

# The Hidden Costs of Charter School Choice

## *Privatizing Public Education in Florida*

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**F L O R I D A**

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## Executive Summary

Underfunding, coupled with the continual adoption of tax cuts that make adequate public-school spending harder and harder to attain, prompts a look into the future. How much further growth in the number of charter schools is likely? How will that growth affect traditional schools and the public education system?

The answer to the first question appears to be that growth will continue unabated as long as private charter companies consider public schools a profit-making opportunity and they find receptive audiences in the legislature. If current trends continue, a 2015 national report concluded, “Charter schools will educate 20-40 percent of all U.S. public-school students by 2035.”<sup>1</sup> Reaching those percentages in Florida would require doubling to quadrupling charters’ current 10 percent share of all public school students.

Some charter and school choice advocates are clear about their goal. Charters already have “created an entire new sector of public education” and they ultimately may “become the predominant system of schools,” the National Alliance for Public Charter Schools has said.<sup>2</sup> And the ultimate hope of many, as Milton Friedman wrote (see Page 8), is to bring about a transfer of government to private enterprise, in part by “enabling a private, for-profit industry to develop” in education.<sup>3</sup>

Continued growth in the charter sector will exacerbate a problem that seemingly runs against the Florida Constitution’s decree that the state must provide “a uniform system” of high-quality education. As the number of charters has grown, with different rules than in traditional schools, some question whether a uniform system actually exists today. If Amendment 8 had remained on the November ballot and passed, a state charter authorizer could have approved new charter schools without the consent of the school district. In that case, the school district would not “operate, control and supervise all free public schools within the school district,” as another provision of the Constitution requires.<sup>4</sup>

As the Miami Herald has said during a charter school investigation, “Charter schools have become a parallel school system unto themselves, a system controlled largely by for-profit management companies and private landlords – one and the same, in many cases – and rife with insider deals and potential conflicts of interest.”<sup>5</sup>

### Key Findings

- **Charter school enrollment continues to grow in Florida and nationwide**, although at a slower rate than in previous years.

- **The number of charter schools managed by for-profit companies in Florida continues to grow at a rapid pace** and now makes up nearly half of all charter schools in the state.
- **Although many charter schools in Florida are high performing**, research has found no significant difference in academic performance between charter schools and traditional public schools.
- **Numerous studies have found that charter schools strain traditional schools and school districts financially.**
- **Charter schools were originally proposed as teacher-run schools that would use innovative techniques** to be shared with traditional schools. Over time, the concept changed to set up a competitive relationship between charters and traditional schools rather than a cooperative one.
- **Charter schools have largely failed to deliver the education innovation** that was originally promised and envisioned.
- **Some charter advocates have explicitly said their goal is to privatize education by encouraging a for-profit K-12 industry.** Today some charter proponents see charter schools, rather than traditional ones, as the “predominant system of schools.”
- **Since 1998, at least 373 charter schools have closed** their doors in Florida.
- **Local school boards have seen reduced ability to manage charter schools** in their districts.
- **The Florida Supreme Court removed Constitutional Amendment 8 from the November 2018 ballot** that would have created a statewide charter school authorizer. However, future attempts by the legislature to establish a statewide charter authorizer may occur and should be opposed. A state charter authorizer would preempt voters’ rights to local control of education through their elected school boards, even though local tax dollars would pay for charter expansion.
- **The charter school industry has spent more than \$13 million since 1998 to influence state education policy** through contributions to political campaigns.
- **The charter school industry has spent more than \$8 million in legislative lobbying expenditures** since 2007 to influence education policy.

- **The legislature has modified the original Florida charter school law significantly over the years to encourage creation of new charters**, increase the number of students in charter schools and enhance funding of charters, sometimes at the expense of traditional schools.
- **Some public officials who decide education policy and their families are profiting** personally from ownership and employment with the charter school industry, creating the appearance of a conflict of interest.
- **Lax regulation of charter schools has created opportunities for financial mismanagement** and criminal corruption.

### Policy Options to Consider

- **Inasmuch as charter schools can be an inefficient and wasteful option for “school choice,” the legislature should evaluate the appropriate amount of funding** the state can afford to offer in educational choices to parents and students.
- **Require for-profit companies associated with charter schools to report their expenditures and profits** for each school they operate.
- **Require charter schools to post on their website their original application and charter contract** along with their annual report, audit and school grade.
- **Charter school websites should include lease agreements**, including terms and conditions and who profits from the lease payments.
- **Companies managing charter schools in more than one school district should have annual audits** ensuring local tax revenue is being spent locally.
- **Add additional criteria for school boards to consider** when reviewing and deciding on a charter school application.
- **Give local school boards more tools to manage** the charter schools in their districts, including greater contractual oversight and the ability to negotiate charter contracts.
- **Increase education funding to sufficiently fund all public schools to eliminate competition** between traditional schools and charter schools for inadequate public education dollars.

- **Prohibit charter schools from using public education funds for advertising** to attract new students.
- **Limit the amount of public funds that can be used for charter school facility leases** to a certain percentage of the school’s operating budget.
- **Require charter schools to report annually the number of dropouts, the number of withdrawals and the number of expulsions.**

## Introduction

Florida’s charter school program, a modest undertaking begun in 1996, now enrolls about 10 percent of all public-school students in the state – about 296,000 students in more than 650 charter schools. As the program has grown, so have questions and complaints about the effects of its expansion on traditional public schools.

The legislature frequently has acted to make it easier to form a charter school. For example, in 2017 lawmakers passed a 274-page education charter-friendly bill<sup>6</sup> that was not heard in any legislative committee. It combined language from 23 separate bills affecting public education. That bill is now under legal challenge from school boards.

