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# **ESTABLISHMENT OF CHARTER SCHOOLS IN THE COMMONWEALTH OF VIRGINIA**

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## **PROJECT DESCRIPTION**

Virginia is facing significant challenges related to public education such as decreased funding for public education, decreased teacher salaries, and overcrowded classrooms. Senate Joint Resolution 6 was a bill proposed in 2016 that sought to grant the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. There are racial implications related to the creation and authorization of charter schools and this report details those impacts and creates a set of recommendations to eliminate racial implementations when determining who authorizes charter schools in the Commonwealth of Virginia.

## **LEGISLATION OVERVIEW**

### **Background**

Senate Joint Resolution 6 (SJ 6) was most recently introduced by Senator Mark Obenshain (R-Rockingham) during the 2016 General Assembly Session. The legislation seeks to amend Section 5 of Article VIII of the Constitution of Virginia, related to the establishment of charter schools in the Commonwealth of Virginia. More specifically, SJ 6 would grant the Virginia Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth (Virginia's Legislative Information System, 2016). Currently, the authority to establish charter schools in Virginia lies with the local school board in each locality. SJ 6 sought to amend the current practice and allow the Board of Education to establish charter schools. SJ 6 was introduced as a constitutional amendment and Virginia requires constitutional amendments to pass two consecutive sessions with an election of state legislators before voters are given the opportunity to voice their position on the issue on the November General Election ballot. SJ 6 passed the Senate Privileges and Elections committee on a vote of 7-6 and was progressed to the Senate floor where it failed to pass on a vote of 19-21. However, in 2016, Senator Ben Chafin (R-Lebanon) and Senator Emmett Hanger (R-Mount Solon) were the only two Republicans opposing the bill, thus giving the Democrats in the Senate the ability to effectively kill the legislation.

### **Virginia Charter School Overview**

A charter school is defined as a non-religious public school operating under a contract, or "charter," that governs its operation. All details of school operation—its name, organization, management, and curriculum—are set by the charter, which also outlines how the school will measure student performance. Since charter schools are publicly funded, they must have open enrollment policies, must not charge tuition, and must participate in state testing and federal accountability programs (Center for Public Education, 2013). Virginia Public charter schools may be created as a new public school or through the conversion of an existing public school.

In Virginia, during the 2016-2017 school year, there were eight public charter schools operating and educating students: Hillsboro Charter Academy (Loudoun), Middleburg Community Charter School (Loudoun), Richmond Community Education Employment Academy (Richmond), Patrick Henry School for the Sciences and Arts (Richmond), Green Run Collegiate (Virginia Beach), The

Community Public Charter School (Albemarle), York River Academy (York), and Murray High School (Albemarle).

### **Charter School Authorization Opposition**

Based on the Virginia Education Association (VEA) 2016 legislative agenda, the association firmly opposes legislation which grants the authority to approve charter schools to the Virginia Board of Education rather than local school boards. The VEA is a statewide group composed of about 50,000 teachers and school support professionals working for the betterment of public education in the Commonwealth. In early January 2016, the VEA contracted GBA Strategies to conduct a poll related to charter schools in Virginia. The results of the poll showed that 56% of Virginians opposed legislation that would give the Virginia State Board of Education the authority to create charter schools without local school board approval and 32% of Virginians supported the legislation (VEA, 2016). Additionally, the Virginia School Board Association (VSBA) opposed charter school legislation in their 2016 legislative priority listing. The VSBA details its mission as a voluntary, nonpartisan organization of Virginia school boards, promoting excellence in public education through advocacy, training and services (VSBA, 2016). Both the VSBA and the VEA are considered to be the top two organizations supporting public education across the Commonwealth and represent the largest population of educators directly involved in Virginia schools.

Greg Richmond, the past president of the National Association of Charter School Authorizers (NACSA), suggested that many school districts open these public charter schools to add innovative programs to their respective district. These particular schools often meet a specific need or requirement of the district. Many of these schools have been converted from traditional schools to charters (Education Next, 2013). For example, Virginia's first elementary, public charter school, Patrick Henry School of Science and Arts, was created in conjunction with revitalization efforts in the Woodland Heights community of Richmond, VA. The school's history states:

