



**A Mississippi First White Paper on
Recommended Elements for Mississippi Charter School Policy**

In this white paper, Mississippi First outlines elements of charter school policy that we believe are necessary to establish high-quality public charter schools in Mississippi.

INTRODUCTION

In his March 10, 2009, speech on education, President Barack Obama described his fourth strategy for improving public education as “promoting innovation and excellence in America’s schools.”¹ He noted, “One of the places where much of that innovation occurs is in our most effective charter schools.”² Mississippi, more than any other state in the nation, is in dire need not only of innovative educational practices but of effective schools, especially for our lowest-performing students. The Magnolia State has scored last or next-to-last among the states in educational achievement every year for which we have comparable state-level data.³ Without drastic changes in our approaches to educating public school students, Mississippi runs the risk of falling even further behind the nation on every education indicator.

Charter school proponents argue that charter schools are one tool for raising student achievement and closing achievement gaps. Charter opponents, however, cite examples of poorly performing charter schools. President Obama acknowledged charter opponents’ points when he stated, “[A]ny expansion of charter schools must not result in the spread of mediocrity, but in the advancement of excellence.”⁴ Mississippi First (MSF) agrees wholeheartedly.

UNDERSTANDING THE CHARTER SCHOOL RESEARCH

When taken as a whole, the evidence supporting charter schools appears decidedly mixed. Some studies show that charter school students outperform their peers in traditional public schools while other studies show that charter school students do no better or worse than their peers in traditional public schools. In a 2008 review of the best charter school research, the Center for Reinventing Public Education concluded that one-third of the studies found positive effects of charter schools on reading achievement and math achievement.⁵ The same analysis found that, in reading, roughly one-fifth and, in math, roughly one-quarter of the studies found negative effects of charter schools.⁶

A much-anticipated, large-scale study by the Center for Research in Educational Outcomes (CREDO) which examined charter school data in 15 states and the District of Columbia confirmed many of the mixed findings of previous studies: only 17% of the charter school students in the study outperformed their peers, while 46% performed no better and 37% performed worse.⁷ Since the CREDO study’s release, charter opponents have claimed this finding is definitive proof that charter schools do not work.

But the CREDO study's most interesting and significant finding for policymakers was not the overall rates of charter school student achievement across its sample but the rates of achievement on a state-by-state basis. To put it bluntly, CREDO found that some states are advancing excellence while others are merely spreading mediocrity. When we look at states whose charter school students performed *worse* on average than their traditional school peers—Arizona, Florida, Minnesota, New Mexico, Ohio, and Texas—we see states with permissive charter school laws. Generally, these states' laws allow authorizers wide latitude in granting charter schools to prospective operators. This leniency results in high numbers of poorly performing charters which these states have been slow to close.

On the other end of the spectrum are states whose charter school students performed *better* on average than their traditional school peers. These states—Arkansas, Colorado (Denver), Illinois (Chicago), Louisiana, and Missouri—have both more rigorous charter school laws and higher-quality charter school authorizers. CREDO's overall results can be explained in part because these states make up a smaller portion of CREDO's sample as they have authorized many less charters than states like Arizona, Texas, Florida, or Ohio.

The lesson to take from the research is not that charter schools do not work, but that ***the state standards for opening, monitoring, and closing schools matter enormously to the success charter school students***. In other words, Mississippi has the power to control the destiny of its charter school system, and Mississippi First believes the four recommended elements in this paper can point the policymakers in the right direction.

RECOMMENDED ELEMENTS

MSF recommends that Mississippi charter policy be ***targeted, rigorous, comprehensive, and robust*** in order to establish high-quality public charter schools in Mississippi. We have drawn much of this information from the research about effective state charter laws and regulations as well as the practices of high-quality charter schools and authorizers.

1. TARGETED

Use Charter Schools as an Education Reform Tool

The most compelling arguments for charter schools center around the student achievement gains of the nation's best charters. Many of these stand-out charters—such as KIPP and Achievement First—share a mission to reform education in historically underserved communities and are often listed as examples of the kind of charter schools that Mississippi could have. If Mississippi promotes charter schools as an education reform tool, then raising student achievement should be the *primary* purpose of all public charter schools in the state. In practical terms, ***state law should require charter school applicants to describe how their schools will raise student achievement and close achievement gaps***.