Originally, charter schools were designed to be teacher-led laboratories of reform, free of many restrictions governing public schools. The experiences in those schools were supposed to provide models and best practices for reforming public education. Now charters are best seen as instruments of “school choice,” along with programs such as vouchers, which allow parents and students to opt out of traditional schools.<sup>7</sup>

Among the concerns about Florida’s charter school program today:

- That traditional schools suffer when state funding is reduced, leading to staff and program cuts that drive more students away from traditional schools.
- That the new “schools of hope” expansion will result in a system of schools separate from traditional schools, in violation of Florida’s constitutional requirement that there be a single, uniform system of education.
- The effects of another provision in the 2017 House Bill 7069 that requires local school districts to share funds from their discretionary school property taxes with charter schools.

- Numerous conflicts of interest involving legislators championing charter school expansion while they or family members have connections with charter schools or charter management companies.
- The extent to which private interests profit from taxpayer dollars when they contract with charter schools to build or lease facilities or manage day-to-day operations. (Such as Newpoint Education Partners, which managed charter schools in six counties, facing racketeering and fraud charges involving hundreds of thousands of dollars.)<sup>8</sup>

A variety of other issues regarding charters also exist, such as the number and consequences of charter school failures and the effectiveness of charter schools compared to traditional schools. In this report, Integrity Florida, an independent research institute and government watchdog, examines how state policies regarding charter schools affect the state's responsibility to provide a high-quality system of public education. The report examines the effect of growing charter enrollments on traditional schools and how for-profit companies benefit.

In addition, it catalogues conflicts of interest involving legislators with ties to for-profit charter companies and details campaign finance and lobbying information regarding those companies. It also summarizes research on how the performance of students in charter schools compares to that of students in conventional public schools.

## **Analysis of Charter Schools and the Charter School Industry in Florida**

In the 22 years since passage of Florida's charter school law in 1996, charters have grown from no schools and no students to more than 650 schools today educating almost 296,000 students – 10 percent of the state's 2.8 million PK-12 students.<sup>9,10</sup> National charter school growth has slowed,<sup>11</sup> as has Florida's, although the number of charter students still has increased by about 12,000 in each of the last two years. Growth continues in Florida, in part because of legislative policy decisions encouraging new charter schools.

Charter school growth has been accompanied by a variety of questions, including whether rapid growth is hurting traditional public schools, whether the charter school system leads to profiteering by for-profit education companies, whether charter schools are living up to their original intent and whether they are accountable and transparent enough in their use of public tax dollars.

### **The Origins of Charter Schools and Original Intent**

The charter idea began with Roy Budde, an education professor in New York.<sup>12</sup> He proposed in a 1974 paper, "Education by Charter," a restructuring of school districts that allowed small groups

of teachers to form schools under a “charter,” or contract, with a school district.<sup>13</sup> Teachers would have increased responsibility for curricula and instruction and freedom from some school district rules.<sup>14</sup>

Budde’s proposal went nowhere until it was published in 1988<sup>15</sup> as "Education by Charter: Restructuring School Districts."<sup>16</sup> In that year Albert Shanker, president of the American Federation of Teachers, discussed the idea of autonomous schools in a speech. He later said the term used by Budde – “charter schools” – was the best name for such schools. They might engage in innovations such as team teaching, cooperative learning, teachers as coaches, etc., Shanker said, “But the basic union structures and protections should remain in place.” Through experimentation, these charter laboratory schools might produce new teaching and learning methods that then could be used by traditional public schools, he thought.<sup>17</sup>

Legislators who heard Shanker speak in Minneapolis later in 1988 began pushing for legislation to create charter schools. Momentum behind their efforts existed due to passage in 1990 in neighboring Wisconsin of the first private-school voucher program, which allowed low-income Milwaukee students to attend private and parochial schools using tax dollars.<sup>18</sup> In 1991 the Minnesota legislators succeeded and passed the nation’s first charter school law. California and two other states followed in the next two years. Bipartisan congressional advocates, backed by President Bill Clinton’s administration, enacted a federal charter school program in 1994.<sup>19</sup>

The Minnesota law began many modifications of Shanker’s vision made over the years. It contained no collective bargaining rights for teachers, who complained that failing to preserve the right to bargain with the districts minimized the role of teachers in what originally was a teacher-focused idea.<sup>20</sup> Many conservatives began to see charter schools as a way to loosen hiring and firing and work rules by minimizing teacher unions. One went further, saying “A union contract is actually at odds with a charter school.”<sup>21</sup> When the avoidance of unions became a central point, Shanker no longer supported the charter idea.<sup>22</sup> Later he became concerned about states allowing private for-profit corporations to operate charter schools, saying the companies would put the profit motive over the needs of students.<sup>23</sup>

The law also began an argument about whether charter schools should be cooperative “laboratories of innovation” that would share successful methodologies, or a system of schools designed to compete with traditional schools and force them to improve. The market-based competitive rationale became the dominant theme of charters and the idea that they were laboratories of innovation has faded.<sup>24</sup>

Some conservatives and school reformers pushed both vouchers and charter schools as a way to circumvent school district regulations and policies and reduce the power of unions. Their

perception of the charter idea is aligned with the vision of conservative economist Milton Friedman,<sup>25</sup> who in 1962 advocated market competition, including school vouchers.

Friedman had laid the foundation for that view in 1955 in a book entitled “The Role of Government in Education.”<sup>26</sup> In a 1995 essay titled “Public Schools: Make Them Private,” he wrote that

a radical reconstruction can be achieved only by privatizing a major segment of the educational system—i.e., by enabling a private, for-profit industry to develop...that will provide a wide variety of learning opportunities and offer effective competition to public schools.... The most feasible way to bring about a gradual yet substantial transfer from government to private enterprise is to enact in each state a voucher system that enables parents to choose freely the schools their children attend.<sup>27</sup>

Some conservatives today go further, signing a petition saying, “I proclaim publicly that I favor ending government involvement in education.” Signers include leaders from conservative organizations such as the Cato Institute, Eagle Forum and the Heartland Institute.<sup>28</sup>

As charter schools proliferate, they have been successful in altering how public education is provided in many states, including Florida. Charter advocates push for more changes. Charter schools already have “created an entire new sector of public education” that may ultimately “become the predominant system of schools,” the National Alliance for Public Charter Schools has said.<sup>29</sup>

## **Attempts to Create a State Authorizer of Charter Schools**

The Florida Supreme Court removed from the November 2018 ballot a constitutional amendment that would have established a statewide charter school authorizer. Approval of that amendment would have added momentum for further charter school growth. Charter school applicants would not have been required to seek approval from the school board in the district in which they would operate, but from a state board likely to be friendlier to applicants, no matter their strengths and weaknesses.

