Charter Schools' Discipline Policies Face Scrutiny

By Jaclyn Zubrzycki, Sean Cavanagh, & Michele McNeil

As the number of charter schools continues to grow, one facet of their autonomy—the ability to set and enforce independent disciplinary standards—has raised difficult questions about whether those schools are pushing out students who pose behavior or academic challenges and how their policies affect regular public schools.

Research on the issue is sparse, and data on expulsions and disciplinary incidents at charter schools paint a nuanced picture nationwide.

A new Education Week analysis of 2009-10 federal data collected by the U.S. Department of Education's office for civil rights, for example, shows that the expulsion rate for charter schools was no higher than for regular public schools, and that the regular schools had a somewhat higher suspension rate.

But in a few urban districts where high discipline rates at charter schools have drawn scrutiny, school officials have recently taken steps aimed at ensuring that students in both charter and other public schools are treated fairly.

School officials in Newark, N.J., New Orleans, and San Diego have made such policy changes, and officials in other cities, such as the District of Columbia, are considering similar shifts.

"We didn't really feel that there was an equitable, fair, and uniform process across schools," said Laura Hawkins, the chief of staff for the office of portfolio schools in the Recovery School District, a state-run system that oversees school expansion.

Obama Pressing Boost for Pre-K

Cost of Federal Push Unclear

By Alyson Klein

President Barack Obama used his first State of the Union address since winning reelection to put education at the center of his broader strategy to bolster the nation's economic prospects. He is proposing to dramatically expand preschool access for low- and middle-income children and to create a new competitive program aimed at helping high school students prepare for the careers of the future.

But the administration has yet to spell out the details—including additional funding, if any—of those proposals, particularly the preschool expansion.

Big questions loom, including how the administration plans to entice states to participate in what's being billed as a new federal-

Remedial Placements Found to Be Overused

By Sarah D. Sparks

At a time when more high schools are looking to their graduates' college-remediation rates as a clue to how well they prepare students for college and careers, new research findings suggest a significant portion of students who test into remedial classes don't actually need them.

Separate studies from Teachers College, Columbia University, and the Harvard Graduate School of Education come to the same conclusion: The way colleges are using standardized placement tests such as the ACT's College Board's Accuplacer, Compass, and others can misidentify students, and regular schools have a some-

Teachers Already Armed in Some Districts

As a Once-Unthinkable Idea Gains Currency, Educators Ask: What Happens If I Miss?

By Nirvi Shah

Shooting instructor Johnny Price looked at the teachers lined up in front of him, a selection of handguns resting on the table before them. He slid his fingertips over the clean, round bullet holes beyond the outlines of a human torso on paper targets a few yards away.

"That," Mr. Price said, pointing to a hole that missed the target completely, "is a child.

Mr. Price, the owner of Big Iron Concealed Handgun Training in Waco, Texas, spent two days this month training teachers and staff members from the Clifton Independent School District in all they need to know to earn licenses to carry weapons out of sight. There is no indication that the 1,000-student district is leaning toward allowing employees to bring guns to school.

But curiosity about carrying concealed weapons has been running high here and all over the country ever since the school shootings in Newtown, Conn., on Dec. 14. The massacre has given rise to the per-

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Perhaps once-unthinkable idea of arming teachers as a possible policy fix for improving school safety.

While many national organizations have rejected the idea, it is now being seriously weighed by some school boards and state lawmakers across the nation. The action wouldn't have been without precedent: In Utah, school employees have been able to carry concealed weapons onto campus for about a decade—without telling a soul—and at least four Texas school districts are known to have granted select employees permission to take concealed weapons to school.

For many educators here and elsewhere, it is no longer a question of whether to take guns to school. Instead, the questions are: How do I carry this thing without anyone noticing? Can I kill someone if the time comes? And, maybe most frightening of all, what happens if I miss?

