 2. Policy Recommendation: Expand access to family choice in education

Over the past 20 years, officials in more states have recognized that parents need greater family choice in public education, because it improves learning outcomes for children. United States Senator Tim Scott (R-SC) summarized the commonsense reasons for giving parents more options in the education of their children:

"We know that when parents have a choice, kids have a better chance. There is an education crisis in American and too many children are being left behind simply because of their zip code."<sup>10</sup>

Helping parents get involved in making education decisions is the purpose of school choice programs. These programs provide a variety of ways, including scholarships, vouchers, tax-credit programs, Education Savings Accounts, charter schools and online learning, that give parents the means to decide how their children are educated.

#### Family choice in education is common in other states

Family choice programs are now common across the country. Twenty-four states and the District of Columbia operate 51 family choice learning programs that fund the education of more than 300,000 students. Under these programs families direct the public education funding to which they are entitled to the private school of their choice. Family choice programs include directing funding to public schools as well – the key is that parents, not central office bureaucrats, direct resources in the best interest of children.

Parent choice in education improves public schools by giving administrators a strong incentive to serve the needs of families first, ahead of vested political interests in the system.

<sup>10 &</sup>quot;U.S. Senator Tim Scott to keynote American Federation for Children Policy Summit," e-mail announcement, American Federation for Children, April 20, 2016.

### The education monopoly provides less service at higher costs

Without incentives, school districts often provide less service at higher costs, and suffer recurring union strikes, because the career professionals know the education monopoly will protect the flow of funding, even when schools fail to educate students.

Top-down efforts at school accountability have not worked. Accountability measures are routinely manipulated to create the appearance of improvement, when in reality the rigor of academic learning standards is being reduced. For example, in August 2015 members of the State Board of Education lowered the standard for passing state tests in English and math from a 3 to a 2.5, backing away from the promise to make all students "college and career ready."<sup>11</sup>

#### Family choice creates accountability

Family choice in education creates real accountability. Parents think carefully about the learning needs of their children, and cannot be gamed, threatened or silenced. School choice allows parents assigned to low-performing schools the option of sending their children to an alternative school or online program that meets their needs and, most importantly, to direct their children's public education funding to where it will do the most good.

<sup>11 &</sup>quot;State Board of Education sets lower bar on Common Core tests," by Donna Blankenship, Associated Press, August 5, 2015, at komonews.com/news/local/ state-board-of-education-sets-lower-bar-on-common-core-tests.

## **3. Policy Recommendation: Allow Washington** parents access to state-funded Education Savings Accounts (up to \$9,000 per child)

In Nevada, Governor Brian Sandoval and state lawmakers have enacted one of the most forward-looking education funding reforms in the country, centered on family-based Education Savings Accounts.<sup>12</sup>

This progressive program gives parents access to a state-funded Education Savings Account (ESA) for families that want one. The program is 100 percent voluntary. Parents are not required to take any action if they choose not to, and all children retain the right to attend a state-funded public school.

### Voluntary ESAs open new learning opportunities

Under the voluntary ESA program, parents can arrange for their children to receive instruction from licensed private schools, other eligible institutions, online programs and accredited tutoring companies and non-profits. The public funding which their children receive is placed in an account devoted solely to education. Parents in Nevada who request an ESA receive about \$5,000 per child. The liability for taxpayers is limited; parents are responsible for any education expenses beyond the amount provided by the ESA.

Parents who are not interested in an ESA do not need to do anything. Their children can still attend public schools for free. Nevada is the fifth state to provide parents with a voluntary ESA program, but it is the only universal program in the nation, open to all families upon request on an equal basis.

Lawmakers in Arizona, Tennessee, Florida and Mississippi

<sup>12</sup> Senate Bill 302, "An act relating to education...," Legislature of Nevada, signed by Governor Brian Sandoval, May 29, 2015, at www.leg.state.nv.us/ Session/78th2015/Bills/SB/SB302\_EN.pdf.

also offer parents Education Savings Accounts. These programs are not universally available, however. Instead they offer voluntary participation to families with students attending failing public schools, students with disabilities, students in foster care and students from active-duty military families. In addition, Arizona offers access to ESAs to families living on Indian reservations.

### Avoiding the constant conflict and politics in public education

Parents are the primary educators of children. The presence of parents in the life of a child is permanent and ongoing, while teachers and administrators have a transitory relationship with students.