The amendment would have given the legislature the power to set up charter schools or other alternatives outside the purview of school districts. It would have done so by changing the current language in the Constitution that specifies that school boards operate all public schools “**within**” their district to “**established by**” the district.<sup>30</sup>

Although a court has ruled that creation of a state authorizer requires an amendment to the Constitution, the legislature may make other efforts to accomplish that goal, as they did in 2016.<sup>31</sup>

## Charter Schools in Florida Today

The number of charter schools in Florida reached 654 in 2016-17, about 15 percent of the total number of public schools. They enrolled more than 283,000 students, about 10 percent of the 2.8 million in public schools.<sup>32,33</sup> The number increased by more than 100,000 between 2010-11 and 2016-17.<sup>34</sup> Another 16,000 students were added to charter school rolls in the 2017-18 school year, Florida DOE reports, bringing the total of students enrolled in charters to almost 296,000.<sup>35</sup>

Charter schools operate in 46 school districts. The Florida Auditor General reported that as of June 30, 2016, the largest numbers are found in Miami-Dade (126), Broward (102), Palm Beach (50), Hillsborough (42), Duval (36), Orange (36), Pinellas (23), Polk (23), Lee (22) and Osceola (17).<sup>36</sup>

With the exception of charter schools in Pembroke Pines with 565 employees and about 6,000 students,<sup>37</sup> no charter school teachers or staff work under a collective bargaining agreement or have membership in a teachers' union.

The Florida Auditor General reported in 2017 that 88 charter schools had a deficit fund balance or deficit net assets. Those deficits “may provide some indication of a charter school’s financial health.”<sup>38</sup>

## Demographics of Charter School Students Compared to All Public-School Students

Charter schools enroll a diverse set of students that differs from all public-school students.

	All % <sup>39</sup>	Charter % <sup>40</sup>
<b>White</b>	38.0	32.1
<b>Black</b>	22.1	20.5
<b>Hispanic</b>	33.1	41.5
<b>Other</b>	6.7	5.8
<b>Free or Reduced Lunch</b>	63.4	51.1
<b>English Language Learners</b>	10.2	10.1
<b>Students with Disabilities</b>	13.6	9.4

### Charter and All Students Demographic Comparison

Charters enroll a lower percentage of both white students and black students than do all schools combined, but a significantly higher percentage of Hispanic students. Charters enroll a much lower percentage of students

who qualify for free and reduced lunch. Only 9.4 percent in charter schools are students with disabilities, compared to 13.6 percent in all schools combined.

Charter schools in Miami-Dade comprise about 20 percent of the statewide total, enrolling almost one in five students attending the district’s public schools.<sup>41</sup> The district’s charter students have a much different demographic profile than others statewide. More than 80 percent are Hispanic,

only six percent are white and only 10 percent are black. Like charter schools in Florida as a whole, they enroll much lower percentages of students with disabilities (five percent compared to 10 percent in all Miami-Dade public schools). Only 50 percent of Miami-Dade’s charter enrollment receive free or reduced-price lunch, compared to two-thirds in all Miami-Dade public schools.

### Charter School Grades

School Grade	% of Charter Schools Receiving That Grade <sup>42</sup>	% of All Schools Receiving That Grade <sup>43</sup>
<b>A</b>	42	30
<b>B</b>	23	27
<b>C</b>	25	35
<b>D</b>	7	7
<b>F</b>	3	1

Schools in Florida for which there is sufficient data receive a grade based on factors such as learning gains, achievement and graduation rate.<sup>44</sup> Charter schools are more likely to receive an A than all schools and also more likely to receive an F grade. Three percent of charter

schools (16 schools) received an F grade, compared to one percent (43 schools) of all schools, in the 2016-17 school year.

### Charter Laws in Florida

Charters were approved by the Florida Legislature in 1996 “with special emphasis on expanded learning experiences for students who are identified as academically low achieving.”<sup>45</sup> The law provided that only a nonprofit organization could enter into a charter contract with a school district. The school district had the authority to approve or disapprove an application and a rejection could be appealed to the State Board of Education. Charter schools were to be funded in the same manner as traditional public schools. They were exempt from many laws pertaining to education but were still required to follow civil rights and student health, safety and welfare laws and requirements for public meetings and public records.

The original charter law limited the number of charter schools in each school district from three to seven, depending on the number of students in the district. It also limited the number of charters any organization could hold in a district to three and limited to 15 the number of contracts any organization could hold statewide. It did not mention capital outlay funding for charter schools.<sup>46</sup>

The law provided that a charter school must be open to any student in the school district where the charter school is located. Only students who were a sibling of a student already enrolled in the school could receive enrollment preference. A charter could limit admittance only to target students in certain age groups or grades and students considered at risk of academic failure. The

statute required the sponsor (usually the school district) to “ensure that the charter is innovative.” The charter school application was required to address how the school will achieve “a racial/ethnic balance reflective of the community it serves.” Teachers in charter schools were required to be certified.<sup>47</sup>

School districts are required by law to use a standard charter contract adopted by the State Board of Education. It limits the ability of districts to negotiate provisions in the contract and assumes that “any term or condition...that differs from the standard charter contract” is a prohibited limitation on charter school flexibility.<sup>48</sup> The Florida School Boards Association has sought to loosen that prohibition to allow up to five addendums to the standard contract that are negotiated by the school board and the charter school.<sup>49</sup>