*Parents and citizens formed the Richmond Partnership for Neighborhood Schools in 2007 to explore the possibility of reopening Patrick Henry Elementary School. This led to a Patrick Henry Board focused on building a school with a diverse racial, ethnic, and socioeconomic population delivering an integrated curriculum of environmental science and the arts in support of the efforts in Woodland Heights. The school would provide an alternative school experience, act as a laboratory for best practices, meet SOL standards, and be a part of Richmond Public Schools in order to attract more families to public education. After extensive research by education professionals at all levels of education, the Board decided that a charter school within the school system would give the school the flexibility and autonomy to pursue a less traditional approach to learning, offer all city children a unique public school education, and be a laboratory for implementation of successful learning strategies (Our Charter, 2016).*

SJ 6 would negatively impact a local district's ability to survey and address the direct needs of a community at the local level and add another level of state mandates. If the legislation was implemented, the State Board of Education would have the same authority to create public charter schools as the local school divisions. The State Board of Education is an appointed board by the Governor of Virginia and has no accountability to voters or residents of a particular community.

A primary concern for charter schools is the locality's ability to divert tax dollars from public schools to charter schools. Many Virginia public schools currently experience financial challenges, so diverting funds to other schools could potentially impact public schools' performance. If power was given to the Board of Education, there is no guidance on how the decision would be made to allocate local tax dollars between the public school and the public charter school, which may not be well-received in the community if it was not approved at the local level.

Opponents of SJ 6 feel that the legislation seeks to remove the local school board's authority to manage their schools while allowing a state, gubernatorial appointed board to authorize the establishment of charter schools. The VSBA describes their opposition by stating that:

*Local school boards are best equipped to assess the needs of their students and the locality. Local school boards are responsible for the outcomes of all schools, including charter schools, within the local school system so they should be solely responsible for the authorization of any new school (VSBA, 2016).*

Furthermore, a study done by the Center for Research on Education Outcomes (CREDO) indicates "a significant negative impact on student academic growth" for charter schools in states that allow multiple agencies to authorize these schools. The report also states that existence of multiple authorizing bodies gives charter school creators the ability to "shop around" for the most beneficial path to gaining final approval (CREDO, 2009).

The Virginia Legislative Black Caucus (VLBC) has maintained opposition to legislation that removes the local authority for charter schools in Virginia. Their rationale includes the fear that limited state money will result in many of Virginia's minority-majority communities being increasingly underfunded.

### **Charter School Authorization Support**

The National Alliance for Public Charter Schools is a firm supporter of SJ 6 and is the primary lobbying entity behind the legislation in Virginia. In February 2016, the National Alliance for Public Charter Schools conducted a poll that found 72% of Virginians favored having more public charter schools and only 22% opposed the measure (National Alliance for Public Charter Schools, 2014). However, that poll did not indicate that Virginians were more open to having the Virginia State Board of Education authorize these newly created public charter schools. The Family Foundation supported SJ 6 in 2016 stating that, "We're a Commonwealth, All Virginians deserve a quality education for a successful future. While some school districts don't need charters, others desperately do. All Virginians pay for failed education in communities that generate few jobs, rely on welfare and/or fall prey to crime" (Vote Yes on SJ 6, 2016).

SJ 6 did not provide a concrete method of implementation, a relative timeline, or a mechanism for the Board of Education to fund the new expanded authority. Senator Mark Obenshain remains committed to successfully passing legislation identical to SJ 6 and has even voiced that he is considering the idea of introducing the legislation during the 2017 General Assembly Session. His fellow Republicans also remain committed to supporting charter school legislation. Senator Obenshain and General Assembly Republicans believe that the Board of Education is best equipped for making the ultimate decision related to charter schools. Currently, the Board of Education retains a charter school review committee that makes recommendations but the ultimate approval remains with the local school boards (VDOE, 2016).

### **Charter School Public Awareness**

Recent polling has indicated that many Virginians are unsure of issues surrounding charter school legislation. In the 2016 VEA poll, 12% of Virginians had no response due to a lack of knowledge regarding the subject. Public unawareness could be related to the fact that Virginia only has eight operating public charter schools across the Commonwealth. Opponents and supporters have a tremendous amount of work to do in fostering public opinion on related legislation. As mentioned, constitutional amendments, like SJ 6, if successful in the General Assembly will be placed on the ballot for registered voters to support or oppose. It is imperative that Virginia residents are educated on the impact and effect of public charter schools and the debate of authority.

## **RACIAL IMPACT ANALYSIS**

Until recently, educational governance was left primarily to local school boards; however, beginning in the 1980s states began directly influencing education policy-making. Therefore, the question that this legislation presents is, who is best suitable to make decisions regarding the implementation of charter schools in the Commonwealth of Virginia and what are the racial impacts of state versus local control? To ensure that all children across the Commonwealth of Virginia receive an equitable and equal educational experience it is essential to examine the potential impacts of both state and local authority over charter schools.

