

Charter School Explosion: On the Fringe of Legal?

By Pat Hall

As we complete the series of seven articles in *La Gaceta* today, the League of Women Voters of Florida Study of Charter Schools gives direction regarding education principles. Public education is required by the Florida Constitution and recognized as a paramount duty of the state. The constitution establishes local school boards that are accountable to the electorate and are audited for compliance with statute and rule. They should be the sole agency with authority to contract with charter schools to complement the public school system within a district. They should have oversight and enforcement authority and be held responsible for meeting the needs of the students residing within their district.

Based on extensive research throughout the state with the nearly seventeen year history of charter schools in Hillsborough County and the state of Florida, and even longer history elsewhere in the United States, we make the following recommendations:

OVERSIGHT

An Office of Charter Schools at the state level to monitor performance and effectiveness of charters and their authorizers must be funded. With 578 charters as of September, 2013, this office must be adequately staffed with one staff member for 10 charters.

- The Office must have statutory responsibility, authority and resources to investigate fraud, waste, mismanagement and misconduct. The Florida Inspector General Act of 1994 put a watchdog in every state agency. From the website, inspectors have the duty to “promote economy, efficiency, and effectiveness in state government and detect, deter and prevent fraud, waste and abuse.”
- The Office should have authority to withhold funds as necessary.
- The Office should have power to adjust charter grants, renewal contracts and the like if charter entities are found to be in violation of state or federal laws.
- The Office should have power to revoke the authority of charter authorizers.
- Independent audits should be required annually; available online on charter schools’ websites. The audit template must be adequate for comparison and analysis, identifying facilities’ ownership and management contractors.

TRANSPARENCY

No longer can we have the blurred lines of “public” when it suits us and “private” when we don’t disclose!

- Declare that charters are public schools; subject to the same non-discrimination and transparency requirements as traditional public schools.
- Publicize the original application and charter agreement to the public online.

- List members of the board of directors, officers, and administrators with affiliations and contact information on the website.
- Require that board members, administrators and employees, as well as public officials file financial disclosure reports, report conflicts of interest, relationships with management companies or other business dealings with the school much like members of public boards.
- Require quarterly minutes and advance notice of governing board meetings, information about staff members and school policies, etc. on school website.
- Require full compliance with state open meetings/open records laws, resulting in swift action if non-compliant.
- Financial documents must be available annually, detailing use of public and private funds by the school and management entities. Full disclosure required of sources of private funds, duration of leases and mortgage payments/and satisfaction thereof.
- Require disclosure of vendor and service contracts over \$25,000 and prohibit contracts with anyone who constitutes a conflict of interest with members of the governing board.
- Legislators serving on education or appropriation committees must recuse themselves on votes related to charter school finance if they or family members have financial interests in charter schools.

GOVERNANCE

Governance means who is in charge of the day-to-day operation of the school. This has been a particularly thorny topic in Hillsborough County with the proliferation of charter management interests in the last few years.

- Require charter school governing boards to include representatives of parents, teachers and students (if charter is a high school). Others on the governing board must be residents of the community/school district so they can be answerable to parents.
- Require board members to live in close geographic proximity to the school site/community.
- Members of the board should be held legally liable for fraud and malfeasance occurring at the school.
- Administrators and board members of all public schools, including charters, must not supervise or determine the compensation of family members.
- State guidelines must be followed for all reporting issues as are traditional public schools, including submission of monthly student enrollment numbers.

ACCOUNTABILITY

- Teachers and administrators, including principals, must meet certifications and qualifications at the same level as all other public school instructors and administrators.
- Professional qualifications or standards for charter operators and officers must include insurance bonds of the sort to prevent theft of resources.
- All schools, even small ones, receiving state funds must report state assessment test scores, and receive some indicator of student achievement levels. Graduation rates for high school students must be reported.
- All public schools, including charter schools, must report teacher and student retention.
- Charter school admissions and dismissal policies and procedures should be supervised by district staff to ensure they conform to state guidelines.
- Charter schools that educate students requiring ESE (Exceptional Student Education) must hire appropriately certified full or part time instructors before applying for additional funding for the services.

Many of the abovementioned recommendations were adapted from The Department of Education's Office of the Inspector General's *Semiannual Report to Congress, No. 60* with a subsection titled *Charter School Vulnerabilities To Waste, Fraud, and Abuse*. This examination of fifteen states with large numbers of charter schools found fraud, waste, and abuse cases totaling over \$136 million in losses to taxpayers. The voluminous examples cited by the OIG's report are beyond staggering! Yes, Florida is one of the top 5 states with hundreds of charter schools!

Sen. Bill Montford (D), former Leon County Superintendent of Schools, wants to see charter schools held to the same levels of accountability as other schools in the state. "The taxpayer deserves to make sure that tax dollars are well spent." A retired teacher from Hillsborough County Public Schools now teaching in a small charter school said, "If you are doing nothing wrong, you should have nothing to hide!" Thank you to Tom Gonzalez, Attorney for HCSD, and Jenna Hodgens, Director of Charter Schools, for holding charter operators' feet to the fire in Hillsborough County!

The ties between high-powered lobbyists, flush PAC's and politicians seems to underlie every mission of the so-called "school choice" agenda. Jon Hage, CEO of Charter Schools USA with 58 schools in 7 states, served as advisor to Jeb Bush and writer of the initial law authorizing charter schools in Florida. Jon Hage profits from these laws and has lobbied extensively - giving \$50,000 to Gov. Rick Scott last September and another \$50,000 to The Republican Party of Florida. Does this \$100,000 come from our tax dollars paid to his charter schools?

The League of Women Voters' research indicates that if a charter school is not incubating innovative methods of teaching or taking calculated risks to improve and collaborate with traditional public schools WE DON'T NEED THEM! Charters "cherry pick" higher scoring students and get rid of those who don't help school grades. They

are draining huge resources from K-12 budgets. School grades show that there is little difference in academic performance by students attending charter schools vs. traditional public schools except for slightly higher reading scores for African American children from poor communities. Both systems have students who do well and those who do not. Parents are looking for a school that helps their children succeed!

According to the OIG report, there have been more than 20 years of lax charter oversight nationally, with the result that fraud and mismanagement have proliferated. That is “all the proof we need that the charter industry is incapable of self-policing.” While some charter organizations are well managed and accountable to authorizers, parents, students and their communities, clearly others are not, as referenced in previous articles in this series. “The public deserves common-sense laws that protect their children and their tax dollars from incompetent or unscrupulous charter operators.”

Will November 4th finally be the day state legislators and officials pay a political price for their charter school fetish?