The current charter law preserves the emphasis on students with low academic achievement and on innovation. Also retained from the original law are the requirements for certification of teachers and the restriction that only nonprofit organizations can receive a charter. But in other areas the law has been modified significantly over the years to encourage creation of new charters, increase the number of students in charter schools and enhance funding of charters, sometimes at the expense of traditional schools.<sup>50</sup>

- Limits on the number of charters in each school district were increased in 2002 and were eliminated in 2003.<sup>51,52</sup>
- Charter schools were made eligible for capital outlay funds when such funds were appropriated by the legislature.<sup>53</sup> Beginning in 2011, when charter schools received all \$55 million appropriated for capital outlay, charters received \$346 million in capital outlay funds through 2016-17, surpassing the amount received by traditional schools in some years.
- The legislature made major changes in 2017, including decreasing the powers of district school boards. House Bill 7069 required school districts to share with charter schools capital outlay funds from the discretionary 1.5 millage authorized by state law.<sup>54</sup> Two sets of school boards have challenged the law in court.<sup>55,56</sup>
- HB 7069 also reduced the power of school districts by making it easier to open charter schools through a “School of Hope” program for students in areas of persistently low-performing schools. A School of Hope operator is designated by the State Board of Education. Unlike other charter schools, a School of Hope operator is not required to have its application approved by a local school board.<sup>57</sup> The bill also authorized a School of Hope operator to be designated as a local education agency for receiving federal funds directly.

- Under the original law, only students who were siblings of currently enrolled students could receive enrollment preference.<sup>58</sup> In 2002 the legislature added preferences for students who are children of a member of the governing board or an employee of the charter school.<sup>59</sup> Today enrollment preference can also be given to students who attended a voluntary prekindergarten program at the charter school, children of an active duty member of the U.S. Armed Services and students who attend or are assigned to failing schools.<sup>60</sup>
- A 2010 law loosened class size restrictions on charter schools, moving from calculation on a classroom level, which applied to traditional public schools, to a school level calculation.<sup>61</sup>

## **PK-12 Funding Remains Short of Pre-Recession Level**

The intensifying debate over the future of Florida’s public schools and the system under which they operate occurs in the context of years of public education spending deemed inadequate by many. Supporters of more funding rely in part on the Florida constitutional requirement that “adequate provision” for funds be made to provide a “high quality system of free public schools.”<sup>62</sup> Both charter advocates and those aligned with traditional public schools say they need more revenue than appropriated by the legislature.<sup>63</sup> A consequence is that they engage in a zero sum game in which they compete for limited dollars that have failed to keep up with needs and inflation.

A report in 2011, when the state was beginning to grow again after the Great Recession caused severe cuts to education funding, noted Florida’s low ranking among the states in revenues and expenditures for K-12 education. For example, the state ranked 41<sup>st</sup> in expenditures for K-12 schools per student.<sup>64</sup> In 2017, after seven years of revenue growth, Florida remains 41<sup>st</sup>. Other indicators continue to place Florida among the bottom states: 44<sup>th</sup> in public school revenue per student and 45<sup>th</sup> in average salary of teachers.<sup>65</sup>

Therefore, increases in public school funding touted by politicians have not changed the position of Florida’s education budget in relation to other states. In fact, Florida PK-12 spending remains lower today than at the beginning of the recession when inflation is taken into account. The \$7,126 per student appropriated by the legislature in 2007-08<sup>66</sup> would have the same buying power as \$8,520 in today’s dollars.<sup>67</sup> That means the legislative appropriation of \$7,408 per student for 2018-19<sup>68</sup> falls about \$1,100 short of reaching pre-recession levels. Restoring the per-student funding to 2007-08 levels would cost \$3 billion more than the \$21.1 billion public education budget passed by the legislature.

The base student allocation, unrestricted funds appropriated by the state only, increased 47 cents this year. It has risen by \$124.68 since 2007-08,<sup>69</sup> from \$4,079.74<sup>70</sup> to \$4,204.42. To keep up with inflation since 2007, the allocation this year should be \$4,878.11 – a shortfall of \$798.37

per student.<sup>71</sup> The legislative appropriation for the base student allocation in 2018-19 would need to be \$2.2 billion higher to reach the same level as in 2007-08.

Those appropriations are responsible for the F grade Florida earned in education spending in the 2018 *Quality Counts*<sup>72</sup> annual report by Education Week. Another national report found that inflation-adjusted per-student funding from state and local funds combined in Florida fell by 25 percent between fiscal years 2008-15 – the largest decline in the nation. Florida ranked second among the states in cuts in inflation-adjusted per-student funding from state funds alone.<sup>73</sup>

## **The Growing For-Profit Charter School Sector**

Three kinds of charter schools operate today: the independent nonprofit “mom and pop” schools, those managed by a nonprofit chain (typically called a charter management organization, or CMO) and those managed by a for-profit company (called an educational management organization, or EMO.)

As the total number of charter schools has risen, so has the number managed by for-profit private companies, which earn profits from tax money in a variety of ways, including leasing facilities to the school as well as providing management services.

In the 2017-18 school year, the Florida Department of Education lists 294 charter schools as managed by for-profit companies, or 45 percent of all charters. That share is three times the 15 percent national share controlled by for-profit companies, as reported by the National Alliance for Public Charter Schools.<sup>74</sup> The for-profit share of schools in Florida has climbed from 40 percent in 2016-17 and from 25 percent in 2010-11.<sup>75</sup> The number of for-profit charters has almost doubled since 2010-11, when 150 for-profits operated.

Charter schools run by for-profits now enroll more than half of all students attending charter schools: in the 2017-18 school year, 152,964 students, or 52 percent, compared to 142,850 in charters with no private management involvement. The for-profit total is up about 13,000 from the previous school year.