Additionally, many of Mississippi's school children are trapped in chronically low-performing schools and districts. Unlike middle- and upper-income families, those at or below the poverty line lack the financial means to relocate or explore private school options when their local

public schools are failing. While improving failing public schools must remain a top priority, it is unfair to ask some families within those schools to wait patiently—for years—until the turnaround occurs. High-quality charter schools are the most effective way to provide an immediate alternative to impoverished families in underperforming school districts. To encourage the establishment of charter schools where they are most needed, ***state law should give a strong preference to proposed charter schools in failing districts or districts with failing schools. Proposed charter schools which provide enhanced educational opportunity to at-risk or underserved populations should also be given a strong preference.***

Prohibit Private School Conversions

Many charter school opponents in Mississippi have argued that charter schools would allow a return to the racially segregated public schools of decades past. These opponents reason that the private academies set up to block integration will apply to convert to charter school status in order to gain public funds for their private endeavors. ***To directly address this valid concern, state law should prohibit all current private schools in Mississippi from being eligible to convert to public charter school status.*** This policy will prevent charter schools from being used as a back door to a pre-*Brown v. Board of Education* society, while not adversely impacting the ability of well-qualified and well-intentioned charter school leaders to apply for and open effective schools.

Ensure Open Enrollment and Non-Discrimination

Unlike magnet schools, which typically limit admission based on academic or other performance criteria, new start charter schools* are open to any student who may want to attend, provided there are spaces in the student's grade. To ensure open enrollment at new start charter schools, ***state law should clearly declare that charter schools may not limit admission to any student based on academic or athletic ability. It should also provide for a lottery process should a school become overenrolled at a grade level.*** Furthermore, charter schools are required to follow all civil rights laws that traditional public schools follow. However, some fear that charter schools' freedom from many state education laws and regulations could include waivers from following civil rights laws. To avoid confusion, ***state law should clearly affirm that charter schools must follow the same civil rights requirements as traditional public schools, including prohibitions from discrimination based on gender,[†] income level, disabling condition, ethnicity, national origin, religion, or English language proficiency.***

2. RIGOROUS

Establish a Thorough Application Process

Designing and leading an effective school is hard work that requires special skills. A deserving school design proposal must consider such diverse topics as budgeting, curriculum, facilities, staffing, and special education, among others. Not every prospective charter school operator

* A new start charter school is a school that is newly created rather than converted from an existing traditional public school. See Element 3 for more information on new start charter schools.

[†] Under federal law, single-sex classes and schools are legal in both traditional and charter school environments. However, a *co-educational* charter school cannot limit admission on the basis of gender.

will have the requisite skills and expertise to adequately address every facet of a quality school proposal. Separating the good proposals from the bad requires the kind of thorough application processes that the nation's best charter school authorizers have created.

First, these clear and careful processes ask prospective charter operators to submit a detailed application called a *school design proposal*. Successful applicants then must survive several stages of review, often culminating in one or more interviews of the school's founding leadership team. The best authorizers set high standards for awarding charters and are willing to deny applicants at every step in the process, including after the final interview. Though exact timelines and stages should be determined by a charter authorizer, ***state law should steer the process by establishing detailed application requirements*** and carefully selecting the charter authorizers who will govern the application process, as discussed below.

Promote High-Quality Authorizing

Unlike traditional public schools which are created and operated by local school districts, public charter schools are designed and operated by independent individuals and groups. Charters are granted by special entities called charter school authorizers. Across the country, authorizers are most often state departments of education, universities, or local school districts. Some states allow multiple types of entities to serve as authorizers while other states restrict authorizing to a single entity. Last year's CREDO study on charter schools presented suggestive, though not definitive, evidence that authorizing may be best restricted to a single entity.⁸ However, *who* is able to authorize charter schools is not nearly as important as *how* the entity grants charters and writes charter contracts, supports and oversees charter schools during their charter terms, and holds charters accountable.

