

## Are charter schools truly public schools?

**No. Charter schools are contractors that receive taxpayer money to operate privately controlled schools that do not have the same rules and responsibilities as public schools.**

### **This is why**

**Charter schools fail the test for what constitutes a truly public institution in many ways:**

#### **Who owns the school buildings?**

Charter school buildings are often privately owned by the charters' founders, by an affiliated private company, or by a private trust, even if the buildings were originally purchased with taxpayer money.

#### **Who owns the schools' equipment and supplies?**

In charter schools operated by private education management organizations (EMOs), the materials, furniture, and equipment in the schools are usually privately owned by the EMO and leased to the school, at taxpayer expense. In many states, if the school closes, the charter "owner" may keep those assets, even though they were purchased with taxpayer money.

#### **Who makes decisions?**

While most public schools are governed by democratically elected public boards, most charter schools are run by appointed boards who are not directly accountable to the community.

#### **Who are the schools obligated to serve?**

Unlike public schools, charters can define the number of enrollment slots they wish to make available. They do not have to take students mid-year and do not have to "backfill" seats; that is, they accept students to fill open spots when students leave.

#### **How are students and teachers treated?**

Charter schools don't have to follow the same due process rules for students and employees that public schools follow. They can set academic, behavior, and cultural standards regardless of community norms. Students can be suspended or expelled with little to no opportunity to appeal.

#### **What gets reported about the school?**

Public schools are subject to transparency laws and are obligated to share information about their operations. Charter schools have very narrow requirements for what information they report and can restrict access to public scrutiny.

### **Look at the facts**

Investigations of charter school operations in **Florida, Michigan, Ohio, North Carolina**, and elsewhere have found numerous cases where charters used taxpayer money to procure school buildings, supplies, and equipment that they retained ownership of, even if the school closed.<sup>1-4</sup>

In most states, charter schools are exempt from most state and local laws, rules, regulations, and policies governing public and private schools, including those related to personnel and students.<sup>5</sup>

In legal proceedings in **California, Illinois, New York, Ohio**, and **Pennsylvania** charter school supporters have used private legal status to evade federal and state statutory requirements that apply to public entities.<sup>6</sup>

In **California**, an appeals court decided a 14-year-old who was thrown out of a charter school for disciplinary reasons wasn't entitled to a hearing to present evidence in his defense, which state law requires for a public school.<sup>7</sup>

In **Arizona**, a federal appeals court ruled a teacher fired by a charter school wasn't entitled to a "name-clearing" hearing to rebut charges, as he would have been at an ordinary public school.<sup>8</sup>

Charter schools are often not responsive to Freedom of Information Act (FOIA) requests. One charter school scholar sent out over 400 FOIA requests to charter school governing boards requesting a copy of their EMO contract. Only 20% of the charter boards provided a copy, 10% claimed they were not required to share this contract, and 70% did not respond.<sup>9</sup>

WHAT PRIVATIZERS BELIEVE	WHAT WE BELIEVE
Charter schools are public schools.	Charter schools get public money to operate private organizations.
Charter schools are accountable to parents and communities.	Charter schools are accountable to the private boards who oversee them.
Charter schools have greater freedom to serve students and parents.	Charter schools have freedom to evade their responsibilities to serve students and parents equitably.
Charter schools are part of the public education system.	Charter schools are a parallel school system that competes for tax dollars meant for public education.

## Bottom Line

Calling charter schools "public schools" because they receive public tax dollars is like calling defense contractors public companies. There are so many substantive differences between charter schools and traditional public schools that charters can't be defined as public schools. Our communities deserve a school system that is truly public and democratically governed by the community they serve.

<sup>1</sup> "Florida gave about \$70 million to charter schools that later closed; state recouped little," Gary Fineout, Terry Spencer and Christina Veiga, Miami Herald, December 13, 2015.

<sup>2</sup> "Public money for schools buys private property," Jennifer Dixon, Detroit Free Press, December 14, 2014.

<sup>3</sup> "White Hat's Magic Trick: Transforming Public Schools into Private Assets" Jessica Mason and Mary Bottari, PR Watch, Center for Media and Democracy, October 21, 2014.

<sup>4</sup> "Tar Heel Heist: How the Charter School Industry Is Hijacking Public Education," Jeff Bryant, Alternet, December 2, 2016.

<sup>5</sup> "The Legal Status of Charter Schools in State Statutory Law," Green, P.C., & Baker, B.D., & Oluwole, J, University of Massachusetts Law Review, 2015.

<sup>6</sup> Green, P.C., Baker, B. D., & Oluwole, J.O. (2013). *Having it both ways: How charter schools try to obtain funding of public schools and the autonomy of private schools.* Emory Law Journal, 63, 303-337.

<sup>7</sup> "Failing to Address Long Standing Constitutional Due Process Requirements. A Recent Case Concludes Dismissal Is an "Alternative" to Expulsion for Charter School," Law Offices of Young, Minney & Corr.

<sup>8</sup> "Charter School Not a 'State Actor,' Court Rules," Mark Walsh, Education Week, 2010.

<sup>9</sup> *Review Of Separating Fact & Fiction*, Gary Miron, William Mathis, and Kevin Welner, National Education Policy Center, University of Colorado Boulder, 2015.