Thirty-three for-profit companies have contracts with charter schools. Twenty-five of them have management contracts with three or fewer charters schools. Collectively, those companies manage 36 charters. The top eight companies collectively manage 244 schools.

At the top of the list are two politically connected firms, Academica and Charter Schools USA. They dominate the market, operating two-thirds of the schools with private management and enrolling 87 percent of total charter school students. Academica has contractual relationships with

more than a third of all for-profit charter schools, which enroll one-third of all students in for-profit charters.<sup>76</sup> Both companies manage many high-performing schools.

<b>For-Profit Operator</b>	<b>Number of Schools</b>	<b>Enrollment</b>
<b>Academica</b>	111	49,453
<b>Charter Schools USA</b>	54	47,920
<b>Accelerated Learning Solutions</b>	21	5,638
<b>Charter School Associates</b>	23	12,328
<b>Imagine Schools</b>	14	10,304
<b>Superior Schools Corporation</b>	9	2,665
<b>Edison Learning</b>	6	2,533
<b>S.M.A.R.T. Management</b>	6	3,045
<b>Total</b>	<b>244</b>	<b>133,886</b>

Academica dominates in Miami-Dade, the district with the most charter schools managed by private companies. For-profits operate 106 of 130 charters in the district. Only 13 charter schools are independent and seven purchase services from nonprofit organizations.<sup>77</sup> Academica services dozens of charter schools in the district.

## **Effectiveness of Charter Schools Compared to Traditional Schools**

Dozens of studies examining the effectiveness of charter schools compared to traditional public schools have failed to establish a consensus verdict. Confusion results in part because a large number of studies use many different methodologies at many different times. In many cases, results are questioned because of selection bias – the belief that “charters may induce self-selection by adopting a more challenging curriculum, more demanding standards for conduct, longer school days, more stringent graduation requirements, or other policies that attract more able and motivated students.”<sup>78</sup> Students who select charters may be among the best when they enroll, with the most motivated parents, willing to go through an application process more difficult than enrollment in the neighborhood traditional school.

Some strong charter strong proponents who are associated with conservative organizations – the Hoover Institution, the Fordham Foundation and the Walton Family Foundation – reflect the lack of a definitive judgment. In “A Progress Report on Charter Schools”<sup>79</sup> they say that on academic performance the

charter track record is, in a word, mixed. Some of the country's highest-achieving schools are charters, but so are some of the worst. One can average it out and conclude that charter schools are producing results that resemble the district

schools to which they offer alternatives....

[T]he vexing reality (doubly vexing to school-choice advocates such as ourselves) [is] that market forces alone can't reliably generate academic effectiveness. Milton Friedman may have gotten this part wrong, at least over the short run. (see Page 8)

The authors applauded public and bipartisan support for charters, their growth and the fact that a 2011 study found that only 12 percent of charters were unionized. But, they said, “We wanted the infusions of capital and entrepreneurialism that accompany the profit motive, but we didn’t take seriously enough the risk of profiteering.”

Effectiveness studies abound. Some find charters more effective. None is as definitive as a legislatively mandated study by the Florida Department of Education that has found overwhelming superiority of charters year after year. The latest study said students in charters outperform other students in 86 percent of the 195 comparative areas examined in the study.<sup>80</sup>

The DOE study is an outlier and has been criticized for methodologies guaranteed to favor charter schools.<sup>81</sup> None of the dozens of other studies finds such a definitive advantage for charter schools. Most that find a competitive advantage for charters describe the benefits in muted terms, finding that charter advantages occur only in certain types of schools, grade levels and subject matter.

(Regardless of comparisons, the recent results of the National Assessment of Educational Progress [NAEP], called the nation’s report card, provide support for the effectiveness of traditional schools. Florida was the only state recording improvements in both math and reading. “The NAEP scores showed stellar gains within the traditional public-school system,”<sup>82</sup> one analyst wrote.)

Several studies suggest that charters may be most effective in some urban settings, in elementary schools and among low-income students and minorities.<sup>83,84,85</sup> A study of charters in urban settings found “many urban charter schools are providing superior academic learning for their students, in many cases quite dramatically better.”<sup>86</sup> Other studies find non-academic benefits: Charters may increase high school graduation and college enrollment and persistence rates and annual earnings after college.<sup>87</sup> Some studies report some comparative advantages for charters in reading but none in math, while other say advantages are found in math but not reading.<sup>88</sup>

But many studies find, as one said, “Nationally, there is very little evidence that charter and traditional public schools differ meaningfully in their average impact on students’ standardized test performance.”<sup>89</sup> Conclusions from other studies:

- “Taken as a whole, the evidence suggests that, accounting for differences in population served, charter schools are not, on average, producing student achievement gains any better than TPSs (traditional public schools).”<sup>90</sup>
- “[C]harter school attendance generally leads to achievement gains that are similar to those in traditional public schools.”<sup>91</sup>
- “[A]fter controlling for student demographics, charter schools show test-score results at levels that are not meaningfully better or worse than district schools.”<sup>92</sup>
- “On average, charter schools perform at about the same level as traditional public schools.”<sup>93</sup>

## **Negative Comparisons of Charters with Traditional Schools**

- Despite studies that find charter advantages in urban areas, other studies muddy the water. “In some urban areas, cities have no schools that post better gains than their TPS [traditional public school] alternatives and more than half the schools are significantly worse.”<sup>94</sup>
- Duval County’s charter schools performed worse than the district’s public schools on state tests in 2016.<sup>95</sup>
- A comparison of urban school students found achievement worse in charters than in traditional public schools in five of seven Florida city districts studied. “In some urban areas, cities have no charter schools that post better gains than their TPS alternatives and more than half the schools are significantly worse,” the study reported. The cities in which charters lagged behind traditional schools in either math or reading were Fort Myers, Orlando, West Palm Beach, Jacksonville and St. Petersburg.<sup>96</sup>

