

ACCOUNTABILITY GUIDELINES ON SCHOOL PUSHOUT AND CHARTER SCHOOLS

The Dignity in Schools Campaign, a coalition of more than 80 organizations across the country opposing overly punitive and harmful school discipline practices, shares these Guidelines to address the lack of oversight and accountability that contributes to school pushout in charter schools.

Charter schools are publicly-funded schools that, for the most part, are privately-managed and run by for-profit companies or non-profit organizations. In some cases, school districts may also manage their own charter schools. While charters receive public funding, they are not required to meet the same standards for public oversight as traditional public schools or to provide the same protections for the rights of students, parents and teachers.

Without this oversight, students, parents and teachers in charter schools do not have the same pathways to seek recourse or demand change when students are pushed out of school as they would in a publicly accountable system. This lack of oversight contributes to inequities in our education system and to the larger school pushout crisis in our nation, resulting in lost learning time and an increased likelihood of involvement with the juvenile justice system among students. The Dignity in Schools Campaign is committed to the vision of a fully functional, accountable and successful public school system that protects every student's human right to a quality education and to be treated with dignity.

These Accountability Guidelines¹ are intended to promote best practices that encourage inclusive and positive school discipline practices and dismantle the school-to-prison pipeline. We recognize that each state and locality is unique and we encourage advocates and policymakers to examine their particular state laws and practices. These best practices are meant to address structural and systemic issues that contribute to school pushout, and are not in any way meant to pass judgment on families who decide a charter school is the best choice for their child. We recognize and appreciate schools, including charters, that are currently implementing many of the best practices listed below and serve as models for the rest of the country.



¹ These Accountability Guidelines were developed based on a survey of Dignity in Schools Campaign member organizations regarding the impact of charter schools on school discipline and pushout, policy recommendations and principles from the Dignity in Schools Campaign Model Code on Education and Dignity available at www.dignityinschools.org/our-work/model-school-code, and recommendations from Public Accountability for Charter Schools: Standards and Policy Recommendations for Effective Oversight developed 2014 Annenberg Institute for School Reform at Brown University available at <http://annenberginstitute.org/sites/default/files/CharterAccountabilityStds.pdf>.

RIGHT TO EDUCATION

Charter schools throughout the nation receive public funding through local school districts, states and the federal government. Yet, these schools are not held to the same accountability standards as other public schools for ensuring that all children have access to education. In many communities, these schools are formally or informally implementing practices that keep out or push out students with the greatest needs,² denying them their right to education, while also draining resources from traditional public schools and contributing to school closures.³ We are calling on all states, districts and charter schools to:

- ✓ Ensure that across both traditional public and charter schools all students, including students with disabilities, English Language Learners, students receiving free or reduced price lunch and homeless students or students in temporary housing situations, have equitable access to high quality education, qualified, certified teachers and a full complement of educational and enrichment programs, including in the arts, athletics, music, advanced coursework, social and emotional learning and school-wide positive approaches to discipline.
- ✓ Ensure that across both traditional public and charter schools resources are distributed equitably. This means more resources go to schools with student populations that have greater needs and require more services, including students with disabilities, English Language Learners, students receiving free or reduced price lunch and homeless students or students in temporary housing situations. The distribution of resources should also avoid competition between schools or the underfunding of traditional public schools.
- ✓ Develop a transparent district-wide assessment plan—with participation of communities—which documents the impact of charters on demographic changes, public school closings and geographic distribution of schools and students. The plan should also outline protections to ensure that schools with the highest-need student populations receive more resources and that all students have access to high quality education.

² Kevin G. Welner, "The Dirty Dozen: How Charter Schools Influence Student Enrollment," *Teachers College Record* (April 2013), <http://nepc.colorado.edu/publication/TCR-Dirty-Dozen>.

³ Preston C. Green, Bruce D. Baker and Joseph Oluwole, "Having it Both Ways: How Charter Schools Try to Obtain Funding of Public Schools and the Autonomy of Private Schools," *Emory Law Journal*, Vol. 63, No. 2 (February 22, 2014), <http://ssrn.com/abstract=2399937>.