Long before the Clifton school employees talked about carrying concealed weapons to class or the 26 students and staff mem-

bers of Sandy Hook Elementary School were killed, the Southland district in Texas
New Orleans Schools Set a Unified Front on Expulsions

CHARTER DISCIPLINE

Divergent practices led to the changes

By Jaclyn Zubrzycki

This school year, most schools in New Orleans are using the same expulsion and enrollment policies and procedures that were in place since 2005, when many of the city’s schools were taken over by a state authority or converted into charters in the wake of Hurricane Katrina.

A centralized expulsion center, a new focus on identifying students who might be unwillingly leaving publicly funded schools, and a newly standardized enrollment system are among several efforts in the city that are aimed at protecting the rights of students involved in school disciplinary procedures.

The changes were spurred partly by data indicating that inconsistent and punitive discipline policies at city schools were resulting in large numbers of suspensions, expulsions, and discipline incidents.

Local educators say the changes represent a new step in the evolution of the governance of the city’s charter schools, which by design have the autonomy to create their own policies and procedures. And some say the measures introduced in New Orleans may offer lessons for other urban centers with growing charter school enrollments.

“When you have charters here and there, it’s easy to preserve 100 percent autonomy,” said Laura Hawkins, the chief of staff of the office of portfolio in the Recovery School District, the state authority created in 2003 to run low-performing schools in the state. It took over most of New Orleans’ public schools last year. “You want for the charter sector grew in New Orleans—the majority of students now attend charters—a degree of centralization that runs separate schools directly and oversees more than doubled over the past decade, for instance, found that divergent suspension policies and punitive disciplinary systems in many of the city’s charter schools remain a focus of concern.

New Orleans’ centralized system of school governance—the Recovery School District runs 12 schools directly and oversees 56 charter schools, while the Orleans Parish school board runs six schools directly and oversees 12 charters—has been touted as a testing ground for school choice. The National Alliance of Public Charter Schools points to the city’s charter schools as an example of charters outperforming regular public schools in the same city. But having more than 50 such schools led to more than 50 disciplinary policies.

Advocates for student rights agree that the changes are a step in the right direction, but they say that divergent suspension policies and punitive disciplinary systems in many of the city’s charter schools remain a focus of concern. New Orleans’ centralized system of school governance—the Recovery School District runs 12 schools directly and oversees 56 charter schools, while the Orleans Parish school board runs six schools directly and oversees 12 charters—has been touted as a testing ground for school choice. The National Alliance of Public Charter Schools points to the city’s charter schools as an example of charters outperforming regular public schools in the same city. But having more than 50 such schools led to more than 50 disciplinary policies.

In a system of independent, autonomous schools, there are going to be fractures kids can fall through because schools don’t have the same kind of accountability,” said John McNeil, the managing director of the Juvenile Justice Project of Louisiana, a local advocacy group.

Single Hearing Office

The new expulsion policies were developed through the Recovery School District’s charter school board, which has voluntarily adopted hearing processes for schools overseen by that district, and were adopted voluntarily by schools under the Orleans Parish school board.

As of the start of this school year, every public school in the city except for the International School of Louisiana, an alternative school, uses the same list of expellable incidents and the same expulsion-hearing office, which is hosted by the RSD. Previously, each charter school or its board ran its own hearings. Ms. Hawkins said that so far this school year, she thought fewer students have been expelled, and that most of the cases brought to the central office were appropriate.

Mr. Kleinhenz of New Orleans College Prep said that while charter schools may not.

Charter Supporters Say Schools Need Flexibility

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many charters in New Orleans. The city created a centralized admissions, transfer, and expulsion process for charters and other public schools last year. “Kids were subject to very different consequences and outcomes for different behaviors,” Ms. Hawkins said.

The promise and appeal of charter schools hinges partly on the idea that their freedom from many of the state and district policies that govern regular public schools allows for more effective schools.

Some experts on charters, though, say increased accountability on disciplinary issues in the sector is overdue.