### **State Authority**

Proponents of state controlled charter schools argue that replacing failing local public schools with charter schools will benefit poor and minority children who have suffered through generations of faulty education (Tagami, 2016). Another reason indicated for the need of state control was to support districts in financial crisis in efforts to promote privatization of schools and promote a competitive educational marketplace (Alliance, 2015 and Goenne 2011). Supporters of state control over failing districts believe that “the state can bring aggressive change in a way that local politicians, with their community ties and loyalties, cannot” (Layton, 2016). Opponents of state-controlled school districts argue that taking power of local tax dollars away from the locally elected officials means there is less accountability and less oversight (Layton, 2016). In addition, charters would drain resources from traditional public schools setting them up to fail. Opponents and researchers indicate that charter schools do not lead the improvements in educational performance of its students (Alliance, 2015; Center, 2016; Layton, 2105, McGuire, 2016). The most controversial argument by opponents is that state control over local school districts is a form of racial discrimination and disenfranchisement as the majority of these districts being taken over are comprised of low income and primarily African-American and Latino children (Alliance, 2015; Center, 2016; May, 2016; McGuire, 2016, Toppo, 2015). Furthermore, researchers have assessed that charter schools further exacerbate already segregated school districts and possibly increase segregation in diversified districts by way of the design and accessibility of some charter schools (Klein, 2016; Mathis, 2016 and Rotberg, 2014).

Both supporters and opponents of state control over authority to implement charter schools make strong statements about how minority populations are either positively or negatively impacted by this type of legislation. In order to assess the accuracy of these statements, the academic performance of charter schools that were initiated after state takeovers of traditional public schools will be analyzed with respect to racial composition.

### **State Authority- Positive Impact**

After Hurricane Katrina, Louisiana took unprecedented action and converted all New Orleans’ public schools into charter schools in efforts to revamp the failing education system which garnered support from privatization advocates. Currently, Louisiana’s charter schools can be authorized by the state Board of Education, by the local school board, or a combination of both (Louisiana, 2015). The Avoyelles Public Charter School in Mansura, Louisiana is a school authorized by the state Board of Education.

**Chart 1: Avoyelles Public Charter School, 722 students, K-12th grade**

<b>% of Race Distribution</b>	<b>MATH Performance Level</b>	<b>READING Performance Level</b>
71.1% White	95%	95%
22.3% African-American (AA)	92%	92%
2.8% Hispanic	50%	50%
51% of student population eligible for free/reduced lunch		

Source: <http://public-schools.startclass.com/l/37709/Avoyelles-Public-Charter-School>

Avoyelles is an example of a state authorized charter school that has positive performance levels for White and African-American students. However, it is important to note that the African-American population in Avoyelles is small compared to other state authorized schools in Louisiana (Louisiana, 2015). In New Orleans, 83% of the student charter school population is African-American.

#### **State Authority- Adverse Impact**

More commonly seen among state authorized charter schools is poor academic performance for primarily poor and minority populations. Detroit, Michigan converted 80% of its public schools to charters. Under state control with the name Education Achievement Authority (EAA), Michigan saw declines in their academic performance under charters, particularly in mathematics (Alliance, 2015 and Center, 2016). Lincoln-King Academy in Detroit, Michigan is an example of a state authorized charter with negative performance outcomes, particularly for minority students.

**Chart 2: Lincoln-King Academy, 534 students, K-8th grade**

<b>% of Race Distribution</b>	<b>MATH Performance Level</b>	<b>READING Performance Level</b>
90.3% African-American (AA)	5%	17%
6.9% Bi-racial	20%	20%
93% of student population eligible for free/reduced lunch		
Source: <a href="http://public-schools.startclass.com/l/169212/Lincoln-king-Academy">http://public-schools.startclass.com/l/169212/Lincoln-king-Academy</a>		

Lincoln-King Academy has some of the lowest performance levels in Detroit, and unfortunately, it is more reflective of the overall performance of state authorized charter schools whose populations are poor and minority.

#### **Local Authority**

Many states such as Massachusetts and Illinois have transferred their centralized authority over local education to local government because school districts have a single function – the provision of public education. The decision-making authority at the local level allows local governments to coordinate reform efforts in accordance with local needs and implement new approaches and interventions for improving student outcomes. Those in support of local authority argue that state

interest in education affects the powers of local government significantly because there is much more state oversight, which limits the boards' powers to initiate policies on their own (Briffault, 2004). As a result, local authority over education has in many cases improved student achievement and accountability for many minority students, allowed districts to utilize resources more effectively for its student body, and increased school effectiveness. On the contrary, opponents of local authority over education argue that state involvement often stems from the public's loss of confidence in local schools' ability to provide high quality education and states achieve greater social equity through school finance reform (Hadderman, 1988).

