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CHARTER SCHOOL ACCOUNTABILITY

Whether one supports charter schools as a provision of school choice or believes the current charter school law is harming both students and schools, one issue on which everyone can agree is that accountability for charter schools must be maintained. The Charter School Law, 24 P.S. § 17-1701-A, et seq., (CSL) does provide some room for host school districts to provide that accountability, and we encourage host school districts to make full use of these provisions.

In fact, the CSL, at 24 P.S. § 17-1728-A, not only authorizes host school districts to perform annual assessments, it requires those annual assessments. The annual assessments are to determine whether the charter school is “meeting the goals of its charter.” That same section requires a “comprehensive review” before any renewal of the charter.

Because any decision to revoke or any decision not to renew a charter must be based on the specific criteria listed in § 17-1729-A, the annual assessment should certainly look at benchmarks around these criteria. Section 17-1729-A lists the following bases for stopping a charter school:

- violation of its charter
- failure to meet the requirements for student performance set forth in the school code
- failure to meet generally accepted standards of fiscal management or audit requirements
- violations of the CSL
- violations of state or federal law
- conviction of fraud

With these standards in mind, school districts should adopt a board policy that sets out the assessment process, and in conjunction with that policy, should develop a written assessment form. The first criterion bears particular attention. The actual charter incorporates by reference the application for the charter. Most charter schools apply on the basis of a particular pedagogical or curricular theory. Since that becomes part of the charter school’s charter, the assessment should look at whether the particular theory, which was the basis for the application, is actually being implemented. For example, if the charter school application indicated that the proposed school would be implemented on a Montessori model, does the school actually apply that model? Equally important, has the charter school established its own assessment tools with objective benchmarks to determine whether its model is achieving positive results?

The form should also include a section analyzing the charter school’s finances, including salaries of key personnel and fees paid to outside entities. It should specifically ask the charter school to disclose whether any stakeholders (either key employees or trustees) or their immediate families have any financial interest in any outside entity which has contracted with the charter school. The assessment should also confirm that all required state contributions (unemployment and retirement, for example) are being made on a timely basis.

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Additional assessments should evaluate academic performance. These would include everything from class size to graduation rate (where applicable), performance on standardized testing and progress by special education students. The assessment should also audit the percentage of teachers who are "highly qualified" by the department of education.

An area which is often neglected concerns "school life". What extra-curriculars are available to the charter students, and to what extent are those opportunities being utilized? What is the quality of the food service provided? Did the charter application include programs for increased parent involvement or partnership with community organizations? If so, has the charter school actually followed through with those plans?

These constitute just a few key areas that such an assessment should explore. The more comprehensive the assessment there will be greater degree of accountability. The charter school is obliged to cooperate in this process. Since § 17-1729-A specifies that a charter may be revoked for any violation of the CSL, any charter school which fails to cooperate in the annual assessment process risks revocation or non-renewal on this basis alone.

Some charter schools have provided remarkable opportunities for their students. Many have been abject failures. The host school district is the first and best line of defense in identifying and eliminating those failures with a rigorous assessment process. If your school district would like assistance in developing either the school board policy or the assessment tool, please contact us.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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