Public education in Washington state is complex and rife with conflict and politics. It is important for state policymakers to recognize, and respect, the role of parents in directing the education of children. Parents are primarily concerned about the long-term welfare of their children, not with the latest union strike that has closed the local public school.

Critics of family choice in education say parents cannot be trusted with too great a voice in public education. Yet parents make all the important decisions about nutrition, health care and development in the life of a child. In public education, however, the choices of parents are severely limited by lawmakers and administrators. Wealthy families have access to a range of educational opportunities for their children that are not available to most families.

## ESAs level the playing field

Education Saving Accounts offer a way to level the playing field, by providing low-income and working families access to the same opportunities enjoyed by upper-income households, and to escape being restricted to a choice of one – the local public school monopoly – based solely on zip code.

# 4. Policy Recommendation: Simplify school spending with "fund the child" budgeting

The funding of public education in Washington state is hopelessly complex, with the result that the public, and many policymakers, have no idea how much school districts spend to educate children. The result is that only 60 cents of every education dollar reaches the classroom, less than half of school employees are teachers and, in the confusion, the public is prevented from holding education officials accountable.

The people of Washington state need a clear and transparent measure of whether state officials are fully funding public schools. Current measures are so twisted and unclear that the public is uninformed about how much the state, local and federal taxpayers provide to fund the K-12 schools.

#### A better measure of school funding

A better measure of funding schools is called "fund the child," which has revitalized schools across the country. This approach has proved successful in public schools in Cincinnati, Baltimore, San Francisco, Houston, St. Paul and Oakland, and there are pilot programs to test the idea in Boston, Chicago and New York City.

Under this system, school funding is measured by the cost of funding each child, which is expressed in a set dollar amount. The individual student grant follows the child to the public school of the family's choice.

Funding for each child can include a dollar multiplier to assist children who require more resources, such as disabled children, children with limited English proficiency and poor children. For example, the typical student may receive \$13,000 a year in funding for education, while a disabled student would receive \$26,000.

#### Showing how much lawmakers provide to each child

Devoting these dollars to local schools allows principals to decide how best to educate children. It also allows the public, including parents, teachers and child advocates, to know just how much lawmakers are providing for each child, and to compare this amount with what they provided in past years. A clear, per-student method of funding would show whether the legislature is fulfilling its constitutional duty to provide for the education of every child living in Washington.

# 5. Policy Recommendation: Shift from funding staff ratios to funding children's needs

Currently, Washington lawmakers allocate funding to the schools based on the number of teachers and defined classroom sizes, in addition to other staff ratio formulas. Education money is spent according to a pre-set salary grid, and the system blindly pays teachers based on seniority and training credits, not on teaching skill.

In this system, no account is taken of actual student needs, nor does it show respect for the best-performing teachers. It also does not weed out ineffective teachers. Under staff ratio funding bad teachers and good teachers are paid the same. If parents complain, bad teachers are simply re-assigned to another classroom or another school, an administrative round-robin called the Dance of the Lemons.

#### Reducing the control of central bureaucracies

Staffing ratios are controlled by central bureaucracies. Local principals have little flexibility in directing public resources in ways that benefit students. As a result, principals are tangled in a thicket of budgeting and staffing rules. Principals in Washington public education control less than five percent of the money their schools receives.

Researchers at the legislature's Joint Legislative Audit and Review Committee (JLARC) reported that:

"In most cases, central administrators determine the number of certificated and classified staff assigned to individual schools. Almost 96 percent of districts responding to JLARC's survey said that central administrators determine whether to hire additional teachers and 89 percent said central administrators determine the number and type of classified staff employed at each school."13

#### **Focusing on students**

Shifting to student-focused funding would ensure that every student receives the resources his or her local school requires to provide a high-quality education. It would be fair to students because it would give principals control over hiring and teacher assignments in a way that weeds out bad performers and ensures that every teacher has the skill and experience to meet the learning needs of children.

<sup>13 &</sup>quot;K-12 School Spending and Performance Review, A Preliminary Report," State of Washington Joint Legislative Audit and Review Committee (JLARC), September 14, 2005, page 17.

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# 6. Policy Recommendation: End the restrictive Prototypical School Model

In the *McCleary* lawsuit, executives at the WEA union sued the state, saying lawmakers had not provided enough funding for public schools under the Prototypical School Model, a funding approach enacted by the legislature in 2009 under bill HB 2261.<sup>14</sup>

The bill defined the official meaning of "basic education" by mandating precise staffing ratios and creating twenty work categories, like "media specialist," "social worker," and "technology staff." The authorizing law provided that every school district had to hire a set number of employees in each category for every 1,000 students.

