

## Lifting the State Ban on Charter Schools

by Liv Finne  
Director, Center for Education

February 2012

### Introduction

This Legislative Memo provides an analysis of HB 2428, sponsored by Representatives Eric Pettigrew (D-Seattle) and Glenn Anderson (R-Fall City). Senators Rodney Tom (D-Bellevue) and Steve Litzow (R-Mercer Island) have sponsored a companion bill, SB 6202, in the Senate. These bills would lift the ban on charter public schools in Washington and create a state-level school district for failing schools. The purpose of these bills is to improve the quality of public education available to children, close the achievement gap between white and minority students, and increase parental involvement in public education.

Washington Policy Center has long recommended that state lawmakers lift the ban on charter public schools.<sup>1</sup>

### Background

A charter school is a community-based public school that promotes parental involvement and is governed by an independent, non-profit board. Charter schools may not discriminate among students and are held accountable to parents and the public for the quality of education children receive. The first charter public schools were opened in Minnesota in 1991. Since then the idea has been adopted by 41 states and the District of Columbia.

Charter schools are popular. Today over 1.7 million children attend 5,453 charter public schools, a number that increased by 9% in 2010 alone. Many charter schools have lengthy waiting lists. The families of an estimated 365,000 children are waiting to attend a local charter school, enough to open over one thousand additional schools.

Well-run charter public schools perform significantly better than traditional public schools. Research shows that charter public schools do not “cream” the best students. Students attending charter schools are no different in academic background and motivation than students attending traditional public schools. In fact, charter schools often operate in urban communities heavily impacted by poverty. Charter public schools in Massachusetts, for example, have closed the achievement gap between minority and white students.<sup>2</sup>

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<sup>1</sup> *Policy Guide for Washington State, 4<sup>th</sup> Edition*, 2012, edited by Paul Guppy, p. 183, at [www.policyguide.org](http://www.policyguide.org).

<sup>2</sup> For more information on the success of charter public schools in other states see, “An Option for Learning: An Assessment of Student Learning in Public Charter Schools,” by Liv Finne, Policy Brief, Washington Policy Center, January 2011, at [www.washingtonpolicy.org/publications/brief/option-learning-assessment-student-achievement-charter-public-schools](http://www.washingtonpolicy.org/publications/brief/option-learning-assessment-student-achievement-charter-public-schools).

## **Analysis of HB 2428 and SB 6202**

These bills would create a strong process for creating a charter public school in Washington. The process would allow the State Board of Education to grant applications to multiple charter school authorizers. These can include:

1. A new independent state agency, the Washington State Charter School Commission
2. A local school board
3. A public four-year college or university

The authorizers would request applications and enter into contracts with local non-profit charter school organizations. The authorizers would also monitor and oversee actual charter school performance in the community, as measured by real gains in student achievement. Religious-based charter schools would not be permitted.

A charter school may not charge tuition or limit admission, but its board could base the curriculum on a special educational theme, such as emphasis on science, the arts or cultural diversity. If more families applied than the school could accommodate, a lottery would be used to select students.

These bills would allow local projects to convert a traditional public school to a charter school. Applicants would have to first demonstrate a high level of community support in the form of a petition signed by a majority of teachers or a majority of local parents.

A charter school that failed to provide students with a quality public education would be closed and the children transferred to other schools. This is the one of the strongest features of the bills, providing a higher level of public accountability than currently exists for traditional public schools.

### **Arbitrary Cap of 50 Schools**

These bills include an arbitrary cap limiting the number of community-based charter schools to only 10 per year, for a total of no more than 50 schools over five years. The experience of other states indicates parental demand for sending children to charter public schools would far exceed this limit, particularly for families living in poor and minority communities. The result would likely be long waiting lists at local charter schools, and heartbreaking news for children who are not chosen in the annual lottery process.

Imposing an arbitrary cap on the number of charter public schools would reduce parental involvement in public education and cruelly limit access to better schools for some children. It would also promote inequality, as targeted children are denied learning opportunities that are offered to their peers.

### **Levy Provision Discriminates Against Charter School Families**

Under the bills, children attending community-based charter schools would be entitled to the full allocation of state and federal funding on an equal basis as students attending traditional public schools. The bills, however, would bar children attending charter schools from receiving any funding from local school levies unless their school is authorized by the district school board. Currently local property tax levies provide about 20% of the revenue available for public education, an average of \$2,000 per student.