“At the beginning of the charter school movement, there were all these promises that it’d do everything better than public schools with the same kids,” said Amy Stuart Wells, a professor of sociology at Teachers College, Columbia University. “But the regulatory leeway afforded to charters comes at a cost, she argued: ‘I don’t think they’re using their autonomy for what they said they’d be doing with it.’

Complicated Picture

Charter supporters counter that forcing the schools to give up their freedom to set individualized, and tough, disciplinary standards is a mistake. They say that many parents, particularly those in communities beset by violence and socioeconomic upheaval, choose charters because they offer safe havens that nearby regular public schools may not.

“If a school can provide a safe and supportive, nurturing environment, it’s going to be more effective,” said Greg Richmond, the president and chief executive officer of the National Association of Charter School Authorizers, a Chicago-based group that sets standards for the organizations that oversee charters. “You want schools to build character and discipline,” he said. “You can’t do that if it’s a free-for-all in your school.”

Charter represent about 6 percent of the nation’s 96,000 public schools, though in some cities they serve a far larger proportion of students. Their numbers have more than doubled over the past decade, and today there are an estimated 16 million students, according to data collected by the National Alliance for Public Charter Schools from state departments of education. Additionally, some charters focus specifically on students with disciplinary problems. -

- Charters’ records serving some specific populations, however, including students with special needs, have come under scrutiny recently. A federal report released last year, for instance, found that charters around the country serve a smaller proportion of special education students than regular public schools do.

And critics have accused charter school operators of taking students who present disciplinary or academic challenges on the front end, or pushing or counseling them out later, a process that they say inflates charters’ academic standing.

There is wide variation in not just charters’, but regular public schools’ disciplinary practices, and students in Jim Mistas’s 6th grade science class work on a group project about volcanos at the Albert Einstein Academy Charter Middle School in San Diego. The city school district is the only district making group of charter school leaders and school system officials to draw up guidelines for charter school expulsions.
school leaders involved in the working group on the new expulsion policies had strong opinions about what offenses should result in expulsion, in the end most were amenable to the new system.

"It was hard to argue with," he said.

**Issues Remain**

The ISS's Ms. Hawkins said that while centralizing the expulsion policy was an important step, the expulsion numbers don't tell the whole story of discipline.

"Expulsions are so rare, and an event like a fight might lead to a spike in expulsions at a school," Ms. Hawkins said.

She said charges that students in some city charter schools are counseled out of school or leave after repeated suspensions without officially being expelled were harder to track and address.

Despite the lack of concrete data, the issue is worrisome enough that three parent centers that deal with transfers in the ISS have trained counselors to spot cases in which parents are withdrawing their children or students are leaving unwillingly, Ms. Hawkins said. She said a new standardized enrollment system would also help provide more data when and why students switch schools.

Ashana Bigard, a parent organizer with United Students of New Orleans, said the new policies were an improvement, they did not address some other issues with discipline policies. Individual charter schools can still set their own out-of-school suspension policies, for instance, she said.

Mr. Klehan, the charter-management executive, said the assertions that the city's charter schools attempted to push students out were overblown.

He described suspensions as a tool for schools seeking to hold students accountable: "It's not because we're trying to push them out; it's because we're trying to hold them to higher expectations."

But repeated suspensions or expulsions can also increase the likelihood that students will leave school, regardless of whether they are explicitly counseled out, said Ms. Bigard.

"Until they deal with the very subjective offenses and reasons you can suspend kids," she said, "there are going to continue to be issues."

A rising debate over whether "zero tolerance" policies in general have excluded too many students from schools. (See Education Week, Quality Counts 2013, Jan. 10, 2013.)

The Education Week analysis of federal data found that charter schools across the country did not expel students at a rate higher than that of regular public schools. Both charter and non-charter schools expelled far fewer than 1 percent of their students.

The data also showed that the regular public schools suspended students—a practice that research shows can put students on the path to dropping out of school—at a higher rate, 6 percent, than charters, at 4 percent.

