

California Teachers Association Perspective

Jennifer Baker, Legislative Advocate, California
Teachers Association

The following testimony is prepared on behalf of the
California Teachers Association

Brief Biography

Jennifer Baker serves as a Legislative Advocate to the California Teachers Association where she focuses on retirement, civil rights and early childhood educational issues. Prior to joining the CTA she was the Director of Governmental Affairs and Program Analysis for the California State Teachers' Retirement System, where she managed their legislative and policy pursuits.

Miss Baker is a former Trustee for the Natomas Unified School District and is known for her efforts to reduce high school dropouts, as well as highlighting the need for gang prevention/intervention. As a Trustee representative for the NUSD she also served on the Natomas Charter School Board.

Miss Baker is the Immediate Past President of the California Latino School Boards Association and has developed a state-wide reputation for coalition building to find ways of enhancing student success. Under her leadership, CLSBA developed its first strategic plan and built a reputation with fellow educational organizations of building bridges of collaboration. She has spoken to educational leaders nation-wide through her work with the National Association of Latino Elected Officials and has spent hundreds of personal hours speaking to students and to leaders of ways to better California's educational system.

Miss Baker has served in numerous capacities in her local community from the Boards of the Sacramento League of Women Voters and the Sacramento Housing Alliance to being a founding member of the Coalition for African American and Latino Academic Achievement Now! She is currently working with St. John's Shelter for women and children to raise money through her efforts as a local triathlete.

Miss Baker was the first person in her family to graduate college. She attended San Joaquin Delta College and received a BA in political science from the University of the Pacific and an MPA from the University of Southern California.

Outline of oral remarks

Little Hoover Commission
Public Hearing on Charter Schools
February 25, 2010
State Capitol, Room 437

California Teachers Association Perspective

Good morning. My name is Jennifer Baker. I am a Legislative Advocate for the California Teachers Association. Thank you for giving our organization the opportunity to share our perspective during this important dialog on charter schools. Mike Egan, our most recent advocate assigned to charter school issues, decided to take a promotion recently so that I could have the privilege of joining all of you today; so I hope you will bear with me as I attempt to fill some very large shoes.

I would like to first focus on some of the principles regarding charter schools that we would like to see addressed, and then integrate responses to various questions you posed. CTA believes it is necessary to address four key areas regarding charter schools:

- ☛ Better conform the act to the original intent of the Legislature;
- ☛ Increase transparency and accountability of charter school governance;
- ☛ Make charter school populations more reflective of their authorizers; and,
- ☛ Limit the role of the State Board of Education in relation to charter schools.

The following principles were used to reflect our rationale for these perspectives:

In fulfilling the promise of the Charter Schools Act of 1992, teacher involvement in the design and operation of charter schools should be required:

- ☛ The standards prohibiting conflicts of interest, and requiring transparency, openness and accountability that apply to the governing boards of school districts (Political Reform Act, George Brown Act, Public Records Act) should apply to charter school boards;
- ☛ Charter schools should not be used as a means to re-segregate public education. Conversely, charter schools should reflect the student populations of their authorizers, including students who are English Language Learners, students with learning disabilities, and the students socio-economic status, as well as their racial/ethnic composition;
- ☛ Local school boards should be the exclusive authorizer of charter schools. They are in the best position to evaluate the petition and oversee the operation of charter schools in their districts. Appeals for procedural errors should be heard by the County Offices of Education. The role of the State Board of Education in authorizing and overseeing charter schools should be greatly scaled back, if not eliminated.

We look forward to a comprehensive dialog as discussions progresses and hope it will lead to better outcomes for California's students on a multitude of levels.

I would like to focus the remainder of my time on some key issues contained within the answers we previously submitted to you. How has growth in the number of charter schools affected your association from a policy perspective?

While charter schools can be laboratories of creativity, innovation and experimentation that can test and prove methods to improve teaching and learning by all teachers and students, we are concerned that some charters aim to create a system that will not benefit all students, providing alternatives for only a few, and may result, as a matter of 'choice' or of 'counseling out' certain students, in the re-segregation of public education along lines not only of race and ethnicity, but also by learning disabilities, English fluency, socio-economic status and other dimensions.

There are an increasing number of charter schools approved through the appellate process, at the county and state levels. What impact does this growth have on teachers?

Historically, the authorization, the operation and oversight of the vast majority of schools in California has been performed at the local level.

Charters, acting as alternatives and/or research and development labs, should complement and improve the efforts of local school districts and not serve to fracture them.

It does not facilitate the connection and bond that should exist between schools and the local communities in which they operate. We support the involvement of local school boards, teachers, staff, parents, students and communities in the creation, operation and oversight of all public schools, both traditional and charter.

Given the increasing number of charter schools and the subsequent boost in the number of public school teachers working in charter schools, what recommendations do you have for improving the partnerships between charter schools and teachers unions?

We believe that charter school employees should be organized to ensure both quality education for students and professional/employment rights for school employees.