## **Some Studies Say For-Profit Charters Perform Worse Than Nonprofits**

- “Charter school operators that hold non-profit status post significantly higher student academic gains than those with a for-profit orientation. For-profit operators have results that are at best equal to the comparison traditional public-school students (reading) or worse (math).”<sup>97</sup>
- Of large educational management organizations, three for-profit management companies operating in Florida were cited in a 2012 study as having among the lowest percentage of

schools attaining adequate yearly progress required under federal legislation – Charter Schools USA (10 percent), Academica (29 percent) and K-12, Inc. (33 percent).<sup>98</sup>

- Bellwether Education Partners, a charter advocacy group, reported in 2015 that in six states, including Florida, “the for-profit market share is correlated with poor academic outcomes.”<sup>99</sup>
- “[S]tudents attending a for-profit charter school have weaker growth in math than they would have in a TPS setting and similar growth in reading.” The same study reported that several for-profit management companies operating in Florida – Academica, Charter School Associates, Charter Schools USA, Imagine and S.M.A.R.T. – recorded lower effects on students relative to students in the state taking the same exam.<sup>100</sup>

## **The Effects of Charter Schools on Traditional Public Schools**

One of the original selling points of charters was that their innovations would transform traditional public schools. In general, the innovations expected by charter advocates – and required in Florida law – have not occurred. Although scattered studies indicate some effect, the consensus is that competition from charter schools has not significantly changed traditional schools’ operations and achievement. “While charter schooling was conceived as a way to spur innovation – try new things, evaluate them, and inform the larger system, studies of the structure and practices of charter schooling find the sector as a whole not to be particularly – ‘innovative,’” a 2016 report concluded.<sup>101</sup>

Similarly, the Rand Corporation said that

**Charter schools do not appear to produce positive competitive effects on achievement in traditional public schools.** One of the hoped-for benefits of charter schools was that they would exert competitive pressure on nearby traditional public schools and encourage them to improve. However, after several studies, there is still little evidence that the presence of charter schools affects the achievement scores of students in nearby traditional public schools either positively or negatively.<sup>102</sup>

The scarcity of innovations occurs because “most charters do not employ particularly innovative instructional approaches” and “most high-performing charter schools utilize traditional curriculum and pedagogy.”<sup>103</sup>

While that potentially positive benefit of charter schools has not panned out, numerous studies have found that charter schools strain traditional schools and school districts financially – in

Philadelphia,<sup>104</sup> Los Angeles,<sup>105</sup> Michigan,<sup>106,107</sup> Nashville,<sup>108</sup> Buffalo, Albany,<sup>109</sup> New York City, Houston<sup>110</sup> and Ohio.<sup>111</sup>

The negative impact is due in large part to the fact that money appropriated for a student follows him or her to a charter school, reducing the funding level of the public school that the child would have attended.

As a public school loses a percentage of its students to charters, the school can't simply cut fixed costs for things like transportation and physical plant proportionally. It also can't cut the costs of grade-level teaching staff proportionally. That would increase class sizes and leave the remaining students underserved. So instead, the school cuts a program or support service – a reading specialist, a special education teacher, a librarian, an art or music teacher – to offset the loss of funding.<sup>112</sup>

“[T]he bottom line is clear. The growth of charter schools imposes clear fiscal pressures on local school districts in the short run,” a Brookings Institution report concluded. The report also concluded that “the presence of a charter sector in which schools may open or close for various reasons – such as financial mismanagement, academic failure, or changing parental preferences – generates uncertainty for district policymakers. This uncertainty makes it difficult for the district to plan and make efficient use of resources.”<sup>113</sup>

A report from the National Education Policy Center states that the charter school model using for-profit operators hurts traditional schools. It results in a “substantial share of public expenditure intended for the delivery of direct educational services to children...being extracted inadvertently or intentionally for personal or business financial gain.”<sup>114</sup>

Moody's Investor Services, in a report titled “Charter Schools Pose ‘Growing Risks for Urban Public Schools,’” said that the “dramatic rise in charter school enrollments over the past decade is likely to create negative credit pressure on school districts in economically weak urban areas.”<sup>115</sup> “Charter schools can pull students and revenues away from districts faster than the districts can reduce their costs,” the report said.

The result could be a self-fulfilling prophecy for charter school proponents who claim charters will provide a better education than traditional public schools. “As some of these districts trim costs to balance out declining revenues, cuts in programs and services will further drive students to seek alternative institutions including charter schools,” Moody's said.

Another Moody's report in 2017, after the Florida Legislature required districts to share their discretionary tax revenue for capital outlay with charter schools, found that the “mandate is credit negative for school districts with significant charter enrollment because they will have to transfer

revenues that were previously earmarked for capital projects at traditional schools to charters within their district...[T]he mandate marks the third effective reduction in the capital millage rate since 2008 and continued charter growth under the new formula will increasingly pressure traditional schools' capital budgets."<sup>116</sup>

An MGT of America report on Los Angeles schools said it "reveals a fiscal crisis that could have deep negative implications for both district schools and existing charter schools." Furthermore, it said, "The findings in the report paint a picture of a system that prioritizes the growth opportunities for charter school operators over the educational opportunities for all students."<sup>117</sup>

## **How Private Charter Companies Profit from Tax Money**

Charter schools are required by law to "organize as, or be operated by, a nonprofit organization."<sup>118</sup> But as detailed elsewhere in this report, 45 percent hire for-profit companies to build, manage or operate the schools. The growing presence of those private moneymaking entities receiving tax funds is the source of a large part of the controversies swirling around charter schools. Opponents believe that "Public assets are being unnecessarily transferred to private hands, at public expense, risking the future provision of 'public' education."<sup>119</sup>

These companies "operate in ways that are sometimes at odds with the public interest," the National Education Policy Center says in its report titled "The Lucrative Side of Charter Schools."<sup>120</sup> The authors discuss "the often-convoluted ways these companies use those dollars and take advantage of laws in ways that enrich owners, officers, and investors."

