



MODEL POLICY LANGUAGE FOR CHARTER SCHOOL EQUITY

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MODEL POLICY LANGUAGE FOR CHARTER SCHOOL EQUITY

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On the following pages, this report, a companion document to *Chartering Equity: Using Charter School Legislation and Policy to Advance Equal Educational Opportunity*,¹ presents model language designed for adoption by state legislatures with existing charter school laws.² As such, it is not intended to present a comprehensive charter school statute. Rather, the proposed language is designed to augment existing laws by adding language particularly aimed at ensuring that charter schools serve as a vehicle of reform consistent with the value of equal educational opportunity. These provisions should be adopted to ensure that charter schools are used as a tool to advance equity for all students. Although the proposed language is designed for state policymakers, it could also be adapted for use by charter school authorizers.

¹ Mead, J.F. & Green, P.C. (2012). *Chartering Equity: Using Charter School Legislation and Policy to Advance Equal Educational Opportunity*. Boulder, CO: National Education Policy Center.

² Guidance for the structure of the model law was provided by National Alliance for Public Charter Schools. (2009). A New Model Law For Supporting The Growth Of High-Quality Public Charter Schools. Retrieved from http://www.publiccharters.org/data/files/Publication_docs/ModelLaw_P7-wCVR_20110402T222341.pdf.

Guidance for the structure was also provided by the Pennsylvania Charter School Law, 24 Pa. Stat. § 17-1701-A et. seq. (2011).

1 **A BILL FOR AN ACT**

2 -----
3 **AN ACT TO ADVANCE EQUAL EDUCATIONAL OPPORTUNITY**
4 **THROUGH CHARTER SCHOOLS.**

5 -----
6 *Be it enacted by the General Assembly of the State of ABC that Title XXX is*
7 *amended to include a new Article 123, which reads as follows:*

8 **ARTICLE 123**

9 **ADVANCING EQUAL EDUCATIONAL OPPORTUNITY**
10 **THROUGH CHARTER SCHOOLS**

11 **Section 100. Legislative Declarations**

12 The legislature finds and declares the following:

- 13 A. The purpose of charter schools is to enhance equitable educational
14 opportunities for all students, including racial and ethnic minorities,
15 students with disabilities, students with limited English language
16 proficiency and students from low-income families; and
- 17 B. Charter schools that lack diversity in terms of race, disability status,
18 gender, limited English proficiency, and socio-economic status require
19 further careful examination to ensure they serve the purpose of
20 enhancing equitable educational opportunities for all students.

21 **Section 101. Application of Laws**

- 22 A. Charter schools shall comply with all federal statutory, regulatory, and
23 constitutional provisions.
- 24 B. Charter schools shall comply with school desegregation decrees.
- 25 C. Charter schools shall comply with all state non-discrimination
26 provisions.
- 27 D. The rights of children enrolled in charter schools shall be the same as the
28 rights granted by state and federal law enjoyed by children enrolled in
29 other public schools.
- 30 E. These provisions in Sections 101-106 apply to all types of charter schools.

Section 102. Application Process

A charter from an authorizing agency shall last five years. Charter authorizers shall evaluate applications based on a presentation of the following evidence:

- A. A design for curriculum and instruction supported by high-quality research, indicating that the proposed charter school is likely to meet the student performance requirements for the state accountability system for all students, including racial and ethnic minorities, students with disabilities, students with limited English proficiency, and students from low-income families. To the extent practicable, curriculum and instruction should be supported by peer-reviewed research.
- B. Evidence that the proposed charter school will broaden rather than replicate existing opportunities within the community or communities intended to be served by the charter school. The charter applicant will provide a list of existing public schools (including other charter schools) that serve the same community or communities and explain how the proposed school differs from existing schools.
- C. Evidence that the application attends explicitly to the local context by identifying the educational issue or issues the proposed school is intended to address (e.g., identified achievement disparities, graduation rates, and suspension and expulsion issues) and how high-quality research supports the proposal that the school will improve educational outcomes in that area.
- D. A detailed teacher recruitment, retention, and staff development plan that addresses how the school plans to attract and retain a highly qualified teaching force, including a proposed budget that outlines sufficient resources to implement the plan and identifies appropriate funding sources to cover associated costs.
- E. A detailed plan to attract and enroll a diverse student body in terms of racial diversity, disability status, gender, and English proficiency. The plan shall explain how the school's designs for recruitment, educational themes, and the proposed location of the school are likely to attract students from a broad variety of backgrounds. The recruitment plan will include a proposed budget that outlines sufficient resources to implement the plan and identifies appropriate funding sources to cover associated costs.
- F. A detailed plan to retain enrolled students, including how the school will retain racial and ethnic minorities, students of limited English proficiency, students with disabilities, students of different genders, and students from students from low-income families. In the case of a

- 1 proposal for a high school, the plan will address how the school will
2 attain graduation rates for racial and ethnic minorities, students of
3 limited English proficiency, students with disabilities, students of
4 different genders, and students from low-income families that are
5 comparable to or better than the rates of other high schools in the
6 district.
- 7 G. A detailed description of discipline policies and practices that provide
8 positive interventions and educational support for all students,
9 particularly those who are suspended and including high-quality
10 research that supports the proposed approach. No child will be expelled
11 unless a preponderance of the evidence associated with the incident
12 clearly demonstrates that the safety of students and staff compels the
13 action. To the extent practicable, behavioral and disciplinary approaches
14 should be supported by peer-reviewed research.
- 15 H. A detailed plan for how the school will provide special education and
16 related services for students with disabilities pursuant to applicable
17 federal laws.
- 18 I. A detailed plan consistent with applicable federal laws for how the school
19 will meet the needs of students for whom English is not the primary
20 language.
- 21 J. A plan for systematic record keeping of student performance including
22 academic achievement, retention, attrition, suspension, and expulsion
23 both in the aggregate and disaggregated on the basis of race, sex,
24 disability, language status, and socio-economic status.