In order to increase the likelihood of quality authorizing, ***state law should designate as eligible authorizers those entities with both the operational capacity and expertise to perform the many important functions of an authorizer. Eligible entities must also have the commitment to support charters and make important charter-related decisions.*** Most local school districts in Mississippi would find it extremely difficult to develop the operational capacity, expertise, and the commitment to engage in quality charter school authorizing. Even the state's largest districts might find authorizing and overseeing a portfolio of more than one or two charters challenging. Better candidates for authorizing in Mississippi include the State Board of Education (supported by the Mississippi Department of Education) or a state university.

Base Accountability on a Strong, Transparent Performance Framework

At the heart of the charter school concept is the idea that charter schools are granted more *autonomy* (by exemption from certain state laws and local district policies) in exchange for more *accountability*. In theory, if charter schools do not meet defined standards of performance, they face strict consequences such as non-renewal at the end of the charter term or even mid-term closure. In practice, some authorizers have proved more willing than others to close low-performing charter schools.

As we described above, mediocre-to-bad charter schools are often the result of weak accountability policy. State laws that allow vague performance standards in charter contracts

enable charter schools with inadequate performance not only to remain open through their charter terms but also to argue during the renewal process that they deserve to keep their charters. Since every school, regardless of quality, has supporters, authorizers in states with weak performance requirements and permissive charter contracts rarely find the political will to close schools for reasons other than financial mismanagement. Authorizers in states with strong, transparent performance requirements—such as the Charter Schools Institute at the State University of New York—are far more successful in closing schools for poor performance. ***To ensure effective accountability, state law should seek to emulate the model practices of high-quality authorizers such as the State University of New York, the Indianapolis Mayor’s Office, Chicago Public Schools, and the DC Public Charter School Board.***

3. COMPREHENSIVE

Allow Both New Starts and Public Conversions

Successful charter schools have many different types of configurations. The most common configuration are “new start” schools, or newly created schools which often begin with one or two grades and expand to full capacity as the original students age. Nationally, 90% of charters are new starts.⁹ New start schools usually have no attendance zones and often open in their own facilities. Sometimes, however, a new start will take over the vacant building of a closed traditional public school or will phase-in to a building as the district phases the traditional school out. Some of the most well-respected charter schools, like KIPP, are new starts.

In contrast, public school conversion charters are usually formed when the teachers and parents at a traditional school decide to convert the school to a charter school with the understanding that the charter school will serve all the students who live in the former school’s attendance zone and would have attended the former school. Nationally, 10% of charters are conversions.¹⁰ In these cases, the charter school operates at full capacity in its first year. In some cases, districts convert low-performing traditional public schools into charters as a way to turnaround the performance of the students who attended the former school.

Since new start schools have the strongest track record of success in the charter school movement, limiting charter authorizing only to public conversions will limit the potential success of charter schools as an education reform tool in Mississippi. Therefore, ***state law should provide the option of chartering both new starts and public conversions.***

4. ROBUST

Grant Charter Schools Real Autonomy

One of the strengths of charter schools is their ability to innovate due to their autonomy from state and district regulation. Of course, a high-quality charter application process would require that charter schools detail their innovative practices before an authorizer could grant a school a charter. State law should ensure that charter schools are able to engage in innovative practices by ***freeing charter schools from state education regulations with the exception of civil rights, non-discrimination, health, and safety laws as well as laws pertaining to state testing and the state accountability system.***

Autonomy is particularly important in order to allow charters the flexibility to hire great teachers and leaders. Teacher quality research indicates that teachers are one of the most important levers in raising student achievement.¹¹ Unfortunately, the research also indicates that teaching credentials are not a very good measure of effectiveness and that certification specifically has, at best, a weak relationship to student achievement.¹² As a result, many states' charter laws exempt a certain percentage of a charter school's staff from obtaining state licensure, a practice that was allowed by the No Child Left Behind teacher quality provisions. Based on this evidence, ***state law should exempt a portion of a charter school's teachers from being required to hold a certificate.***

Fund Charter Schools Equitably

One of the most common concerns Mississippi advocates have raised about public charter schools is how charter schools will affect the funding of traditional schools. In this time of fiscal crisis when school budgets are being stretched to the breaking point, many rightly question whether charter schools will further damage schools that have been underfunded for years. *(Note: This concern is limited to funds diverted away from current traditional schools by new start charter schools; conversion charter schools would most likely continue to receive the same funds as their traditional public school predecessors did.)*

It is not easy to predict exactly how new start charter schools will affect the fiscal sustainability of individual traditional schools and districts: traditional schools in larger districts may be mostly unaffected; schools in very small districts may be deeply impacted. One important fact is that although new start charters may decrease a nearby traditional school's budget, they do so in proportion to the traditional school's population because education is funded on a per-pupil basis. In other words, a traditional school whose enrollment declines due to a new start charter school will receive less funding but will also be expected to serve fewer children.