The movement of local authority has encouraged states to take the issue to its General Assembly. For example, in 2016 Florida's legislature debated enacting a constitutional amendment to give authority to the state board of education. Florida Republican, Representative Manny Diaz, Jr., a supporter of state authority over charter schools stated, "it would create a stable, streamlined, consistent, benchmark of what an approved charter should be" (Clark, 2016). On the contrary, many democrats in the legislature questioned why the state could not ensure higher standards for charter schools without a state authorizing board and without taking away local power from schools (Clark, 2016). Similar to Florida's constitutional amendment, SJ 6 fails to outline any standard or recommendations.

**Local Authority- Positive Impact**

Boston Green Academy Horace Mann Charter School in South Boston is an example of a charter school under local authority that has performed well for its student body and done extremely well for its minority students. At student enrollment at 324 students, and 81.5% of the population being minority students, the school has been able to provide an adequate and equitable education for the students it serves. More specifically, Boston Green Academy Horace Mann Charter School has performed well in the areas of math and reading proficiency for African-American and Hispanic students, but it is important to recognize that both minority student groups outperformed their white counterparts in their reading performance level (Start Class, Boston).

**Chart 3: Boston Green Academy Horace Mann Charter School 324 students, 9<sup>th</sup>-12<sup>th</sup> grade**

<b>% of Race Distribution</b>	<b>MATH Performance Level</b>	<b>READING Performance Level</b>
15.1% White	50%	50%
53.1% African-American (AA)	42%	62%
28.4% Hispanic	25%	65%
83.6% of student population eligible for free or reduced lunch		

Source: <http://public-schools.startclass.com//113001/Boston-Green-Academy-Horace-Mann-Charter-School>

Beginning in the 2016 school year, Boston Green Horace Mann Charter School expanded its student body to include students in the 6<sup>th</sup> through 12<sup>th</sup> grades. The expansion is a true testament of the overall success of the school and what localities can do when they have local authority over their charter schools' education.



### Local Authority- Adverse Impact

On the contrary, charter schools such as ACE Technical Charter High School in Chicago, Illinois have been unsuccessful in providing all students with the best education. In 2004, when ACE Technical Charter High School was founded it was with the mission to introduce youth in the community to careers in architecture, construction, and engineering. African-American students who make up 76.1% of the student population are only performing at a 10% math and reading proficiency level, while Hispanics perform at a 50% proficiency level in math and reading (Start Class, Ace).

**Chart 4: ACE Technical Charter High School 473 students, 9<sup>th</sup>-12<sup>th</sup> grade**

% of Race Distribution	MATH Performance Level	READING Performance Level
2.1% White	N/A	N/A
76.1% African-American (AA)	10%	10%
20.9% Hispanic	50%	50%
*97.7% of student population eligible for free or reduced lunch		

Source: <http://public-schools.startclass.com/l/28240/Ace-Technical-Charter-High-School>

Although, ACE Technical Charter High School had the intentions of providing youth with a robust and comprehensive educational experience, it has done so at the expense of many of the African-American students who attend the school.

### Virginia Charter Schools Impact

Virginia is a locally controlled authorizer of charter schools. Virginia's Department of Education's 2015 Annual Report indicates seven out of nine charter schools met all federal annual measurable objectives. One charter that performed well was Murray High School in Albemarle County.

**Chart 5: Murray High School, 109 students, 9-12 grade**

% of Race Distribution	MATH Performance Level	READING Performance Level
86.2% White	65% overall*	65% overall*
2.8% African-American		
3.7% Hispanic		
18.1% of student population eligible for free/reduced lunch		
*Math and Reading performance levels by race were not available		

Source: <http://public-schools.startclass.com/l/93709/Murray-High>

Another charter that did meet all federal annual measurable objectives was Patrick Henry School of Sciences and Arts in Richmond (VDOE Annual Report, 2015).

**Chart 6: Patrick Henry School of Sciences and Arts, 227 students, K-5 grade**

<b>% of Race Distribution</b>	<b>MATH Performance Level</b>	<b>READING Performance Level</b>
15.1% White	50%	50%
53.1% African-American (AA)	42%	62%
28.4% Hispanic	25%	25%
52.7% of student population eligible for free/reduced lunch		

Source: <http://public-schools.startclass.com//109748/Patrick-Henry-School-of-Science-and-Arts>

In comparison to state authorized charters and even other states that have local control, Virginia's charters are not performing as poorly for minority students. However, the performance of Murray High with its greater population of White students compared to Patrick Henry with its high minority population shows a significant difference in math performance. There was over 20% greater performance for minority students in a primarily White school with a small percentage of students on free and reduced lunch.