This levy limit means students attending charter public schools authorized by the state or by four-year colleges and universities would be denied the full funding to which they are currently entitled. It also means parents of charter school students would be singled out for financial penalty, because they would be paying the same property taxes for public education as their neighbors, but their children would be barred from receiving any of the benefits. This provision, if enacted, would for the first time authorize education officials to discriminate among public school families based on the school their children attend.

## Limits on Teacher Hiring

The bill would force charter public schools to hire only people who hold a state-approved credential as a teacher. The same limitation applies to traditional public schools. The state, however, grants private schools a broad exemption to the teacher hiring restriction. For this reason private schools often hire people with strong professional skills from such diverse fields as engineering, high-technology, business or the arts so they can bring their unique knowledge and life experiences to the classroom.

As public policy, the teacher hiring limit has been ineffective. The research shows that holding a teaching credential “matters little” in raising student achievement.<sup>3</sup> It also shows that placing an effective teacher, regardless of credential, in the classroom is more important than any other single factor in whether students learn.<sup>4</sup> Instead, studies indicate that effective teachers have strong content knowledge, an enthusiasm for their subject, strong academic skills and high standards of classroom competency.<sup>5</sup>

Imposing the teacher hiring limit would needlessly cut the hiring pool available to charter school leaders, with the result that students would be denied access to the best available teachers.

## Transformation Zone for Failing Public Schools

The bills would require that persistently low-performing schools be transferred to a new state-level school district called the Transformation Zone. State officials would then retain an independent non-profit school management organization to improve the curriculum, teacher quality and learning outcomes for the benefit of students.

The Superintendent of Public Instruction would determine, using State Board of Education performance data, which failing schools would be transferred to the Transformation Zone. The bill caps the number of failing schools that could be designated Transformation Zone schools at no more than 20 schools per year. The latest State Board of Education index shows 169 schools received the lowest ranking, marking them as failing public schools.

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<sup>3</sup> “Photo Finish: Teacher certification doesn’t guarantee a winner,” by Thomas J. Kane, Jonah E. Rockoff and Douglas O. Staiger, Education Next, The Hoover Institution, 2008, at <http://educationnext.org/photo-finish/>

<sup>4</sup> “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](http://www.americanprogress.org/issues/2006/12/teacher_pay.html).

<sup>5</sup> “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/](http://www.centerforpubliceducation.org/site/c.kjJXJ5MPIwE/b.1510983/).

## Recommendations

To ensure Washington enacts the best charter school law possible, the bills could be improved in the following ways:

1. Remove the arbitrary cap on the number of charter public schools.
2. Remove the local levy discrimination provision.
3. Remove the credential mandate so any qualified professional can be a teacher.
4. Require that schools that receive the lowest state ranking three years in row are designated as Transformation Zone schools.
5. Remove the annual 20-school cap on Transformation Zone schools.

## Conclusion

If enacted HB 2428 and SB 6202 would represent a significant improvement in the quality of public education available to Washington families. It would also greatly enhance opportunities for parents to get involved in their children's education. In addition, passage of these bills would indicate that Washington no longer lags behind other states in promoting innovative school reform.

Charter schools are welcomed in many communities. Many charter schools across the country have trouble meeting demand, and must use lotteries and waiting lists to turn families away. The way to avoid forcing painful choices on children is not to impose an arbitrary cap on the number of charter schools they will permit. In that way state officials would not find themselves rationing access to these popular schools among competing communities.

One great advantage of these bills is the initiative to create a local charter school would come from the community and that getting involved would be voluntary. Families that are not interested in charters would not have to participate. At the same time, except for imposing an arbitrary cap, school officials, teachers unions or other interest groups would be barred from denying families the right to start a charter public school if parents feel that is what is best for their children.

By building on 20 years of experience and adopting the recommendations described here, these bills offer Washington legislators a way not only to lift our state's ban on public charters, but an opportunity to enact the best charter school law in the country.

*Liv Finne is director of the Center for Education at Washington Policy Center, a non-partisan independent policy research organization in Washington state. Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.*