

## Are charter schools truly public schools?

**No. Charter schools are private entities 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' mortgages are paid for by the 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 do not have to fill open seats 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 limited 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, contracts and purchases. Charter schools have very narrow requirements for what information they report and can restrict access to public scrutiny.

**How do charter schools describe themselves?** Charter schools define themselves as being public schools but claim to be private businesses when it serves their financial and regulatory best interests.

### **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.

In many 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.

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.

In **California**, **an appeals court decided** a 14-year-old who was thrown out of a charter school for





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disciplinary reasons wasn't entitled to a hearing to present evidence in his defense, which state law requires for a public school.

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 a public school.

In **Mississippi**, operators and advocates of charter schools have told the state ethics commission that their organizations are **exempt from ethics laws** public schools must comply with that ensure their organizations avoid conflicts of interest that could lead to misspending of public funds.

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.

When the federal government responded to the COVID-19 pandemic by providing emergency aid to public schools and aid to small businesses through the Small Business Administration's Paycheck Protection Program (PPP), charter schools double-dipped and applied for and received both PPP and public school aid. **An analysis by the Network for Public Education** found that charter schools and their nonprofit or for-profit management companies secured between \$926 million and \$2.2 billion in PPP funding. Public schools were not eligible for this funding.

**Charter schools have become a vehicle for privatization of the public-school sector.** While charters may have originally conceived to be locally run, independently operated schools accountable to parents and the community, in reality, most charter schools are now operated by private organizations.

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 private boards unaccountable to taxpayers.
Charter schools are part of the public education system.	Charter schools have freedom to evade their responsibilities to equitably serve students and parents.
	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.