In looking at overall performance for minorities in charter schools, schools with a large minority and poor population do not perform well academically, regardless of state or local control.

### **Moving Forward**

States are effective at setting broad policies, ensuring equity for all students, ensuring students are meeting educational goals, and local public schools are held accountable. However, the implementation of a new school, particularly a charter school, should be locally driven as charter schools are meant to meet a gap in the educational needs of the students in that area. In addition, the majority of public school funding comes from local tax dollars. Local school board officials who have been elected by the residents have a much better understanding of the needs of their constituents. There is no data at this time that suggest charter schools nationally are performing better than traditional public schools; therefore, why would citizens of the Commonwealth of Virginia want to give the State Board of Education power to put a charter school into place when there is no definitive data proving they are effective and research showing that they increase incidences of segregation.

### **RECOMMENDATIONS**

Charter school implementation can have a positive impact on the few minority students attending them, however, more adversely affect the majority of minority students left neglected in underfunded traditional public schools. Charter school implementation at the local level allows a direct assessment of the impact a charter school may have on the district by the local school board. Charter school policies that contribute to a disproportionate distribution of public resources as demonstrated by New Jersey's charter schools, should not be accepted. To reduce racial inequality cultivated by fixed or inadvertent charter school segregation practices, promoting legislation that regulates strict guidelines for the criteria and conditions associated with Senate Joint Resolution 6 should be a priority for Virginia education reformers seeking public education equity. Charter school policies that reduce racial inequity should be inclusive of a united agenda for equal education advocacy groups such as the N.A.A.C.P., Democrats for Education Reform, Alliance of Educational Justice, and most importantly, parents.

## **Modifications to Senate Joint Resolution 6**

In Virginia, introducing legislation to compromise the political activism of Senate Joint Resolution 6 and promoting racial equity can be accomplished with modifications to the bill. Essentially, completely disregarding the bill is the best solution for minority communities. Charter school establishment authority should not be centralized, as it would be in the hands of the Board of Education. To decrease racial disparities, the decision of establishing charter schools should remain with local school boards, as they are directly accountable to voters.

Furthermore, Senate Joint Resolution 6 includes the language, “*Subject to such criteria and conditions as the General Assembly may prescribe...*” Increasing racial equity can be accomplished through modifying the criteria and conditions of establishing charter schools. Article 1.2 of the Code of Virginia prescribes the conditions for establishing Charter Schools in the Commonwealth. Section § 22.1-212.6:1.E requires that, “*each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division*”. This section reflects possible loopholes to segregation practices and should therefore read: “*each public charter school shall be subject to the charter school desegregation plan*”.

## **Strategy to Increase Racial Equity**

In May 2016, the U.S. District Court for the Northern District of Mississippi ordered the Cleveland School District to desegregate and consolidate Cleveland’s middle schools and high schools. The *United States’ Proposed Desegregation Plan for The Cleveland School District* suggested, “The estimated 2016-2017 student enrollment demographics are 62.9 percent black, 32.4 percent white, and 4.7 percent other, meaning the combined high school’s student enrollment demographics would closely approximate the projected District- wide demographics” (U.S. Department of Justice, 2016). The desegregation plan proposed by the federal court places an emphasis on school demographics reflective of the district’s demographics, which may be a suitable approach for increasing racial equity in Virginia’s charter schools. The Legislative Black Caucus may discuss introducing legislation inclusive of a charter school desegregation plan bill as a part of Section § 22.1-212.6:1 in attempt to have regulation in place in the event of a bill similar to SJ 6 passing. A desegregation plan may set forth criteria similar to the following:

- a. Each charter school in the Commonwealth of Virginia, whether established or approved by a local or state level entity, must enroll a population of students with a demographic similar to the racial and household income demographic of the entire county, city, or municipality in which the charter school is located.
- b. A performance platform regulating that at least 25% of each charter school’s student population represent the most underperforming students in the school division, which shall be regulated by the school division.

These criteria may be implemented if the decision to establish charter schools is at the state or local level. A state level agency such as the Virginia Department of Education may have the authority to intervene or enact a process in the event of the statewide charter school population demonstrating disproportionate income and racial enrollment statistics. The local school boards may be held accountable for monitoring and reporting performance criteria. Essentially, decentralizing authority of population criteria may also be an effective method to increase racial equity.