RIGHT TO PARTICIPATION

While laws vary greatly from state to state, many charter schools do not have meaningful methods for parent, student and broader community stakeholder participation in decision-making processes around the establishment and ongoing operation of these schools.⁴ We are calling on all states, districts and charter schools to:

- ✓ Require that decisions on when to open, when to renew and where to locate charter schools be made with community input and approval, assessments of educational impact and need and with the collective needs of the district's parents and students in mind.
- ✓ Require that the governance of charter schools, as publicly funded institutions, should be local, transparent, responsive and accessible to parents, students and the general public.
- ✓ Require that any state boards established to review and approve new charters, and renew and monitor existing charters, include representation of all stakeholders, including parents, students and community leaders.
- ✓ Require that any district-level boards or committees overseeing charters include community stakeholder representation, such as parents, students, teachers and other members of the broader community that are impacted by those schools.
- ✓ Ensure that both parents and the broader school community are part of a democratic and transparent process to elect the governing boards of charters, and ensure that parents and other stakeholders from each school have majority representation on those boards.
- ✓ Require all charter schools to be fully compliant with state open meetings/open records laws. Require board meetings to be well publicized and held at times that are convenient for parents. Require that governing board meetings include designated opportunities for public comment, testimony and input.
- ✓ Ensure that all charter schools create welcoming and transparent environments for parents and students to participate in decision-making processes.
- ✓ Ensure that all charter school policies, information about staff, instructional strategies, curriculum, school rules, behavior codes and data on educational outcomes and disciplinary practices be accessible and available online and in hard copy by request and in a timely manner.

⁴ Annenberg Institute for School Reform, "Public Accountability for Charter Schools: Standards and Policy Recommendations for Effective Oversight" (September 2014), <http://annenberginstitute.org/sites/default/files/CharterAccountabilityStds.pdf>.

RIGHT TO DIGNITY

Charter schools nationally have varying rates of suspensions and expulsions, in some cases higher than the average in their school district.⁵ Often, these charter schools are not held accountable to the same Codes of Conduct, due process requirements and positive discipline policies as other public schools. We are calling on all states, districts and charter schools to:

- ✓ Ensure that school discipline policies and practices are constructed, implemented and practiced in ways to avoid discriminatory and/or disproportionate impacts on students based on race, gender, special education status, LGBTQ status, homelessness or other characteristics and are consistent with civil rights laws and the federal school discipline guidance .
- ✓ Require that charter schools implement Student Codes of Conduct that are consistent with the DSC Model Code on Education and Dignity and the federal school discipline guidance. Codes of Conduct should provide clear expectations and graduated levels of support and interventions with consequences for behavior that are individualized, consistent, reasonable, fair, age appropriate and proportional to the severity of the student's behavior. The Codes should limit the use of suspension, expulsion and other exclusionary practices to only the most serious behaviors and only after non-exclusionary disciplinary alternatives have been carefully considered, tried and documented.
- ✓ Ensure that charters are not informally pushing students out of school for disciplinary reasons, including by advising students and families to transfer under threat of disciplinary action.
- ✓ Prohibit the use of fees, tickets and other financial penalties for disciplinary reasons.
- ✓ Require charter schools to adopt evidence-based, school-wide, preventive and positive discipline policies that are developed with the participation of students, parents or guardians, educators and other stakeholders. Such policies must: implement social and emotional learning; establish positive school climates; adopt positive approaches to discipline; limit the use of exclusion; eliminate zero-tolerance policies; adopt preventive and restorative responses to bullying behavior; and provide training and support to teachers, other school staff and peer leaders/mediators to implement those policies.
- ✓ Require charter schools adhere to due process requirements for students facing exclusion, including parental/guardian notification, a review of what positive interventions and supports have been provided and any resources allocated to support those students, and the right to a hearing before long-term removal, suspension, expulsion, disciplinary or safety transfers or alternative school placements.
- ✓ Require that if a student is excluded, schools must detail what educational services or supports that student will continue to receive during the exclusion (even if in an alternative placement) in order to meet the student's educational needs.

⁵ Education Week, "Discipline Data: Charters vs. Noncharters, Charter Discipline: The Impact on Students" (Updated May 2013), <http://www.edweek.org/ew/section/infographics/charter-discipline-infographic.html>.

⁶ U.S. Departments of Education and Justice, "Guidance Package on School Climate and Discipline" (January 8, 2014), <http://www.ed.gov/school-discipline>.

⁷ Dignity in Schools Campaign, "A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools (Revised October 2013), <http://www.dignityinschools.org/our-work/model-school-code>.