We believe procedures undertaken to organize and represent charter school employees should ensure harmonious relations among CTA members in both charter schools and CTA chapters while providing equitable governance representation and service to CTA members working in charter schools.

While some charter proponents maintain that hierarchical authority to fire staff “at will” is an article of faith and essential to the charter school success, this is belied by the success of charters that operate in concert with their staff and a collective bargaining agreement.

Clearly, Granada Hills Charter High School, Palisades Charter High School, the Green Dot Charter Schools, are all examples of charters that demonstrate ‘results’ as a function of successful partnerships between charters and their employees as reflected in a collective bargaining agreement.

How can transparency be improved for charter school governing boards?

We support the efforts of Assembly Member Brownley (AB 572), and others, to bring the transparency and accountability measures applied to traditional school boards to charter governing boards as well.

Is California’s current criteria for charter revocations and renewals sufficient?

The underlying bargain struck with charter school operators was, in exchange for autonomy, freedom from many Education Code provisions, and the flexibility to experiment, innovate and improve teaching and learning, they would be held to a ‘performance’ rather than a ‘rule based’ accountability.

Recent research has suggested that many charter schools do not perform significantly better, and many perform significantly worse than their traditional counterparts. (As illustrated by the Center for Research on Education Outcomes, Stanford University 2009). Where this is the case, charter schools should be held to very rigorous criteria and standards to either prevent revocation or gain renewal.

What role do statewide benefit charter organizations play in shaping the state's education landscape?

In the original Charter Schools Act, the role of statewide benefit charters was intended to be narrowly limited. We have serious concerns that both the letter and intent of the Act that 'the state board makes a finding, based on substantial evidence, that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county' has not been met by the State Board of Education or by current statewide operators. We believe that the authorization, operation, and oversight is best performed at the local level.

I know that there are many philosophies carried by different organizations and individuals and appreciate that you have taken the time to hear and reflect upon CTA's perspective in this important and evolving issue.

I am happy to attempt to answer any questions you may have for me and thank you for your time.

Additional supplemental material

Changes to improve Charter Schools in California including entities that authorize school charters, accountability and oversight.

Testimony on behalf of the California Teachers Association

Draft of written remarks prepared for Jennifer Baker – Legislative Advocate,
California Teachers Association.
For the Little Hoover Commission, February 25, 2010.

The following legislative changes should be enacted to improve Charter Schools in California including entities that authorize school charters:

1. Increase role of teachers in the design, operation and governance of charter schools.
2. Change charter school governance and increase the operation of charters transparent, free of conflicts-of-interest and self-dealing, and held to the highest standards of integrity-for instance:
 - a. Having the same conflict-of-interest as other public schools
 - b. Having uniform Charter budget, audit and fiscal standards
3. The requirement that Charter schools be accountable for maintaining the education of a student population with not only a racial/ethnic balance but include Social Economic Status(SES) , ELL (English Language Learners) and Special Education populations as well.
4. Modify the procedure to provide authorization, renewal and appeals of charter petitions are primarily by local districts and county offices of education, and subject to judicial review.
5. The function and authorization of the State Board of Education (SBE) should be to provide support, and monitor revocation of charters which do not meet statutorily standards. This would be in addition to the role of local and county districts to exercise revocation, or decline renewals.

The State Board of Education would no longer be authorized to grant statewide benefit charters except to the extent for those listed in Education Code 47612.1 to charter petitioners in partnership with agencies named in section 47612.1. (For instance, Job Corp, California Conservation Corp, Work Investment Act, and Youth Build.)*

6. Specific legislative changes should include:
 - a. The chartering' only authority shall be an LEA. It may create a role for SBE in chartering whole districts or chapters partnering with certain government agencies.
 - b. A District may authorize charter schools only within its geographic boundaries. The refusal to approve a charter petition may be appealed to the County Board of Education which may direct the school district to grant the charter.
 - c. Judicial review may occur if a charter petition denied by a school district is likewise denied by the County Board of Education.
 - d. A similar procedure shall be used for renewal or revocation of charters.
 - e. The proponents of charter schools must describe why their proposed school has a unique program and why it is needed by the community, including the specific and innovative teaching methods. The proposal must detail how the success of the pupils will be measured, including how increased learning opportunities for all pupils will be accomplished as well as the valuation of their effectiveness
 - f. The proponents must all provide, with specificity, the new roles and responsibilities for parents and teachers in the design, governance and operational decision making concerning curriculum and instruction.
 - g. The Board must seek meaningful input from the parents and the teaching staff on a regular basis and shall be accountable to the school community and to the chartering authority. Notwithstanding any other provisions of law, all Board Members shall have full voting rights on all issues that may come before the Board. Employees of the school may not vote on their terms and conditions of employment. Notwithstanding any other provision of law, Board Members who are employees of the charter school may also be included in a collective bargaining unit.