For-profit management companies in Florida obtain tax money through both management fees and leases the schools sign for the facility. Sometimes the leases and management fees are contracts with two totally separate companies. But often the management fee will be charged by the for-profit and the facility will be leased by a real estate company associated with the management company. In such cases the school's management company is also, in effect, its landlord.<sup>121</sup> Red Apple Development, for example is affiliated with Charter Schools USA<sup>122</sup> and Schoolhouse Finance is a subsidiary of Imagine.<sup>123</sup>

Whatever the arrangements, the payments to private interests come from per-student funding appropriated by the legislature and passed on to the charter school. Many of those lease payments for individual charter schools exceed \$1 million a year.<sup>124</sup>

Independently operated schools spend tax money for their facilities in a straightforward way, usually with considerably lower lease rates, but they generally do not spend tax dollars for management.

The facility arrangements of for-profits are legal and it may make sense to charter management companies to create or collaborate with other companies to provide physical space. But they also siphon funds from traditional public schools. “Charter school operators are growing highly endogenous, self-serving private entities built on funds derived from lucrative management fees and rent extraction which further compromise the future provision of ‘public’ education,” the authors of “The Business of Charter Schooling” say.<sup>125</sup>

Another negative consequence of for-profit charters occurs when schools pay lease payments and make improvements but then close. In such cases, the school district doesn’t own the building, despite tax dollars being spent on it. Such was the case in an Associated Press investigation in 2015 that found that \$70 million in tax dollars had been paid to schools that later closed. Little was recouped. The money for leases and improvements to the building belonged to the property owner.<sup>126</sup>

Leasing practices of for-profit companies have been questioned nationally and around Florida in the last few years.

- In Miami-Dade County, for example, the Miami Herald found a host of problems. At one school, 97 percent of its revenues were paid to a management company. Lease payments accounted for more than 25 percent of annual revenues in other schools, even though lease payments should not exceed 20 percent, one for-profit owner said.<sup>127</sup> School districts are not allowed by law to dictate or change lease rates negotiated by the charter school.
- In 2012 the Tampa Bay Times found that two Imagine schools were paying SchoolHouse Finance, a company owned by Imagine, more than double the per-student rent paid by other charter schools in Hillsborough County.<sup>128</sup>
- In an audit of five charter schools in Florida operated or managed by management companies, the U.S. Department of Education inspector general found four cases in which close associations between charter schools, their management companies and affiliated companies constituted conflicts of interest resulting in leases not in the best interest of the charter school.<sup>129</sup>
- Non-education companies have also identified the development of charter schools as an attractive money-making target. In one case, a Portland-based investment firm bought five charter schools, including some run by Charter Schools USA and Imagine. The deal “illustrates how investing in nontraditional real estate like schools can be lucrative, especially when other markets like residential and commercial properties appear to be cooling down,” a South Florida real estate publication wrote.<sup>130</sup> “Despite their controversial status among educators, charter schools have become hot commodities in the

real estate community, with a slew of new speculative projects breaking ground in South Florida over the past year.”

- One of those speculative projects was development of a charter school, to be contracted with Academica, funded by investments made under the EB-5 Immigrant Investor visa program.<sup>131</sup> That program, now being scaled back, allowed foreign investors to invest \$500,000 or more in a job-producing project in the U.S. in exchange for an immigration visa.<sup>132</sup> Chinese investors constituted the vast majority of EB-5 visa holders.<sup>133,134</sup> “Financing the development of charter schools with EB-5 funds may just be the next big thing in real estate,” a news report said.<sup>135</sup>

## Charter School Closures

Since 1998, the Florida Department of Education reports that at least 373 charter schools in Florida have closed their doors.<sup>136</sup> More than 160 failed in the 2012-17 period.<sup>137</sup> Some have failed because they faced financial pressure due to overestimated enrollment,<sup>138</sup> others because of financial mismanagement<sup>139</sup> and others for academic reasons.<sup>140</sup> Thirty-five Florida charters closed in 2015-16, the highest number of any state.<sup>141</sup>

A review by the Florida Auditor General of 19 charter schools that closed in 2015 through 2017 found that 10 closures “could be attributed, in part, to financial difficulties.” The report also found that financial pressures could lead to more closings. In 2015-16, 88 charter schools (14 percent) reported a deficit. Fifty-one of the 88 reported a deficit for two consecutive years and 23 recorded a deficit of three or more years.<sup>142</sup>

A charter school closure can pose serious problems for the school district. A 2014 report<sup>143</sup> by the Sun Sentinel found that when a charter school closes mid-year, its students are displaced. Many go back to their neighborhood schools where some struggle to catch up because the closed charter did not provide required testing, instruction in basic subjects or adequate services for those with special needs.

For example, in October 2017, Campus Charter School in Port St. John announced on a Thursday that it would close the next week.<sup>144</sup> The school blamed declining enrollment and depleted finances. The school’s closure left 97 students and a dozen employees scrambling to find new schools two months into the school year.

The 2014 Sun Sentinel report<sup>145</sup> found financial consequences of charter school closures as well. Charter schools receive public money in monthly installments based on their estimated enrollment. If they overestimate their enrollment or shut down abruptly it can be difficult for public school officials to collect unspent funds. The report cites two Broward County charter schools that lasted

only seven weeks before district officials closed them down. District officials said they were unable to find the manager of the schools or to collect the \$240,000 in public money the schools received for students they never had.

In 2016, the Florida Legislature passed House Bill 7029,<sup>146</sup> a major education package which, among other things, sought to tighten some of the regulations around charter schools. The new law required charter school applications to disclose the names of each applicant, governing board members and all proposed education services providers. It also required the application to disclose the name and sponsor of any charter school operated by the applicants that closed and the reasons for the closure as well as the academic and financial history.