The picture differs in some individual urban districts, according to that data set and numbers collected separately by Education Week. Charters in some systems—such as Baltimore, Miami, and Milwaukee—did not have higher expulsion or suspension rates than their regular public school counterparts in 2009-10, according to the federal data.

But in San Diego, the 37 charter schools in the federal data set reported a suspension rate of 8 percent—twice the 4 percent rate of suspension in San Diego's regular schools that year. In Newark, the suspension rate was nearly 10 percent in charters, versus a noncharter rate of 3 percent. Chicago, Los Angeles, and Philadelphia charter schools also had higher expulsion rates than regular public schools, according to district and state data provided to Education Week.

In Washington, just three students in the District of Columbia's 45,000-student regular school system, or roughly one in 15,000, were expelled during the 2011-12 academic year. But in the city's 35,000-student charter system, 227 students, or one in every 139, were expelled. The national average for all public schools is 1 percent for all public schools.

**Charters vs. Noncharters**

**Los Angeles**

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**New Orleans Parish School Board**

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**New Orleans Recovery School District**

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<tr>
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Notes: New Orleans data do not include a separate discipline category for "in-school expulsions." Los Angeles charter schools are not required to report suspension data; this information is from those that did choose to report data to the school districts.
students and that their academic performance shouldn't be compared with that of regular public schools. What's your response to that allegation? Should KIPP schools be serving the "same" students as other public schools? Are they?

Right now, we have independent researchers seeking to address those very issues. Mathematica is conducting a multiyear study of KIPP middle schools, to better understand their demographics and achievement. So far, Mathematica has found that, on average, students who come to KIPP in 6th grade are more likely to be from low-income and minority backgrounds, but less likely to be designated ELL or special education, than at neighboring district schools.

Mathematica concluded that entering test scores of KIPP students are comparable to those at neighboring public schools. Mathematica also found that KIPP's middle school attrition is not systematically different from that of neighboring school districts, and that we backfill—that is, enroll new students in 6th through 8th grades—at similar rates to district schools.

Scott Pearson, the executive director of the District's Public Charter School Board, argued that charters should have the flexibility to set different disciplinary policies as long as they are clear and to set different disciplinary policies as long as they are clear and fair to students. While he believes the District's regular public schools have a similar disciplinary policy, he said, the fact that the city charters' expulsion rates are higher than the national average is a "cause for concern." charters have an obligation to serve all students," he said.

Accountability Measures

Concerns about charter school discipline have led a number of major school districts to bring new standards and accountability to those policies. In San Diego, district officials created a working group of charter school leaders and school system officials, which met last spring to draw up guidelines for charter school expulsions. Charter schools are now required to be clear about their expulsion policies in their charters and about the reasons why each student is expelled, and those policies are considered by the district when their charter agreements come up for renewal.

Communication between charters and charter school leaders and the school system is critical to ensuring that students are properly placed, and to identifying cases in which students may have been encouraged to leave a school improperly, said Moises Aguirre, the charter school manager for the 132,000-student San Diego Unified district. Data Scarretta, the principal of Albert Einstein Academy Charter Middle School in San Diego, said that while some charter leaders were concerned about maintaining their independence, most agreed with the need for transparency and communication. "If [district and charter schools] are going to coexist and do it well," he said, "we had to have an agreement in terms of what happens when kids move back and forth."

In Newark, the district recently required any charter school using a public school building to agree to abide by the system's discipline policy through language in the lease. Meanwhile, the Los Angeles school board has begun requiring more data from charter schools it authorizes based on board members' concerns about students returning to regular public schools from charters, according to Jose Cole-Gutierrez, the charter school manager in the 640,000-student district. "We don't want to deal with perception; we want to deal with fact," he said.

In Washington, the District of Columbia charter board, which

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New Policies Aim to Set Clear Rules

Cooperate with when within larger school districts are represented.