## **Strategies to Keep Charter Schools at Local Level**

A primary goal for implementing legislation that promotes racial equality is to have a strong foundation of interest groups and stakeholders on the same educational agenda. Over 50 organizations including the N.A.A.C.P. and The Movement for Black Lives, gathered in separate conventions early this year to pass resolutions affirming segregation practices in charter school

implementation (Zernike, 2016). Conversely, African- American leaders in support of charter schools such as Howard Fuller, founding president for the Black Alliance of Educational Options, argue that, “You’ve got thousands and thousands of poor black parents whose children are so much better off because these schools exist” (2016). While this may be the case, understanding that these thousands of students only represent a small portion of the hundreds of thousands of minority students incapable of meeting the social prerequisites necessary to attend a private charter school is essential for minority unity on this subject.

The class division proponent of charter schools drives segregation. As long as there is a class distinction in alignment with racial divisions, streamlining socially favorable children in enrollment policies does not promote education equality. Shavar Jeffries, charter school supporter and president of the Democrats for Education Reform explains, “It’s a divide between families who are served by charters and see the tangible effects that high-quality charters are having, and some who don’t live in the inner-city communities, where it becomes more of an ideological question versus an urgent life-and-death issue for their kids” (2016). The veil of arguing a class division in response to racial segregation confrontations should not be underscored by an illusion that segregation practices are acceptable on behalf of a few minority students granted resources and opportunity. While charter schools may increase the rate of minority education success, integrating charter schools should be a priority in a collective educational agenda. Therefore, uniting to strengthen desegregation laws in public and charter schools should be a focus for minority leaders and education advocacy groups.

## **CONCLUSION**

Charter schools are an important part of the state's public school system that provide a space for innovation, educational opportunities in low-income communities, unique curriculum options. They can also provide an opportunity for more personalized approaches to students’ personal needs; environmental concerns and essentials; academic outcomes; and relationship building with parents and students. Maintaining authority at a local level allows the School Board of Education to: carry out responsibilities effectively; centralize decision-making for the population served; and coordinate reform efforts in accordance with local needs.

SJ 6 highlights the challenges and advancements of public education in the Commonwealth of Virginia. The bill’s intention is to centralize authority and hold high stakes of power at the state level regarding charter school’s implementation. In addition, it would provide the Virginia State Board of Education authority to create charter schools without local school board approval. We believe this model overlooks a core commitment to equity and equality in education. This study highlights the negative impact of SJ 6 on local districts’ ability to address direct education needs and financial and economic challenges within a community. Based on the evidence presented, academic performance remains the same regardless of state or local control; providing no convincing argument for the change of authority. The loss control at the local level greatly outweighs what our evidence suggests is to be gained by continuing in the direction of state authority.

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## Establishment of Charter Schools in the Commonwealth of Virginia

SENATE JOINT RESOLUTION 6



## Team Cap City Presenters

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## Project Introduction

- Virginia is currently facing many challenges related to public education
- Racial implications exist related to the creation and authorization of charter schools and this report details those impacts
- Recommendations to eliminate racial disparities will be presented when determining who should authorize charter schools in the Commonwealth of Virginia

## Public Charter Schools in Virginia

- A charter school is defined as a non-religious public school operating under a contract, or "charter," that governs its operation.
- Public charter schools may be created as a new public school or through the conversion of an existing public school.
- Further definitions are found in the *Code of Virginia*, (§ 22.1-212.5)



## Virginia Charter School Timeline (1998-2004)

**1998** First authorized in VA

**2002** All school divisions to accept and review all applications

**2004** Applicants could submit the application to the Virginia Board of Education (VBOE) for review

## Virginia Charter School Timeline (2009-2013)

**2009** Removed the limit on the number of public charter schools in a school division

**2010** Required that a public charter school applicant *must* first submit its application to VBOE

**2013** Applications that are initiated by one or more local school boards are not subject to review by the VBOE

## Virginia Charter School Timeline (2014-2016)

**2014** Changes to policy of converting of an existing public school to a public charter public school

**2016** Amended the charter application section



## Virginia's Public Charter Schools 2016-2017 School Year

- Hillsboro Charter Academy (Loudoun)
- Middleburg Community Charter School (Loudoun)
- Richmond Community Ed. Employment Academy (Richmond)
- Patrick Henry School for the Sciences and Arts (Richmond)
- Green Run Collegiate (Virginia Beach)
- The Community Public Charter School (Albermarle)
- York River Academy (York)
- Murray High School (Albermarle)

