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Testimony on Proposed New Charter Regulations

To New Jersey State Board of Education

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The AFT New Jersey state federation believes that we have much work to do in order to improve education in our state and teachers must have a voice in that process. According to the Department, the proposed regulations would:

- Permit a weighted lottery for charter school enrollment
- Establish an expedited renewal process for high-performing charters;
- Permit single-purpose charter schools;
- Ease the way for charter schools to secure facilities and capital funding;
- Establish a pilot program for charter-specific teacher, administrator, and school business administrator certifications.

The Department's desire to "incentivize operators both in-state and out-of-state to invest in New Jersey" has the potential to encourage unchecked growth in the charter school sector, replicating the worst aspects of the privatization of schools we have seen in school districts in New Jersey and other states.

The proposed regulations would permit a weighted lottery for charter school enrollment. Weighted lotteries appear to create opportunities for more at-risk children to attend charters. And some charters may use them for good ends, but at the end of the day these are another tool for charter schools to use to configure their own enrollment in a way that is optimal to the charter.

Sibling preferences, which we understand from a parent's perspective and which we support in principle, are even a concern. That's because in charter systems that appears to systematically under enroll certain types of at-risk students and which appear to use discipline as a tool to configure its enrollment, these preferences can become another step towards making the charter a closed community

A focus on charter expansion has the potential to exacerbate current problems in the state. In Newark, a study of the charter schools most often chosen by families in the city found that these schools enroll fewer students eligible for free and reduced lunch compared to the city's other district and charter schools. The study also found higher suspension rates. Other data

indicate that charters in Newark serve a lower percentage of special education students than Newark Public Schools.¹

The proposed regulations governing the expedited review of high performing charters is based almost entirely on academic performance, and the proposed regulations allow charters to more easily expand to more facilities. This ignores the destabilizing impact that continued charter growth could have on school districts in the state.

Moody's Investors Service, the bond rating agency, issued a report warning that "charter schools pose the greatest credit challenge to school districts in economically weak urban areas." Charter schools tend to proliferate in areas where school districts already show a degree of underlying economic and demographic stress and charter schools tend to pull students and revenues away from districts faster than districts can reduce their costs.² There is other research, looking specifically at Los Angeles, Nashville, Philadelphia, Detroit, and Albany that indicates that charter expansion can lead to diminished educational opportunities for students in traditional public schools. Saying the money simply "follows the child" misses the point.

To the extent that high performing charter schools have fewer special education students and high student attrition, the question of whether they should have expedited renewal is important. To the extent that schools' relative success is built on which students come and stay, and to the extent that schools have high suspension rates or are less welcoming to special needs children, don't fill empty seats midyear or have other policies that configure enrollment in ways that provide academic advantage, giving a less thorough review to high performing schools is doing disservice to everyone.³

Recognizing the destabilizing effect that charter schools have on public schools, during its convention this year, the NAACP passed a resolution calling for a freeze on the growth of charter schools. This resolution represents the organization's strongest language to date with the NAACP identifying the unregulated growth of charter schools as a problem, noting that it's time to pause and take stock.⁴

And, when the Movement for Black Lives released its first policy agenda in July, they took a stand in favor of a moratorium on both charter schools and public school closures. Acknowledging that charter schools represent a shift of public funds and control over to private

¹ https://njedpolicy.files.wordpress.com/2015/04/weber_one-newarksegregation-11.pdf

² https://www.moodys.com/research/Charter-Schools-Pose-Growing-Risks-for-Urban-Public-School-Districts--PBM_PBM158801

³ <http://jerseyjazzman.blogspot.com/2015/11/moskowitz-petrilli-and-hard-truth-about.html>

⁴ <https://cloakinginequity.com/2016/07/29/breaking-news-naacp-calls-for-national-moratorium-on-charters/>

entities, the Movement for Black Lives organizers made a demand for increased investments in traditional community schools.⁵

Finally, I find it ironic that the NJ Department of Education spent months carefully revising teacher preparation regulations to raise standards and increase the requirements so all individuals entering the profession are truly prepared to educate all students in our state. These same regulations were approved by this board of education just about a year ago so why are you now changing the rules for individuals willing to work in charter schools? Is this because charter schools have a difficult time recruiting and retaining teachers?

Positive steps of the regulations include:

- The requirement that charters have a surety bond to insurance against outstanding legal, audit, and pension debt expenses; and
- Additional requirements for charters to meet open records and open meetings law. Connecticut applies its open records law in part to charter school management organizations. That would be an even more positive development.

These are steps that the Department should take to increase charter school transparency and accountability. Charter schools, if done right, can be part of a reform strategy, and the AFT New Jersey proudly represents teachers at University Academy Charter High School and at the Englewood on the Palisades Charter School. Regulations should focus on how to support all public schools, and in particular to see that charter proliferation doesn't undermine traditional public schools.

⁵ <https://policy.m4bl.org/>