

ADVANCING EDUCATION THROUGH SHARING

May 31, 2019

SUMMARY

Charter schools were originally envisioned as a parallel system of education alongside the traditional district schools to drive innovation through a progressive approach to classroom instruction. Reviewing over a quarter century of data, the realization of this promise of charter schools has been checkered. In California, most charter schools, freed from much of the regulation that binds the district schools, have not met the expectation that charter schools would excel in their delivery of innovative methodologies. In fact, the results have often been at or below recorded state levels of achievement.

Where there is excellence in the charter schools within a district, there has often been little collaboration between the two sides to introduce new methods of delivery, often due to a lack of communication from the districts to the charter schools. This absence of interaction between the district schools and charter schools is limiting the value of both systems.

The Grand Jury (GJ) has found that administrators of the county and the districts have not implemented any policies to encourage interactions between their schools and the charter schools to initiate sharing of innovations. The GJ became aware of community concerns and misunderstandings about the role and presence of charter schools in Mendocino County, including the accessibility of the charter schools to public school students. The GJ learned that some parents and guardians equate charter schools with private schools. Further, parents, guardians and students are not aware of the reports, tools and evaluations available to make decisions about school choice to best place their students.

GLOSSARY

ADA – Average Daily Attendance

API – Academic Performance Index

Chartering – The process of establishing a school within a district but outside district administration

EDC – Education Code of California (cited sections are located in the Appendix)

MCOE – Mendocino County Office of Education

NCLB – No Child Left Behind

SARC – School Accountability Report Card

STEM – Science, Technology, Engineering, Mathematics; a school focused on hard science subjects

BACKGROUND

The charter school concept in the United States began in Minnesota in 1991 where the state chartered the first school. California was the second state to adopt the charter system. Once the charter concept gained traction, the growth was dramatic. By 1999, there were over 1,500 charter

schools nationally with almost 350,000 students enrolled¹. By 2017, California had developed the largest charter school base in the United States, with over 1,300 schools and an enrollment of 620,000 students, equating to ten percent of the State's total enrollment².

Charter schools are, most importantly, public schools. They are to be open to all students in their respective districts, and cannot deny admission to any eligible public school student. They are prevented by law to "ability sort" students or academically track students to exclude potentially low performing students. They are also subject to state testing mandates. Their relative advantage is that they are not as tightly regulated as district schools in certain areas, e.g. credentialed teachers, unionization, building and construction code constraints and administrative oversight. This is intended to encourage the administration and the teachers to try out different approaches to education.

Pursuant to legislative section 47616.5 (e) of the California Education Code, the Legislative Analyst was originally required to "...contract for a neutral evaluator to conduct an evaluation of the effectiveness of the charter school approach authorized under this part. On or before July 1, 2003, the neutral evaluator shall report directly to the Legislature and the Governor with recommendations to modify, expand, or terminate the charter school approach..."³ which lead to a positive outcome. At roughly the same time, the Legislature passed EDC 47601 (a)-(g), providing legislative intent focused on ensuring positive relationships between public and charter schools. Section (g) is one of the most often cited expectations nationally, "*Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.*"⁴

Charter schools are, in most cases, subject to chartering by the school districts in their respective jurisdictions. There is no constraint on collaboration between the charter schools and the district schools. Yet the GJ found no current evidence of collaboration between the two systems in Mendocino County.

This brings up three major points:

- While the state legislative intent is to promote vigorous competition within the school system, there is no statewide mechanism or organization that enforces or encourages a collaborative approach within the district.
- Administrators of district schools and charters do not seem to be aware of this legislative intent. This permits the school district to disregard or avoid responsibility and opportunities to explore better ways to engage students and parents within their districts, which results in charter schools becoming a type of independent school within a district. There can be different charter schools within the same district operating independently of each other and of the district.

¹ <http://www.businessofgovernment.org/reports/charter-schools>; Laboratories of Innovation: Building and Using Evidence in Charter Schools

² https://www.inthepublicinterest.org/wp-content/uploads/ITPI_Breaking_Point_May2018FINAL.pdf, p. 5

³ http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.8.&chapter=4.&article=

⁴ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=47601

- A charter is usually issued for three to five years. Once approved, the school is able to operate any way it chooses to meet its charter terms while achieving education goals as mandated by the state.

Competition within the districts does receive a lot of emphasis by the district administrations, but this competition does not revolve around collaborative efforts to improve education methodologies. The competition is mostly centered on class offerings and organization of the schools by the districts to compete with the charter schools through an elevated degree of course offerings. District schools have changed curricula to broaden the range of subjects offered in addition to their enhanced sports and music choices in order to attract students. Due to state regulations within the education code, district schools still have major limitations impeding their ability to compete with charter schools, for whom the only accountability is the annual report submitted to the sponsoring district.