- h. A charter school's student population shall mirror that of the chartering school district's racial/ethnic balance, socioeconomic status, English Language Learners and special education population. Charter schools shall not reintroduce segregation based on race, class, disability or ethnicity.
 - i. A charter school must comply with the political reform act, open meeting laws and the public records act. As is currently the same with other public schools in California.
7. In response to the questions provided in the invitation to testify:
- a. How do charter schools and traditional public schools interact, if at all, and do they work together to share knowledge and improve outcomes for all youth?

CTA believes charter schools have a role in California's education system by providing students, parents and CTA members with educational opportunities in the public school setting.

CTA believes charter schools shall be established only to:

1. *Improve pupil learning.*
 2. *Increase learning opportunities for all pupils with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.*
 3. *Encourage the use of different and innovative teaching methods.*
 4. *Create new professional opportunities for educators, including the opportunity to be responsible for the learning program at the school site.*
 5. *Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.*
 6. *Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.*
- b. How has growth in the number of charter schools affected your association from a policy perspective?

CTA, as part of its core mission, seeks to advance the cause of free, universal and quality Public Education. We believe this makes systemic improvements that all students can benefit from, particularly students in struggling schools. We believe that our efforts to advance the Quality Education Investment Act, targeted struggling schools, is producing results and lessons that can be used to benefit all California students. While charters can be laboratories of creativity, innovation and experimentation that can test and prove methods to improve teaching and learning by all teachers and students, we are concerned that some charters aim to create a system that will not benefit all students, providing alternatives for only a few, and may result, as a matter of 'choice' or of 'counseling out' certain students, in the re-segregation of public education along lines not only of race and ethnicity, but also by learning disabilities, English fluency, socio-economic status and other dimensions.

- c. There are an increasing number of charter schools approved through the appellate process, at the county and state levels. What impact does this growth have on teachers?

Historically, the operation and oversight of the vast majority of schools in California has been performed at the local level. Charters, acting as alternatives and/or research and development labs, should complement and improve the efforts of local school districts and not serve to fracture them. Appeals that allow for de novo review of local distinct actions at the county. The appeal to the State Board of Education (SBE) level does not. It does not facilitate the connection and bond that should exist between schools and the local communities in which they operate. We support the involvement of local school boards, teachers, staff, parents, students and communities in the creation, operation and oversight of all public schools, both traditional and charter.

- d. Given the increasing number of charter schools and the subsequent boost in the number of public school teachers working in charter schools, what recommendations do you have for improving the partnerships between charter schools and teachers unions?

CTA believes all charter school employees should be organized to ensure both quality education for students and professional/employment rights for school employees. CTA believes procedures undertaken to organize and represent charter school employees should ensure harmonious relations among CTA members in charter schools and CTA chapters while providing equitable governance representation and service to CTA members working in charter schools.

While some charter proponents maintain that hierarchical authority to fire staff 'at will' is an article of faith and essential to the charter school success, this is belied by the success of charters that operate in concert with their staffs and a collective bargaining agreement. Clearly, Granada Hills Charter High School, Palisades Charter High School, the Green Dot charter schools, are all examples of charters that demonstrate 'results' as a function of successful partnerships between charters and their employees as reflected in a collective bargaining agreement.

- e. How can transparency be improved for charter school governing boards?

We support the efforts of Assembly Member Brownley (AB 572), and others, to bring the transparency and accountability measures applied to traditional school boards to charter governing boards as well. Specifically, the Brown, Public Records and Political Reform Acts should apply in equal measure to all public schools, both traditional and charter.

- f. Is California's current criteria for charter revocations and renewals sufficient? If not, how could it be strengthened?

The underlying bargain struck with charter school operators was, in exchange for autonomy, freedom from many Education Code provisions, and flexibility to experiment, innovate and improve teaching and learning, they would be held to a 'performance' rather than a 'rule based' accountability. Recent research has suggested that many charters do not perform significantly better, and many perform significantly worse, than their traditional counterparts. Where this is the case, charters should be held to very rigorous criteria and standards to either prevent revocation or gain renewal.

- g. What role do statewide benefit charter organizations play in shaping the state's education landscape?

In the original Charter Schools Act, the role of statewide benefit charters was intended to be narrowly limited. We have serious concerns that both the letter and intent of the Act that 'the state board makes a finding, based on substantial evidence, that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county' has not been met by the SBE or by current statewide operators. We again believe, that the authorization, operation, and oversight is best performed at the local level.

In summary, we believe these modest legislative changes are needed to improve charter schools and their functioning alongside the other public schools.

Thank you.

*47612.1. Except for the requirement that a pupil be a California resident, subdivision (b) of Section 47612 shall not apply to a charter school program that provides instruction exclusively in partnership with any of the following:

- (a) The federal Workforce Investment Act of 1998 (Pub. L. No. 105-220; 29 U.S.C. Sec. 2801, et seq.)
- (b) Federally affiliated Youth Build programs.
- (c) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.
- (d) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14406 or 14507.5 of the Public Resources Code.