



**National Alliance for
Public Charter Schools**

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Testimony before the Senate Education Committee
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- Good morning Madam Chair and Members of the Committee. I'm Todd Ziebarth, the Vice President of State Advocacy and Support at the National Alliance for Public Charter Schools.
- The Alliance is the national nonprofit organization solely committed to advancing the public charter school movement.
- Thank you for giving me the opportunity to address the Committee as it begins an important effort to study one of the most promising innovations in public education today – public charter schools.
- Currently, 39 states and D.C. have charter laws on the books.
- More than 4,900 charters open, serving over 1.5 million students.
- 300 to 400 new charters open each year.
- 100,000 to 150,000 new students enroll in charters each year.
- Almost 400,000 students on waiting lists.
- There are three major challenges, however, standing in the way of the long-term growth, sustainability, and quality of public charter schools.

Caps

- The first major challenge is caps.
- Currently, 23 states and D.C. have imposed caps on charter growth - with some states imposing more than one kind of limit.
- Some caps are worse than others (e.g., California's 100 per year vs. North Carolina's 100 overall).
- States have become more aggressive in lifting their caps, particularly in light of the U.S. Department of Education's Race to the Top Program: 9 states have partially or entirely lifted caps since June 2009.

- Notable recent examples include:
 - Massachusetts enacted a law in January that allows for a partial raise in the charter public school cap in the lowest performing 10% of school districts that will permit an estimated 35,000 new charter seats in these districts.
 - Michigan enacted a law in December that allows 10 new charter schools of excellence modeled after a high-performing charter school and located in a low-performing school district and allows existing high-performing charter schools to convert to charter schools of excellence if they meet certain criteria (these conversions will create new openings within the state's cap of 150 university-authorized charter schools).
- After almost two decades of charter experience, we can say with assurance that there's no demonstrable connection between charter caps and stronger outcomes. Caps have proven to be blunt instruments that don't necessarily lead to high-quality charter schools.
- If state leaders are sincerely concerned about charter quality, they should address problems that more directly impact quality, such as inadequate facilities funding and insufficient accountability mechanisms.

Funding and Facilities

- The second major challenge is funding and facilities.
- The 40 jurisdictions with public charter school laws vary greatly in how they fund public charter schools. While their approaches vary, most states share one commonality: They usually provide significantly less funding to public charter schools as compared to traditional public schools. In fact, a 2005 study found that public charter schools receive 78% of the dollars that flow to traditional public schools.
- The primary reason for this inequity is the fact that, unlike school districts, most charter schools do not receive separate funding for facilities. Nor do charter schools have independent taxing or bonding authority – the tools generally used by school districts to finance their buildings.
- While no states have licked the facilities challenge yet, some have made more progress than others by implementing a menu of approaches for supporting public charter school facility needs. State leaders on facilities are the District of Columbia, California, Colorado, and New Mexico. Although challenges remain in these places, they've laid a strong foundation for solving the facilities problems their schools face.
- These states' menu of approaches contains many of the following policies from a model law that we released in June 2009:

- Direct funding: A per-pupil facilities allowance; a grant program; and/or a revolving loan program.
- Equal access to relevant tax-exempt bonding authorities (or their own authority);
- Equal access to existing state facilities programs for traditional public schools;
- Right of first refusal to purchase or lease at or below fair market value an unused or underused public school facility or property.
- A mechanism for the legislature to provide limited credit enhancement for eligible highly-rated bond transactions through the use of the state's moral obligation on such transactions; and,
- Credit enhancement fund that provides grants to eligible nonprofit organizations to carry out financing activities for charter schools.

Accountability

- The third and final major challenge is accountability.
- From our perspective, the long-term viability of the charter school movement is directly connected to the quality of the charter schools that are created.
- On the one hand, charter schools are usually among the top performers in big-city school districts, and often rival the highest-performing schools in surrounding suburban districts. These high performers are setting important examples about what public schools can achieve with disadvantaged students. On the flip side, charter schools sometimes are also at or near the bottom of the performance heap.
- States that are making advances on charter accountability are implementing measures in three areas:
 - First, they are creating strong laws and regulations to guide authorizers' application, contracting, oversight, and renewal/non-renewal/revocation processes. And, their authorizers are implementing these laws and regulations in fair but rigorous ways. Two notable examples are Massachusetts and New York.
 - Second, their authorizers are making the tough decisions to close chronically low-performing public charter schools, such as the State University of New York. When authorizers fail to do so in some states, legislators are creating automatic closure criteria for such schools, such as in Ohio.
 - Third, they are creating mechanisms to make easier for high-performing charter schools to replicate and expand. Two notable examples are Arkansas and Texas.
- From our perspective, states have the best chance of creating a high-performing public charter school sector if they move on all three of these fronts.

- Thank you again for the opportunity to present to you today. I'm happy to answer any questions you may have at this time. I'm also happy to serve as a resource to the Committee as it completes its study over the next several months.