RIGHT TO FREEDOM FROM DISCRIMINATION

In many charter schools, formal and/or informal practices can lead to selective enrollment and discrimination in access to educational opportunities for different students. In particular, many charter schools lack services for students with disabilities, English Language Learners, homeless students or students in temporary housing situations and other populations in need of specialized programs.⁸ As a result, traditional public schools disproportionately serve these students, often without adequate funding. We are calling on all states, districts and charter schools to:

- ✓ Ensure that charter schools eliminate discriminatory enrollment or selection policies, practices and structures, based on race, national origin, ethnicity, language, sex, gender identity, sexual orientation, religion, disability or economic or other status, which have the purpose or effect of limiting access to educational opportunities or services or which lead to discriminatory outcomes in education.
- ✓ Ensure that charters, by law and in practice, are not discriminating in enrollment policies and practices that result in students with disabilities, with behavioral needs, of certain racial/ethnic groups or who are English language learners being excluded from enrollment, including screening through formal or informal strategies, such as limited registration periods, required contracts, interviews, English-only outreach materials, identification documents, academic or special education documents or other means that diminish equal educational opportunities for all students.
- ✓ Require that all applications to create charters include detailed plans for outreach and enrollment and registration procedures in order to ensure that they will not result in selectivity. Require charter authorizers to provide ongoing monitoring of these procedures and of student data to identify disparities that might indicate discriminatory practices.
- ✓ Ensure equal access for all to the admissions process and prohibit policies that would create barriers or discrimination in the selection and placement of students.
- ✓ Ensure that in all practices, including enrollment and disciplinary processes, charters comply with state and federal civil rights laws, including prohibitions on discrimination on the basis of race, sex or national origin.
- ✓ Require that charter schools by law should provide the resources, staff and supports necessary to serve students with special needs, including, but not limited to students with disabilities, English Language Learners, students with behavioral needs, students who receive free or reduced price lunch and homeless students or students in temporary housing situations. Pushing out or turning away students because of special needs must be prohibited, and compliance monitored.

⁸ Supra note 2.

MONITORING, OVERSIGHT AND ACCOUNTABILITY

Although charter schools receive public funds, it is currently at the discretion of a state to require those schools to abide by state statutes and regulations that govern traditional public schools. We are calling on all states, districts and charter schools to:

- ✓ Require that charter schools comply with all state and federal laws regarding reporting (including school report card requirements) and transparency.
- ✓ Make available to all policy-makers and stakeholders, including educators, parents or guardians, students and community members, information and core data concerning the education provided to students.
- ✓ Monitor charter school enrollment and retention practices through uniform and consistent data requirements to ensure that charter schools are enrolling a proportionate share of students who receive free and reduced lunch, are English Language Learners, have disabilities or special needs, are homeless or in temporary housing situations and are from the most vulnerable families.
- ✓ Require public documentation and reporting of student attrition throughout the school year, including date, reason and disposition (where the student ends up being placed). This data should be disaggregated by race/ethnicity, gender, age, grade level, free/reduced meal status, homelessness, disability status and English proficiency status.
- ✓ Report timely and accurate data in compliance with the Civil Rights Data Collection by the Department of Education. Charter schools, along with other public schools, should report data on exclusionary discipline (in-school and out-of-school suspensions and expulsions), transfers to alternative schools, referrals to law enforcement, arrests and any other removals disaggregated by race, gender, age, grade, disability status, homelessness and English language proficiency.
- ✓ Require that, as publicly funded institutions, charter schools make financial documents available to the public on a regular basis. This includes detailed information about the use of both public and private funds by the school and its management entities.

About the Dignity in Schools Campaign:

The Dignity in Schools Campaign (DSC) challenges the systemic problem of pushout in our nation's schools and advocates for the human right of every young person to a quality education and to be treated with dignity. The DSC unites parents, youth, advocates and educators to support alternatives to a culture of zero-tolerance, punishment and removal in our schools.

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More Resources on Ending School Pushout and the Dignity in Schools Campaign:

The Dignity in Schools Campaign Model School Code on Education and Dignity available at <http://www.dignityinschools.org/our-work/model-school-code>

Solutions Not Suspensions, a call for a moratorium on out-of-school suspensions. Learn more and sign the pledge here: <http://stopsuspensions.org/>



DIGNITY IN SCHOOLS

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