#### Teachers must join the union or face termination

The prototype school concept is unproven and expensive. It serves the interests of the union because it requires the hiring of a certain number of staff, regardless of the real needs of students. Under Washington's monopoly school system every new teacher must join the union and pay monthly dues or face termination.

Public charter schools and private schools, however, do not use strict employee categories or prototypical models and in general they produce better learning outcomes for children. Charter and private school administrators realize there is no such thing as a prototypical child, and they assign teachers and other professional staff based on the individual needs of students.

In public charter and private schools there is no requirement that teachers and other staff join the WEA union and pay dues each month, allowing them to avoid much of the politics and controversy associated with unions. Instead, they focus on the craft of teaching.

<sup>14</sup> *McCleary*, et.al. vs. The State of Washington, Supreme Court Case No. 84362-7, January 5, 2012, at www.courts.wa.gov/opinions/pdf/843627.opn.pdf, and ESHB 2261, "Concerning the state's education system," Legislature of Washington state, signed by Governor Christine Gregoire, May 26, 2009, at apps.leg.wa.gov/billinfo/ summary.aspx?year=2009&bill=2261.

## Overreach in the controversial McCleary case

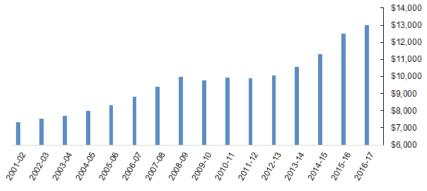
The state supreme court agreed with the union in the *McCleary* case and ruled the state had failed to fully fund education based on the Prototypical School Model. The court was accused of overreaching in the controversial case, seeking to act as lawmakers as well as judges. Still, in the effort to satisfy the court, lawmakers enacted massive increases in education spending, without fundamentally changing the way money is spent.

The legislature increased school funding by \$4.7 billion, from \$13.5 to \$18.2 billion, over two budget cycles. This permanently increased school funding by one-third, raising the spending to \$9,024 per student. Counting local and federal spending, total per-student spending rose to almost \$13,000 a year, a remarkable 33 percent increase and the highest in state history.<sup>15</sup>

### Increases in education spending since 2001

The graph illustrates the dramatic increases in education spending since 2001, in an effort to gain improvements for children by adding money to school district budgets.

# The rise in per-student education spending in Washington state, combined state, local and federal sources, 2001-2017 (enacted)



Source: "Workloads/Staffing and Finance," Washington State K-12 Finance Data, 2000-16,and Senate Ways and Means Committee, for 2016-17 projection

<sup>15 &</sup>quot;The Paramount Duty Series," by Senator Andy Hill, Chair, Washington state Senate Ways and Means Committee, 2016, Footnote 29, at andyhill.src.wastateleg. org/the-paramount-duty-series-2/.

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Although lawmakers have increased public education spending dramatically, the *McCleary* decision has not succeeded in reforming the way public money is spent. Higher funding based on the Prototypical School Model and strict staffing ratios has not improved the quality of schools for students, although it has boosted the finances and power of WEA union executives. The public school drop-out rate remains high, academic achievement is flat, and Washington's achievement gap between minority and white students remains a significant problem.

#### Improving the way public money is spent

Ending the restrictive Prototypical School Model would allow improvements in the way public money is spent for the benefit of students. It would stop the practice of simply adding money to a flawed system while hoping against hope for better results. Meeting the real needs of real students, not their perceived "prototypical" needs, would lead to higher-quality public schools and better learning outcomes for students.

## 7. Policy Recommendation: Repeal life-time tenure rules and certification limits that keep the best teachers out of public schools

Washington state law bars any person from teaching in a public school without a formal teaching certificate (the prohibition does not apply to private schools). Yet, a Harvard Graduate School of Education study shows that a formal teaching credential "matters little" in raising student achievement.<sup>16</sup>

#### Teaching certificates do not guarantee teacher quality

The study found that the teacher's mastery of lesson subject matter is far more important to student learning than a state-issued certificate. In theory, an official certificate is supposed to guarantee teacher quality. In the real world of classrooms and children, however, there is a marked difference between checking off certificate requirements and being a good teacher.