These funding uncertainties are yet another reason for ensuring a rigorous charter school application and authorization process: with the right information, quality charter school authorizers can assess the likely fiscal impact of a charter school in a given geographic location and use their judgment in approving a charter school in that location. Furthermore, if state law forbids local tax dollars from following a child to a charter school, traditional schools may actually receive slightly more money per child when enrollment declines. But whether local tax dollars follow children into new start charter schools, ***state law should fund charter school students and traditional public school students equally.***

CONCLUSION

Charter schools present both tremendous possibilities and tremendous peril: high-quality charters could give options to children trapped in underperforming school districts, but poorly performing charters would only worsen low student achievement. In this paper, MSF has recommended four elements that we believe are necessary to fostering high-quality charter schools. The next step in creating a quality system is embedding these principles state law and authorizer policy by using carefully constructed language. As the process moves forward, MSF will continue to serve as a resource.

MSF believes high-quality charter schools have a place in Mississippi's system of public education. Nonetheless, we believe charters work best when they are one part of a series of education reforms intended to raise student achievement and close achievement gaps, one of Mississippi First's most important long-term goals.

About Mississippi First

Mississippi First is a non-partisan, non-profit organization whose mission is *to advocate the best public policy solutions and to revitalize Mississippi's democracy*. In addition to charter schools, Mississippi First currently advocates for pre-Kindergarten, sex education, and a strong Race to the Top application. To contact Mississippi First, email contact@mississippifirst.org.

¹ Obama, Barack. *Remarks by the President to the Hispanic Chamber of Commerce on a Complete and Competitive American Education*. 10 March 2009. Washington Marriott Metro Center, Washington, D.C. Keynote address. <http://www.whitehouse.gov/the_press_office/Remarks-of-the-President-to-the-United-States-Hispanic-Chamber-of-Commerce/>

² Ibid.

³ "StateProfiles.net: Mississippi." National Assessment for Educational Progress, National Center for Education Statistics. 26 Feb. 2010. <<http://nces.ed.gov/nationsreportcard/states/>>

⁴ Obama, Barack. *Remarks by the President to the Hispanic Chamber of Commerce on a Complete and Competitive American Education*. 10 March 2009. Washington Marriott Metro Center, Washington, D.C. Keynote address. <http://www.whitehouse.gov/the_press_office/Remarks-of-the-President-to-the-United-States-Hispanic-Chamber-of-Commerce/>

⁵ Betts, Julian and Y. Emily Tang. *Value-Added and Experimental Studies of the Effects of Charter Schools on Student Achievement: A Literature Review*. December 2008. Center for Re-inventing Public Education, University of Washington. <http://www.crpe.org/cs/crpe/download/csr_files/pub_ncsrp_bettstang_dec08.pdf>

⁶ Ibid.

⁷ *Multiple Choice: Charter School Performance in 16 States*. June 2009. Center for Research on Educational Outcomes, Stanford University. <http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf>

⁸ Ibid.

⁹ "Public Charter School Dashboard: Start-up/Conversion." National Alliance for Public Charter Schools, 2010. 26 Feb. 2010. <<http://www.publiccharters.org/dashboard/schools/page/conv/year/2010>>

¹⁰ Ibid.

¹¹ Carey, Kevin. "The Real Value of Teachers: If Good Teachers Matter Why Don't We Act Like It?" *Thinking K-16*. 8.1 (Winter 2004): 1-44. Print.

¹² For example, see Kane, Thomas J.; Jonah E. Rockoff; and Douglas O. Staiger. "What Does Certification Tell Us about Effectiveness? Evidence from New York City." *National Bureau of Economic Research Work Paper Series*, Paper 12155 (April 2006). <http://www.gse.harvard.edu/~pfpie/pdf/What_Does_Certification_Tell_Us.pdf>