METHODOLOGY

The GJ conducted individual interviews with the charter school directors of Willits Elementary Charter School (WECS) and Redwood Academy and superintendents of Willits, Ukiah and the MCOE. It also reviewed and researched charter history and the EDC, as well as API and SARC Reports for selected schools within Mendocino County.

DISCUSSION

The EDC section 47616.5 (e) stipulated in 1991 that there be “*An assessment of whether or not the charter school approach has resulted in increased innovation and creativity.*” There has not been a follow up statewide evaluation of the effectiveness of the charter school approach since. In fact, it is up to the district or county to approve or renew a charter’s application. The only criterion is whether the school is meeting, or improving towards meeting, the statewide testing standards as measured by statewide testing scores.

The EDC section 47601 (a)-(g) is not acknowledged by either the county Department of Education, by the various school districts, or by the charter schools that were interviewed. It is this section of the code which enumerates the expectations of the state for the charter approach, and item (g) specifically stipulates that charter schools should “*Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.*” There is little attention to, or encouragement of, facilitating this outcome. In fact, many administrators in our county are not aware of this statute. Without statewide tracking and enforcement by the state board of education, there is no force behind the code.

Fewer regulations for charter schools should lead to greater latitude for introducing innovation in teaching methodologies, which is consistent with the legislative intent. Charter schools are expected to focus on introducing and testing better methodologies to improve student outcomes. The ability of the charter schools to limit enrollment to manage class size should, and often does, lead to a more personalized classroom environment.

However, examining the SARC results for local schools demonstrates that the charters are not getting students to exceed the state testing results, and in fact, are not always matching the district school results. As the SARC illustration below shows, the scores are mixed. This example of one charter school in Mendocino County is representative of results of many schools in the County compared to its district and to the California state standardized testing.

Within this example, two testing years, here 2016-17 and 2017-18 are displayed. Grades 3-8 are for elementary schools and grade 11 percents are for high schools. This example shows that 57% met or exceeded the State standards for the English Language Arts (ELA) assessment in 2016 and 49% in 2017, a drop of 8%. The district scores indicated a drop of 2% over the same time while the state showed a 2% rise.

The statewide test measures ELA and Mathematics through the California Assessment of Student Performance and Progress every year from third to eighth grade and again in eleventh grade. The SARC can be accessed for all schools in California.⁵

State Priority: Pupil Achievement

The SARC provides the following information relevant to the State priority: Pupil Achievement (Priority 4):

- **Statewide assessments** (i.e., California Assessment of Student Performance and Progress [CAASPP] System, which includes the Smarter Balanced Summative Assessments for students in the general education population and the California Alternate Assessments [CAAs] for English language arts/literacy [ELA] and mathematics given in grades three through eight and grade eleven. Only eligible students may participate in the administration of the CAAs. CAAs items are aligned with alternate achievement standards, which are linked with the Common Core State Standards [CCSS] for students with the most significant cognitive disabilities); and
- The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study.

**CAASPP Test Results in ELA and Mathematics for All Students
Grades Three through Eight and Grade Eleven
Percentage of Students Meeting or Exceeding the State Standard**

Subject	School 2016—17	School 2017—18	District 2016—17	District 2017—18	State 2016—17	State 2017—18
English Language Arts / Literacy (grades 3-8 and 11)	57.0%	49.0%	30.0%	28.0%	48.0%	50.0%
Mathematics (grades 3-8 and 11)	26.0%	17.0%	22.0%	20.0%	37.0%	38.0%

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: ELA and Mathematics test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard (i.e., achieved Level 3-Alternate) on the CAAs divided by the total number of students who participated in both assessments.

The GJ found that conversations between the charter and district schools are not taking place. Per legislative intent, diverting a significant portion of the education budget from district schools to charter schools in Mendocino County should provide a more productive and collaborative environment to improve all students' learning. The lack of interaction between the charter schools and district schools is limiting the value of both systems.

Neither MCOE nor district administrations have implemented policies of a collaborative nature to initiate innovative interactions between these educational systems.

⁵ <https://www.cde.ca.gov/ta/ac/sa/>

The district schools are responding to the challenge from the charter schools by adapting their structure to accommodate a greater variety of options. We see in Mendocino County STEM schools and trade-focused curricula being introduced to attract a broader spectrum of students to increase ADA. *The GJ commends the schools that are trying these new approaches.*

The burden falls on the parents or guardians of students to become involved and informed as to the rigor with which each school meets, exceeds or falls below expectations.