## What is Senate Joint Resolution 6?

- Senate Joint Resolution 6 (SJ 6) introduced by Senator Mark Obenshain (R-Rockingham) during the 2016 General Assembly Session
- Sought to amend Section 5 of Article VIII of the Constitution of Virginia

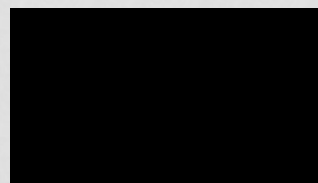
## Legislation Background/History

- SJ 6 was introduced as a constitutional amendment and Virginia requires constitutional amendments to pass two consecutive sessions.
- SJ 6 passed the Senate Privileges and Elections committee on a vote of 7-6 and was progressed to the Senate floor where it failed to pass on a vote of 19-21.

## Who Opposed SJ 6?

- **Virginia Education Association**
  - Statewide group composed of about 50,000 teachers and school support professionals
- **Virginia School Board Association**
  - A voluntary, nonpartisan organization of Virginia school boards, promoting excellence in public education through advocacy, training and services
- **Virginia Legislative Black Caucus**
  - Composed of 18 black legislators in the Virginia House of Delegates and the Senate of Virginia

## Who Opposed SJ 6?



Senator Edwards



## SJ 6 Support

- **National Alliance for Public Charter School**
  - The leading national nonprofit organization committed to advancing the public charter school movement.
- **The Family Foundation**
  - Empowers families in Virginia by applying a biblical worldview and founding principles to culture and public policy.



## SJ 6 Support



Senator Obenshain

## Public Awareness

- Recent polling has indicated that many Virginians are unsure of issues surrounding charter school legislation.
- Public unawareness could be related to the fact that Virginia only has eight operating public charter schools across the Commonwealth.
- It is imperative that Virginia residents are educated on the impact and effect of public charter schools and the debate of authority.

## Racial Impact of State Control on Education

- Why do states want control?
  - Improve failing schools/districts
  - Privatization of education
- Why are localities opposed?
  - No vast improvements have been shown
  - Disenfranchised minority communities

*Let's Look at What the Data Tells Us...*

## State Control: Positive Performance

**Avoyelles Public Charter School**  
Mansura, LA  
722 Students Enrolled, K-12<sup>th</sup> Grade

### Ethnic Composition

- 71.1% White
- 22.3% African American (AA)
- 2.8% Hispanic

### Academic Proficiency by Race

Race	Math	Reading
White	95%	95%
AA	92%	92%
Hispanic	50%	50%

51% eligible for free or reduced lunch

Source: <http://public-schools.startclass.com/137709/Avoyelles-Public-Charter-School>

## State Control: Negative Performance

**Lincoln-King Academy**  
Detroit, MI  
534 Students Enrolled, K-8<sup>th</sup> Grade

### Ethnic Composition

- 90.3% African American (AA)
- 6.9% Bi-racial

### Academic Proficiency by Race

Race	Math	Reading
AA	5%	17%
Bi-racial	20%	20%

93% eligible for free or reduced lunch

Source: <http://public-schools.startclass.com/169212/Lincoln-king-Academy>

## Racial Impact of Local Control on Education

- Local officials have direct knowledge on the population
- Use resources more strategically
- Increases in student achievement
- Direct interventions for improving student outcomes

## Local Control: Negative Performance

**Ace Technical Charter High School**  
Chicago, IL  
473 Students Enrolled, 9<sup>th</sup>-12<sup>th</sup> Grade

Ethnic Composition	Academic Proficiency by Race		
	Race	Math	Reading
• 2.1% White			
• 76.1% African American (AA)	AA	10%	10%
• 20.9% Hispanic	Hispanic	50%	50%

97.7% eligible for free lunch

Source: <http://public-schools.startclass.com/128240/Ace-Technical-Charter-High-School>

## Local Control: Positive Performance

**Boston Green Academy Horace Mann Charter School**  
South Boston, Massachusetts  
324 Students Enrolled, 9<sup>th</sup>-12<sup>th</sup> Grade

Ethnic Composition	Academic Proficiency by Race		
	Race	Math	Reading
• 15.1% White	White	50%	50%
• 53.1% African American (AA)	AA	42%	62%
• 28.4% Hispanic	Hispanic	25%	65%

83.6% eligible for free or reduced lunch

Source: <http://public-schools.startclass.com/113001/Boston-Green-Academy-Horace-Mann-Charter-School>