However, charter schools that operate as their own "local education agencies," or school districts, with enrollments less than 3,000, are underrepresented. That means, for example, that most charters in Arizona and Ohio, which define charters as their own districts, were not surveyed for the data collection. It is also not known whether this particular sample of charter schools may have especially lenient or, strict, discipline policies, which could further affect the results. The next data collection, which will focus on the 2011-12 school year, will include every school, including every charter school, in the country. Its results are not likely to be available until later this year, at the earliest.

First-time questions in the 2009-10 round of the data survey included information about suspensions, expulsions, and student retention and promotion; algebra enrollment and passing rates; and participation in college-preparatory subjects, including mathematics and science courses such as physics and calculus. Data for all schools and districts included in the collection are available at content.gov. The Education Department's office for civil rights rounded the expulsion and out-of-school suspensions.

Note: Discipline data are for students without disabilities.
Studies Reveal That Mobility is Widespread

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it’s likely that many students who leave or get expelled from charters move to other charters. It is clear that not all students who leave charter schools return to regular public schools, but many do. In Chicago, 1,999 students had left charter schools this school year as of January, and 1,400 of them had returned to the 404,000-student regular public school system, according to district spokeswoman Michelle Zdrodowski.

Yet such numbers do not show why students left charter schools, and that information is hard to collect, said Margaret Raymond, the director of Stanford University’s Center for Research on Education Outcomes. Researchers would have to try to determine, through interviews with students or families, whether individual students had left charters by choice, with prodding from school officials, or some combination of both.

Keeping Track

Making sense of disciplinary and enrollment patterns is difficult, partly because many charters are located in urban communities where student and family mobility is high across all schools. About 55 percent of charters are in urban areas, according to the alliance.

A study released last week, for instance, showed 17,386 students entering and 15,081 exiting the District of Columbia’s combined charter and regular public school sectors during the 2011-12 year. While many more students migrated from charters to regular public schools mid-year than vice-versa, the majority of regular students entering public schools originated in other places, possibly outside the city, District charter school officials noted.

Nina S. Rees, the president of the National Alliance for Public Charter Schools, a Washington-based advocacy group, said that the power of tracking something and measuring it,” Mr. Mancini said.

Due Process

The laws that govern discipline at charters like KIPP and at regular public schools vary by state and district, though some standards are universal, legal experts say.

Most state laws exempt charter schools from district disciplinary policies, typically allowing them to devise their own standards, with authority, approving said Paul O’Neill, a lawyer in New York City who has co-written a book on charter school law. But he noted that both districts and charter schools must also adhere federal disabilities law, and case law, which says schools must provide students with due process in disciplinary.

The fact that many charter schools set their own expulsion procedures means that it can be hard to get a neutral hearing, and many parents do not know their children’s rights, said Sarah Jane Forman, a law professor who runs a legal aid clinic at the University of Detroit Mercy that works with students who have been expelled.

Kevin Welner, the director of the National Education Policy Center, a Boulder, Colo.-based think tank, said that while he understands charters’ desire to cultivate disciplined environments, there are fundamental reasons that freedom should have limits.

Supporters of charters “like to remind us they’re public schools,” said Mr. Welner, whose center has published numerous reports on charters, some critical of the sector. Tough disciplinary policies, he said, can allow charters to “have the kinds of schools they want, but it’s not an acceptable argument for a public school.”

In Newark, where language requiring charters to use the district’s disciplinary policy has been written into building leases, a study of expulsion and suspension rates last spring found that “we had a few barriers—but some of them were our own district schools,” according to Renee Harper, a spokeswoman for the 40,000-student district.

“The highest-performing district schools also had higher rates of expulsion,” she said. Ms. Harper said the district was working to improve discipline policies in both charter and regular schools. “We’re trying to move beyond us versus them,” she said.

Still, “charters are being pushed on this issue,” especially as the sector grows, said Masha Ashton, the chief executive officer of the Newark Charter School Fund.

“We’re learning from places like New Orleans and D.C., where charters have a huge market share,” she said. “You have to own that challenge and really make sure that students are going to a new place that could be a better fit, and not just say, ‘We’ve done what we can.’”