



PHILADELPHIA
1315 Walnut Street, Suite 400
Philadelphia, PA 19107-4717
T 215-238-6970
F 215-772-3125

PITTSBURGH
429 Fourth Ave, Suite 702
Pittsburgh, PA 15219
T 412-258-2120
F 412-467-8940

February 15, 2018

To the members of the School Reform Commission,

The Education Law Center is a nonprofit legal advocacy organization dedicated to ensuring that *all* Pennsylvania's children have access to quality public education. For over 40 years, ELC has successfully advocated on behalf of students historically underserved by public education, including students in poverty, students of color, LGBT students, students involved in the juvenile justice and foster care systems, English learners, students with disabilities, pregnant and parenting teens, and students experiencing homelessness.

Much of our advocacy for underserved students has focused on the School District of Philadelphia. We write today to address concerns about Philadelphia's charter school sector, which is easily the second largest constellation of schools in the state, serving more than 70,000 students. Specifically, we want to bring attention to continued serious concerns about universal access and equity in Philadelphia's charter sector.

Our analysis of issues of access and equity has been aided by the publication in 2016 and 2017 of the Annual Charter Evaluations (ACEs) produced by the Charter School Office. These evaluations provide important information for ensuring accountability of charter schools – ensuring that the city's most vulnerable students can access a high-quality education.

Notably, the legislative intent of Pennsylvania's charter school law was to create and improve public school options for all pupils, including students living in poverty, children with disabilities, English learners, and other vulnerable student populations. However, analysis of the ACEs data reveals that many Philadelphia charter schools are excluding rather than serving our vulnerable students.

Here are some examples of the alarming data about charter schools that we saw in last year's ACEs:

- With charters open to students from outside their immediate neighborhood and admitting by lotteries that are supposed to be non-discriminatory, we should expect charters to reflect the diversity of the city's student population, at least to some degree. The District's student population is more than 10 percent English learners. But the data show that it is still common for charters to have minuscule populations of English learners. ***Half of the charter schools that were evaluated in the ACEs had an English learner population of 1 percent or less.***

- A surprising proportion of Philadelphia charters have small percentages of low-income students. The median Philadelphia District school has a low-income population approaching 80 percent. However, ***five out of 50 charters that were evaluated had a population where less than 1/3 of the students were low-income.*** Among District schools, there were only five such schools in the entire city – five out of 220. The ACEs data on poverty comport with the data in a [2014 report](#) by PolicyLab, reflecting that the traditional public schools in the School District of

Ensuring that all of Pennsylvania's children have equal access to a quality public education.

Philadelphia serve much greater concentrations of students in “deep” poverty as compared to Philadelphia’s charter sector.

- High suspension rates and disproportionality in discipline, issues that we have raised about District schools, are prevalent in Philadelphia's charter sector. ***Nearly half of the charter schools evaluated (24 schools) had a suspension rate for Black students of greater than 10%, although not one charter schools had a suspension rate for White or Asian students of greater than 10%. Nearly half of the schools (24 of 50) evaluated had a special education suspension rate of greater than 10%.***

We [have learned from statewide data](#) that the charter sector educates disproportionately fewer of the students with disabilities who require higher cost aids and services – e.g. students with intellectual disabilities, serious emotional disturbance, autism, and multiple disabilities. Instead, the charter sector serves students with disabilities who require lower cost aids and services, such as speech and language impairment and specific learning disabilities. An overwhelming and disproportionate number – 50.6% – of Philadelphia’s students with speech or language impairment attend charters.

With a new set of ACEs forthcoming next month, findings like these serve as a red flag suggesting that schools in the charter sector need heightened scrutiny on issues of access and equity. Much attention has been rightly focused on the financial drain that charters place on the School District; it is just as important that we ensure that charters are not shirking the task of educating student populations that are traditionally underserved and marginalized. Our findings don’t surprise us: Our organization receives a steady flow of complaints from students and families who are being harmed by charter enrollment, discipline, and educational practices.

These concerns are a central reason that the School District needs to maintain a strong Charter School Office. For many years, Philadelphia had weak charter oversight. A 2010 audit by the city controller found "a complete and total failure on the part of the Charter School Office to monitor charter schools and hold these schools accountable for how they spend taxpayers' dollars." But that has changed: the kinds of evaluations that the office has generated over the past two years are a vital step toward complying with the law and ensuring nondiscriminatory access and equity in educational opportunity.

The SRC and District leaders should build on these strengths in the charter office, continue to strengthen oversight, root out discrimination, and resist calls to water down or diffuse accountability for charters.

Thank you.

Sincerely,

Reynelle Brown Staley
Policy Attorney, Education Law Center