## Virginia Charter Schools Positive Performance

**Murray High School**  
Albemarle, VA  
109 Students Enrolled, 9<sup>th</sup>-12<sup>th</sup> Grade

Ethnic Composition	Academic Proficiency by Race		
	Race	Math	Reading
• 86.2% White	Average	65%	80%
• 2.8% African American (AA)	For School		
• 3.7% Hispanic			

18.4% eligible for free or reduced lunch

\*\*Math and Reading performance levels by race were not available

Source: <http://public-schools.startclass.com/193709/Murray-High>

## Virginia Charter Schools Negative Performance

**Patrick Henry School of Science and Arts**  
Richmond, VA  
227 Students Enrolled, K-5th grade

Ethnic Composition	Academic Proficiency by Race		
	Race	Math	Reading
• 15.1% White	White	50%	50%
• 53.1% African American (AA)	AA	42%	62%
• 28.4% Hispanic	Hispanic	25%	65%

52.7% eligible for free or reduced lunch

Source: <http://public-schools.startclass.com/1109748/Patrick-Henry-School-of-Science-and-Arts>

## Charter School Comparison

VA Charter School: Positive	State Control: Positive	Local Control: Positive
Race Math Reading	Race Math Reading	Race Math Reading
White 65% 80%	White 95% 95%	White 50% 50%
AA 52% 57%	AA 92% 92%	AA 42% 62%
Hispanic 25% 65%	Hispanic 50% 50%	Hispanic 25% 65%
Average 2.8% of population is AA, 86.2% is Caucasian and 3.7% is Hispanic	22.3% of population is AA and 2.8% Hispanic	53.1% of population is AA and 28.4% Hispanic
VA Charter School: Negative	State Control: Negative	Local Control: Negative
Race Math Reading	Race Math Reading	Race Math Reading
White 70% 70%	White 70% 70%	White N/A N/A
AA 52% 57%	AA 5% 17%	AA 10% 10%
Hispanic N/A N/A	Bi-racial 15% 15%	Hispanic 50% 50%
22.6% of population is AA, 27.3% is Caucasian and 4.4% is Hispanic	60.3% of population is AA and 6.9% is Bi-racial	76.1% of population is AA and 20.9% Hispanic

## Recommendation 1

### "Disregard Bill"

- Keep charter schools at local level
- Allows local leadership to assess benefits/ problems for specific community needs
- Hinders growth of charter schools
- Local elected leadership is more accountable to voters than an appointed board

## Recommendation 2

### "Criteria and Conditions"

- **Proposed Legislation:** "Subject to such criteria and conditions as the General Assembly may prescribe, it shall have authority to establish charter schools within the school divisions of the Commonwealth."
- **Currently in Virginia Code:** Article 1.2 section § 22.1-212.6:1.E - "each public charter school shall be subject *to any court-ordered desegregation plan in effect for the school division*"
- **Recommended Criteria:** "each public charter school shall be subject *to the conditions set forth in the State Charter School Desegregation Plan*"

## Virginia State Charter School

### "Desegregation Plan"

- A. Each charter school in the Commonwealth of Virginia, whether established or approved of by a local or state level entity, must enroll a population of students with a demographic similar to the racial and household income demographic of the entire county, city, or municipality in which the charter school is located.
- B. A performance platform regulating that at least 25% of a charter school's student population represent the most underperforming students in the school division.

## Recommendation 3

### "Unity Advocacy for Desegregation"

- Reduced success gap amongst minorities increases argument for charter schools
- Gather support from stakeholders such as the low-income groups, teachers, the Virginia School Board Association or the Virginia Department of Education
- Educational agenda to promote equality, increase opportunity, and integration

## Closing Remarks

- Effective and successful charter schools provide: a space for innovation; educational opportunities in low-income communities; and unique curriculum options.
- SJ 6's intention is to centralize authority and implementation at the state level within the Commonwealth.
- SJ 6 negatively impacts local districts' ability to address direct needs and financial and economic challenges within a community.

## Closing Remarks

- Based on the evidence, academic performance appears the same regardless of local or state control.
  - *The loss of control at the local level greatly outweighs what is to be gained by continuing in the direction of state authority.*
- The transfer of authority power to the state, runs the risk of overlooking issues of racial equity and equality.
- Under a state-centric model, charter schools lose value if guidelines do not provide a meaningful strategy to decrease racial and economic disparities.

**Thank You!**

A photograph of a piece of lined paper with the word "Questions?" written in a cursive, handwritten style. A black pen tip is visible at the end of the word, as if it has just finished writing. The paper is slightly blurred and has a soft shadow on the surface below it.

Questions?