**RSAI Testimony: Charter School Proposed Rules**

<https://educateiowa.gov/documents/iowa-state-board-education/2021/09/2021-09-16-tab-b-rules-new-chapter-19-charter-schools> **Oct. 26, 2021**

Thank you to members of the Iowa State Board of Education for considering stakeholder input concerning this proposal: **New rule 281 Chapter 19 Charter Schools**

The Rural School Advocates of Iowa, composed of 146 Iowa public school districts geographically located around the state, provides the following comments regarding the subject rules proposal.

RSAI members are primarily concerned that the State Board of Education proposed rules do not exercise discretion and authority to set a very high standard of demonstrated need and quality criteria in approving applications for Charter Schools under Iowa’s new public charter school law, particularly when it comes to the second model. The second option, a founding group-state board model, unlike public school boards, is not subject to vivid transparency and a democratically-elected leadership body. As such, a heightening standard of public purpose when funded by public taxpayer dollars, is warranted. There are a few specific areas where we believe the State Board could exercise some discretion in setting criteria of this high standard to implement the statute while clarifying in a very transparent way, the purposes and expectations of Iowa Public Charter Schools.

**Background:**

HF 813, Charter Schools, enacted in the 2021 Session, as amended by HF 847 Education Flexibility, expands Iowa Public Charter School options for school boards and creates a new second model, the founding group-state board model. The purposes for charter schools are articulated in the statute, at the very beginning, **NEW SECTION. 256E.1 Establishment of charter 2 schools —— purpose.** Since enrollment into a charter school will very likely move some students out of their neighborhood public school or a school they chose through open enrollment, and could also attract students from Iowa’s high quality accredited nonpublic schools, it is critical that these rules ensure transparency and accountability so students enrolling in charter schools and those students staying in the public school (or accredited nonpublic school) are both well served. Rural schools in particular, are already faced with struggles regarding economy of scale. Low student enrollment creates a tight budget and potentially limited offerings. A short supply of qualified staff stresses opportunities for students and may create conditions challenging the district to meet accreditation. A key question in evaluating the community need for a charter school requires that the State Board of Education determine the impact of the proposed charter on the geographic area anticipated to be served.

**Concern:**

As written in HF 813, there is no requirement to elect or vet the governing board members of a proposed charter school, only half of whom are required to live in the geographic region in which the charter school is located. As such, it is critical to set a high standard for transparency and accountability. It is further necessary due to the track record of charter schools around the nation, a significant number of which are financially stressed causing closure.

[Forbes Magazine, Sept. 28, 2018](https://www.forbes.com/sites/petergreene/2018/09/28/the-promises-charter-schools-dont-make/?sh=652e5f2967ad) quotes a study by the Center for Media and Democracy that found 2,500 charter schools closed between 2000 and 2013. Charters close sometimes at the end of the year, sometimes in the middle, or sometimes having never really opened. Sometimes they close for not meeting the expectations in the contract, but the study reported that was rare. It’s usually a financial reason or can be related to fraudulent activities. For context, [NCES reports](https://nces.ed.gov/fastfacts/display.asp?id=30) that by 2019, there were approximately 7,500 public charter schools operating in the nation. Another study reported in the [Washington Post](https://www.washingtonpost.com/education/2020/08/06/new-report-finds-high-closure-rates-charter-schools-over-time/) last August, analyzed charter schools that opened between 1998 and 2017 and found the following: 18% had closed within 3 years of opening; 25% closed with 5 years; 40% closed within 10 years; and only 5 of 77 groups of charters were still open after 15 years.

The stakes are high for students and families who respond to marketing by businesses running charter schools, only to find themselves without the school they expected. This means the governing board’s selection of an administrator is also high stakes. (See RSAI testimony to BOEE regarding proposed rules for Charter School Administrator Authorization, Oct. 26, 2021.)

**Suggestions to Amend Proposed Rules:**

Members of the Rural School Advocates of Iowa encourage the State BOE to consider the following:

* Require that a purpose in the charter school statute, as enacted by HF 813, is specifically articulated in the charter’s application executive summary and vision/mission. The charter’s instructional methods and deliverable metrics should specifically align to this intended purpose.
* Include in the description of the proposed geographic area to be served by the charter school the names of school districts and accredited nonpublic school from which students are eligible to enroll in the charter school. (Later parts of the application that demonstrate needs and community support should also show significant evidence of involvement from all potentially impacted schools.)
* Evidence of need should specify lack of services available to meet the targeted population and how provision of the charter school will supplement and not supplant opportunities already existing in the geographic area. This is especially important in rural areas where regional career and technical opportunities have recently been carefully crafted by public-school districts, community colleges and local businesses. These unfolding collaborative programs are already stretching to find a financially stable economy of scale. The evidence of need for a charter school option should demonstrate the importance of the statutory purpose the charter school intends to fulfill as preeminent, especially since students who attend the charter school will opt out of the collaborative CTE academies and other programs, putting these recent efforts at financial risk. Its not the money that’s the problem. Its that fewer students makes these programs unviable for all of the students remaining in the system who do not opt into the charter school.
* Plans for identifying students with disabilities, students who are limited English proficient, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations, should also require a description of how the charter school marketing and recruitment activities will specifically target these students and the expected proportional enrollment of students in these groups. (These plans should tie back to the evaluation/metrics of success components to demonstrate that the intended purpose was achieved.) If not intentionally addressed, it’s more likely that Iowa public schools in the same geographic area as a charter school, will emulate the national trends, which demonstrate that charter schools are less likely to serve these students with higher instructional costs. *See* [*Review of Separating Fact & Fiction*](https://nepc.colorado.edu/thinktank/review-separating-fact-and-fiction)*, Reviewed by Mary Miron, Western Michigan University, and William Mathis and Kevin Welner, University of Colorado, Boulder, February 2015.*
* Staff shortages are rampant in Iowa rural schools. Charters have to acquire staff from an already sparse region. As such, charter school plans for recruiting staff should acknowledge difficulties of teacher shortages in content areas and in geographies and show some creativity that will ensure the charter school does not simply plan to mine the staff of public and nonpublic schools in the area, leaving them at risk of noncompliance.
* Transparency: if the charter governing board intends to contract with an education service provide, the criteria for charter school approval should require evidence in that contract that the provider is subject to open meetings, public records, and other financial transparency requirements that would be normally available to taxpayers and constituents if requested of a public school. At the very least, the application should require a statement of how the charter school governing board will operate with full information necessary to meet the needs of students in the charter school and how that information will be available to the public, including name and contact information of the charter school’s public information officer.

**Criteria for approval of a founding group – state board charter school application:** HF 813 set some specific requirements for the State BOE to set or follow criteria for approval. Such criteria are not stated in these proposed rules, even though the statute requires the application to only be awarded if the charter demonstrates compliance with each element of the approval criteria. HF 813 additionally requires the State Board to approve an application based on documented evidence. This evidence should always include input from public and nonpublic schools in the geographic region on how the charter school will impact the ability of those schools to meet the needs of students and if similar programs and opportunities are already available in the geographic region. The third specific requirement in HF 813 regarding approval of a charter application requires the state BOE to “Adhere to the policies and criteria that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.” We would suggest that transparency requires the criteria to be specifically articulated in these rules, giving Iowans the chance to provide input.

Thank you for the opportunity to comment.

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