25 **Section 103. Presumptions of Invalidity**

- 26 A. Pursuant to Section 102, a proposed charter school that is unlikely to
27 attract a student body whose composition of racial and ethnic minorities,
28 students with disabilities, students with limited English proficiency, and
29 students from low-income families that is within 10% of the population
30 for each of these sub-groups within the community or communities
31 intended to be served by the charter school is presumed to be invalid;
- 32 B. The applicant can overcome this presumption by providing clear and
33 convincing evidence that the charter school will satisfy the policy goal of
34 providing equal educational opportunity for all students; and
- 35 C. Evidence of the support of parents for the proposed school approach may
36 be considered but shall not be the primary evidence that the school
37 positively serves the public's interests and is therefore insufficient by
38 itself to overcome this presumption of invalidity.

1 **Section 104. Requests for Proposals**

- 2 A. Charter school authorizers may issue Requests for Proposals to address
3 particular persistent problems related to equitable outcomes (e.g.,
4 identified achievement disparities, graduation rates, and suspension and
5 expulsion issues);
- 6 B. Charter school authorizers shall analyze proposals pursuant to this
7 Section using the application process established in Section 102; and
- 8 C. Proposals submitted pursuant to this Section are subject to the
9 Presumption of Invalidity provisions established in Section 103.

10 **Section 105. Data Collection on Suspensions, Expulsions, and**
11 **Transfers**

- 12 A. Charter operators shall maintain data regarding the number of
13 suspensions, expulsions and other formal disciplinary actions, in the
14 aggregate and also disaggregated by race, ethnicity, gender,
15 socioeconomic status, and disabling condition;
- 16 B. Charter operators shall also maintain data regarding student attrition,
17 including reasons why students leave their schools;
- 18 C. The State Education Agency (SEA) will adopt and disseminate a common
19 framework for the maintenance of the required data; and
- 20 D. The charter school shall submit data collected in section 105A & B to the
21 authorizer on an annual basis.

22 **Section 106: Revocation and Nonrenewal**

- 23 A. On an annual basis, the charter authorizer shall review data regarding
24 student performance including academic achievement, retention,
25 attrition, suspension, and expulsion both in the aggregate and
26 disaggregated on the basis of race, sex, disability, language status, and
27 socio-economic status.
- 28 B. During the term of a charter, an authorizer may choose to revoke a
29 charter for the following reasons.
- 30 1. Failure to meet the student performance requirements of the state
31 accountability system or of the charter itself;
- 32 2. Attrition rates that are 10% or higher than other schools in the district.
33 Overall attrition rates should be considered, as well as attrition rates
34 disaggregated by gender, race and ethnicity, disability status, English
35 learner status and socio-economic status. Additionally, in the case of
36 high school, consideration should be given to graduation rates that are

1 10% lower than that of other high schools in the community or
2 communities served by the school;

3 3. Failure of the school to attract a student body whose composition of
4 gender, racial and ethnic minorities, students with disabilities,
5 students with limited English proficiency, and students from low-
6 income families is within 10% of the population for each of these sub-
7 groups within the community or communities served by the charter
8 school;

9 4. Fiscal mismanagement or fraud.

10 C. When determining whether to renew a charter, an authorizer shall not
11 renew a charter if a review of performance data shows any of the
12 following:

13 1. Failure to meet the student performance requirements of the state
14 accountability system or of the charter itself;

15 2. Attrition rates that are 10% or higher than other schools in the district.
16 Overall attrition rates should be considered, as well as attrition rates
17 disaggregated by gender, race and ethnicity, disability status, English
18 learner status and socio-economic status. Additionally, in the case of
19 high school, consideration should be given to graduation rates that are
20 10% lower than that of other high schools in the community or
21 communities served by the school;

22 3. Failure of the school to attract a student body whose composition of
23 gender, racial and ethnic minorities, students with disabilities,
24 students with limited English proficiency, and students from low-
25 income families is within 10% of the population for each of these sub-
26 groups within the community or communities served by the charter
27 school;

28 4. Fiscal mismanagement or fraud.

29 D. If any of the reasons in Section 106C exists, the authorizer may override
30 the presumption of nonrenewal if the charter school provides clear and
31 convincing evidence that it otherwise satisfies the policy goal of
32 providing equal educational opportunity for all students and provides a
33 plan for addressing the identified issue such that it does not persist.
34 Evidence of the support of parents for the charter school may be
35 considered, but shall not be the primary evidence that the school
36 positively serves the public's interests and is therefore insufficient by
37 itself to justify renewal.

38 E. State educational agencies may revoke and non-renew charters of schools
39 that do not meet basic standards, whenever charter authorizers fail to
40 act.