FINDINGS

- F1. Innovations (creative teaching methodologies which benefit students) at any school are neither utilized nor shared between charter and district schools.
- F2. Since district schools operate under more restrictive rules and regulations, it is difficult for the district schools to offer some of the same options or programs as the charter schools.
- F3. The district schools are changing their curricula to attract students and increase their ADA funding.
- F4. Where existing, the assigned oversight person between the district and the charter schools has not looked for opportunities to broaden the success of the district schools. Currently, the GJ found no evidence of collaborative processes between the charter and district schools.
- F5. Many parents are not aware of the availability, or even the existence, of SARC, API, and other scores and reports to determine the best educational experience for their students. Parents have traditionally not been educated in the availability of these tools.
- F6. The GJ has found in Mendocino County the mission of charter schools as originally envisioned has not been fulfilled.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. the MCOE should facilitate structured discussions and interactions between district and charter schools for the benefit of all students, teachers and parents, to include training days for all credentialed and teaching personnel to improve teaching methodologies,
- R2. schools should offer parents and guardians training on the tools available to evaluate and compare schools within the districts, e.g., SARC and API. Offering this allows the students to enroll in the school which is best aligned with their needs,
- R3. post a link to the school, district and state SARC and API scores on the school's website,

R4. build a space on the MCOE website for teachers at any school in Mendocino County to publish tips and suggestions to improve the classroom experience, e.g., behavior and teaching methodologies.

REQUIRED RESPONSES

Pursuant to Penal Code §933 and 933.05, responses are required from the following individuals from the following elected county official within 60 days:

- Mendocino County Superintendent of Education (F4, R1, R4)

Pursuant to Penal Code §933.05, responses are required within 90 days from the following individual(s):

- Ukiah District Superintendent (All findings and R2-R4)
- Willits District Superintendent (All findings and R2-R4)

REQUESTED RESPONSES

- Anderson Valley District Superintendent (All findings and R2-R4)
- Fort Bragg District Superintendent (All findings and R2-R4)
- Point Arena District Superintendent (All findings and R2-R4)

APPENDIX

EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

(Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001]

(Division 4 enacted by Stats. 1976, Ch. 1010.)

PART 26.8. CHARTER SCHOOLS [47600 - 47663]

(Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.)

CHAPTER 1. General Provisions [47600 - 47604.5]

(Chapter 1 added by Stats. 1992, Ch. 781, Sec. 1.)

47601.

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.

- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
 - (c) Encourage the use of different and innovative teaching methods.
 - (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
 - (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
 - (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
 - (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.
- (Amended by Stats. 1998, Ch. 34, Sec. 1. Effective January 1, 1999.)*

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

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PART 26.8. CHARTER SCHOOLS [47600 - 47663]

(Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.)

CHAPTER 4. Notice [47616.5 - 47616.7]

(Chapter 4 added by Stats. 1992, Ch. 781, Sec. 1.)

47616.5.

The Legislative Analyst shall contract for a neutral evaluator to conduct an evaluation of the effectiveness of the charter school approach authorized under this part. On or before July 1, 2003, the neutral evaluator shall report directly to the Legislature and the Governor with recommendations to modify, expand, or terminate the charter school approach. The evaluation of the effectiveness of the charter school approach shall include, but shall not be limited to, the following factors:

- (a) If available, the pre- and post-charter school test scores of pupils attending charter schools and other pupil assessment tools.
- (b) The level of parental satisfaction with the charter school approach compared with schools within the district in which the charter school is located.
- (c) The impact of required parental involvement.
- (d) The fiscal structures and practices of charter schools as well as the relationship of these structures and practices to school districts, including the amount of revenue received from various public and private sources.
- (e) An assessment of whether or not the charter school approach has resulted in increased innovation and creativity.
- (f) Opportunities for teachers under the charter school approach.
- (g) Whether or not there is an increased focus on low-achieving and gifted pupils.
- (h) Any discrimination and segregation in charter schools.
- (i) If available, the number of charter school petitions submitted to governing boards of school districts and the number of those proposals that are denied, per year, since the enactment of the charter school law, including the reasons why the governing boards denied these petitions, and the reasons governing boards have revoked charters.
- (j) The governance, fiscal liability and accountability practices and related issues between charter schools and the governing boards of the school districts approving their charters.
- (k) The manner in which governing boards of school districts monitor the compliance of the conditions, standards, and procedures entered into under a charter.
- (l) The extent of the employment of noncredentialed personnel in charter schools.

(m) An assessment of how the exemption from laws governing school districts allows charter schools to operate differently than schools operating under those laws.

(n) A comparison in each school district that has a charter school of the pupil dropout rate in the charter schools and in the noncharter schools.

(o) The role and impact of collective bargaining on charter schools.

(Amended by Stats. 1998, Ch. 673, Sec. 4. Effective January 1, 1999.)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.