The legislature has granted private schools the advantage of hiring based on quality and experience rather than paper credentials. Members of religious orders are often skilled and caring teachers, and are not required to have a state-issued certificate. Many private schools hire faculty who hold doctorate degrees or are experienced business professionals, but never completed state certificate requirements. These are not elite schools; they are often located in low-income neighborhoods and their teachers take on the noble work of educating the hardest-toteach students.

#### Effective teachers raise student achievement

In addition, teacher tenure laws grant automatic lifetime employment to public school teachers after three years, making it

<sup>16 &</sup>quot;Photo Finish: Teacher certification doesn't guarantee a winner," by Thomas J. Kane, Jonah E. Rockoff and Douglas O. Staiger, Education Next, 2008, at educationnext.org/photo-finish/.

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nearly impossible to fire a bad teacher in a public school. Private schools, in contrast, are legally permitted to hire and fire staff at will, allowing private schools to dismiss poor performers and continuously improve teacher quality.

Research shows that an effective teacher in the classroom is more important than any other factor, including smaller class size, in raising student achievement.<sup>17</sup> A good teacher can make as much as a full year's difference in the learning growth of students.<sup>18</sup> Students taught by a high-quality teacher three years in a row score 50 percentile points higher on standardized tests than students of weak teachers.<sup>19</sup> The research also shows that students taught by a weak teacher two years in a row may never catch up.

The research shows the best teachers have:<sup>20</sup>

- Mastery of the subject matter;
- Five years or more of teaching experience;
- Training in content knowledge and high levels of classroom competency;
- Strong academic skills, intellectual curiosity and an excitement about learning for its own sake.

<sup>17 &</sup>quot;Teacher Pay, The Political Implications of Recent Research," by Dan Goldhaber, University of Washington and Urban Institute, The Center for American Progress, December 2006, at www.americanprogress.org/ issues/2006/12/teacher\_pay.html.

<sup>18</sup> Ibid.

<sup>19 &</sup>quot;Cumulative and Residual Effects of Teachers on Future Student Academic Achievement," by William L. Sanders and June C. Rivers, Value-Added Research and Assessment Center, University of Tennessee, November 1996, at www.mccsc.edu/~curriculum/cumulative%20and%20 residual%20effects%20 of%20teachers.pdf.

<sup>20 &</sup>quot;Teacher quality and student achievement research review," by Policy Studies Associates for the Center for Public Education, November 2005, at www.centerforpubliceducation.org/site/ c.kjJXJ5MPIwE/b.1510983/.

### Creating renewed respect for teachers

Teachers should be hired based on a knowledge and a sense of excitement about the subject they will present to students. Teachers who show results, regardless of certification status, should be rewarded and encouraged. Teachers who do not should be asked to find other work, regardless of artificial certification and tenure rules.

Lawmakers can level the playing field by letting public schools be managed as well as their private-sector counterparts. Repealing lifetime tenure rules and ending the limits on teacher hiring would allow public schools to compete for the best teachers, while drawing new talent into the profession. The result would be renewed respect for teachers, because they had clearly earned their position, and, most importantly, a better learning environment for public school students.

## **Additional Resources**

"Education money for families: How Education Savings Accounts can help children learn in Washington state," Policy Brief, Washington Policy Center, January 2016

"Opening New Doors for Students: A look at Washington first public charter schools," Policy Brief, Washington Policy Center, June 2014

"Does increasing public school spending improve learning outcomes for children?" Legislative Memo, Washington Policy Center, February 2014

"WPC's Education Reform Plan: Eight practical ways to improve schools," Policy Brief, Washington Policy Center, July 2012

"An Option for Learning: An assessment of student achievement in charter public schools," Policy Brief, Washington Policy Center, January 2011

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The 5th edition of the Policy Guide for Washington State provides updated information and insight about a range of important issues, including budget and taxes, environment, agriculture, health care, education, small business and transportation.

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The Policy Guide provides both a reference to current issues and a practical guide to the best policy ideas and reforms needed in our state. It provides clear and specific policy recommendations that policymakers can adopt as their main priorities. The recommendations are based on approaches the research indicates would make the greatest positive difference for the people of our state. The priorities presented here are designed to lead to better governance and promote policies that improve the lives of all Washingtonians.

"The Policy Guide for Washington State is seen on legislators' desks throughout the capitol—from both sides of the aisle. It provides real solutions and reforms for the biggest problems that the state faces. I've drawn on the Policy Guide both as an uninformed candidate and now as a seasoned legislator. It's a must read and must have for all legislators and candidates!"

> -Senator Andy Hill Senate Ways and Means Committee Chair



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