



1107 9th Street, Suite 200 • Sacramento, CA 95814 • p 916-448-0995 • f 916-448-0998 • [www.calcharters.org](http://www.calcharters.org)  
250 East 1st Street, Suite 1000 • Los Angeles, CA 90012 • p 213-244-1446 • f 213-244-1448

**Embargoed Until 10am August 1, 2016**

**CCSA Responds to Report from ACLU Foundation of Southern California and Public Advocates,  
Report finds less than 2% of CA charter schools exclude students based on academic performance.**

*We agree with the ACLU and Public Advocates that charter schools must be open to any student interested in attending, and no student or group of students should be excluded or discriminated against as a result of enrollment and admissions policies at any public school, including charter public schools.*

*We are encouraged that the report identified a small number of charter schools which have the most clearly exclusionary practices based on academic performance. We believe there is an urgency to work with these schools to make changes immediately to these policies to ensure that students are not unlawfully excluded from applying or being admitted to the charter school program.*

*While we do not agree with the ACLU or Public Advocates that all essays, interviews and requests for student documentation for enrollment are per se discriminatory or exclusionary, CCSA will encourage our members to revise the language of their policies concerning essays and interviews, and to better describe the options available to families for enrollment documentation to ensure that there is not even a perception of bias or discrimination in admissions and enrollment processes.*

*And while we are encouraged to see that progress has been made on reducing the number of charter schools with policies requiring mandatory volunteer hours or donations as a condition of enrollment, CCSA agrees more must be done and we remain steadfast on our position and in support of the ACLU and Public Advocates position that schools must implement policies that comply with California law.*

*We hope that districts and counties that govern and operate nearly 30% of the schools on this list take this report equally seriously to review their policies to ensure that their dependent (non-autonomous) charter schools are also complying with the law.*

*- Jed Wallace, President and CEO, California Charter Schools Association*

**Context for CCSA's Statement:**

CCSA agrees with the overarching principle that serves as the basis for a new report from the ACLU and Public Advocates, and does not support the adoption of policies by charter public schools that discriminate against any group of students. CCSA also agrees with the report authors that there is no need for changes to California charter law as a result of the findings. Instead, the appropriate solution is to address the issues by providing additional guidance and communications to charter schools, districts and counties across the state from CCSA and the California Department of Education (CDE).

In fact, CCSA routinely provides support and advice for member schools along these lines including via this [2014 Admissions and Enrollment Knowledge Brief](#), and through our help desk, workshops and trainings. As a result of the ACLU and Public Advocates bringing these findings to light, CCSA encourages charter schools and charter school authorizers to review their policies and ensure they are not discriminating against any groups of students.

However, CCSA does not agree on all areas of the report.

- **CCSA believes the types of policies identified in the report have different levels of urgency in terms of their impact on students. The report found only 22 schools (approximately 2% of California's total 1,228 charter schools) have academic policies that exclude low academic performers.** We believe that academic performance policies are the most urgent to address.
- **We do not agree that all policies (e.g., essays, interviews or requests for student documentations) are per se discriminatory or exclusionary - there may be a perception of bias or discrimination, they may have been poorly drafted, but there is not necessarily evidence that they are intentional in their exclusion.** For example, we disagree that auditions for performing arts schools are not permissible but we do advise that charter schools not implement them in a way that discriminates against groups of students unfairly. It is important to keep in mind that many charters are started by teachers and parents who often write their petitions and policies, many times without aid of legal counsel.
- **Nearly 30% of the schools (70 out of 252 schools) identified in this report are non-autonomous charter schools.** In other words, these are charter schools in name only. As a result, the recommendations section of the report is missing a key recommendation that districts and counties also need to ensure that their policies are reflective of report's important findings.
- **Limiting the report to charter schools was a missed opportunity to provide the bigger context that all public schools, including district/traditional public schools, should be held to the standards that this report has applied to charter schools.** All public schools should be held to the same standards and policy makers and the public should be provided with the information about how well all public schools are meeting these standards.

### **Progress Can Be Made When We Work Together**

We are pleased to see progress has been made in some areas, and agree more must be done. We remain steadfast in our position and in support of the ACLU and Public Advocates that schools must implement policies that are voluntary for parental involvement. This is an issue we previously worked with Public Advocates to address, and we will continue to communicate with members the importance of implementing volunteer parental involvement policies.

### **Additional Information:**

- California is home to 1,228 charter schools serving over 570,000 students
- Across California, the report found 22 schools (or 2% of 1,228 charters statewide) with policies that exclude low academic performers
- CCSA reviewed the list of 252 charter schools identified in the report to identify if the level of autonomy for each school. The following is a breakdown of autonomy of those 252 charter schools:
  - o 12 or 5% of schools are semi-autonomous
  - o 70 or 28% of schools are non-autonomous

- o 167 or 66% of schools are autonomous
- Autonomy definitions:
  - o Autonomous Charters – Schools that appoint their board of directors, do not use the local school district’s collective bargaining agreement, are directly funded and are likely to be incorporated as a 501(c)3.
  - o Non-autonomous Charters – Schools that either have the majority of their board appointed by their authorizer or are under a school district’s collective bargaining agreement, are indirectly funded, and are not incorporated as a 501(c)3.
  - o Semi-autonomous Charters – Schools that appoint their own board and is incorporated as a 501(c)3. In addition to these characteristics, a semiautonomous charter school either uses their authorizing district’s collective bargaining agreement and is directly funded or is indirectly funded and does not use the district’s collective bargaining agreement.