School districts were required to review each monthly (standard charter schools) or quarterly (high-performing charter schools) financial statement to identify deteriorating financial conditions.

## **Corruption-Related Closures**

Since passage of the 2016 law, charter school closures involving potentially criminal corruption continue to occur. In most cases, the operators of these schools misappropriated public funds they received and in the worst case, committed criminal racketeering and fraud.

For example, in June of 2017, Marcus May, owner of Newpoint Education Partners, was charged with conspiring to engage in a fraudulent billing and kickback scheme.<sup>147</sup> Newpoint is a charter school management company that once operated 15 schools in six Florida counties. Prosecutors say May partnered with Steven Kunkemoeller, the owner of school supply company School Warehouse Inc., to sell items like desks and iPads at inflated prices to charter schools run by Newpoint. Kunkemoeller has already been tried and convicted for his part in the scheme.<sup>148</sup>

Marcus May's trial is scheduled to begin in September 2018. According to reports, May's company, Newpoint Education Partners, received more than \$57 million in public education funds for charter schools from 2007 through 2016.<sup>149</sup> Prosecutors say May "instigated" the scheme and reports say hundreds of thousands of state and county dollars meant for Newpoint charter schools actually went to purchase property for May's family, trips abroad, household bills and plastic surgery.<sup>150</sup>

The charges against May stem from a "wider investigation of grade tampering, teacher misconduct and financial improprieties at Newpoint schools. Newpoint, as a business entity, has been charged with grand theft, money laundering and aggravated white-collar crime." All of its charter schools have closed except one which is still open under new management.<sup>151</sup>

At least two other charter schools have closed after allegations of financial mismanagement. Pathway Academy Charter School in Broward County closed in February 2017 after school district auditors said it inflated its enrollment figures and received \$49,000 more than it should have been allocated.<sup>152</sup> Auditors also identified about \$5,700 in personal items bought with taxpayer dollars, including \$3,000 for resort stays, \$1,100 in restaurant expenses and \$1,400 for a refrigerator that was not used at the school.<sup>153</sup>

Paramount Charter School, also in Broward County, closed in June of 2017. Parents had complained about the condition of the school, which received more than \$4 million in taxpayer funds to operate.<sup>154</sup> The school's president was accused of misappropriating funds and the school's bank account was frozen. When Paramount finally closed its doors for good, leaving behind large debts, investigators found graffiti on the walls, hallways that reeked of urine and dead rats.

Another charter school in Palm Beach County was struggling and was given a 90-day notice of termination by the County School Board, meaning it would be required to close if it didn't address its "deteriorating financial condition."<sup>155</sup> Reports say the move to close the school "comes after years of erratic enrollment, high turnover and financial controversies."

A Palm Beach County school district report revealed that while Eagle Arts Academy struggled to pay its rent and its teacher's salaries, it pays its executive director's company between \$3,000 and \$6,000 a month for the right to use its name and logo.<sup>156</sup> The director's company billed the school even as the director, Gregory James Blount, earned a \$95,000 annual salary as the school's top administrator. The report says he has a history of "steering money from the school into his own companies."

The Palm Beach County School Board tried to close Eagle Arts Academy in the summer of 2018, but the school appealed the decision to terminate its charter.<sup>157</sup> In hopes of shutting the school down anyway, the school district was withholding payments to the school.

On August 1, the Palm Beach County School Board voted unanimously to end the school's charter. Board members agreed with Superintendent Donald Fennoy that the school's financial woes, reports of pending eviction and questions about the school's ability to staff its classes made it unsafe to deliver students to the school's care.<sup>158</sup>

## **Cherry Picking**

Until eliminated in 2017 by HB 7069, the Florida Department of Education was required to prepare an annual report<sup>159</sup> that analyzed student achievement in charter schools versus the achievement of comparable students in traditional public schools. The report compares charter and traditional public schools in terms of grade level achievement, learning gains and achievement gap.

The most recent report on the Department of Education’s website examines the 2016-17 school year. In each of the three areas measured, the report said, students enrolled in charter schools demonstrated higher rates of performance on a host of standardized tests than students enrolled in traditional schools.

But in a 2017 report by the Miami Herald,<sup>160</sup> charter school critics questioned whether the DOE report really compares apples to apples when it comes to charter school students versus traditional school students. The report cites critics who argue that “many charters can cultivate higher performing kids from families with more resources and weed out more challenging students through their application process and school policies – like ones demanding volunteer time from parents.” The report notes that “traditional public schools must, by law, accept all students.”

Questions have also been raised about whether some charter schools around the country use disciplinary practices to expel or suspend problem students at a higher rate than traditional public schools.<sup>161</sup> Research on the issue is sparse, but one facet of a charter school’s autonomy is the ability to set and enforce independent disciplinary standards including dress codes.

A 2016 report<sup>162</sup> by the Center for Civil Rights Remedies at the University of California, Los Angeles analyzed charter school data from the U.S. Department of Education and found charter schools suspend black and disabled students at a higher rate than white students.

It found similar inequities in traditional public schools but found charter schools suspend students at slightly higher rates. Reporting on the study, the New York Times said, “Some charter networks have come under fire for ‘no excuses’ behavioral codes, under which students can be suspended for offenses like clothing violations.”<sup>163</sup> Charter schools have also been accused of counseling out low-score students by suggesting the school “isn’t the right fit” for the student.<sup>164</sup>

Florida law gives charter schools more flexibility in selecting their students than traditional public schools. Chapter 1002.33 of Florida Statutes<sup>165</sup> requires charter schools to “enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building.” In that case, the school must give all applicants an equal chance of being admitted through a random selection process. But the statute also gives charter schools the ability to provide “enrollment preferences” to certain student populations and the ability to “target” other populations.

For example, a charter school can give enrollment preference to siblings of a student already enrolled; to children of a member of the school’s governing board; to children of a school employee; and to students who previously attended a “failing” school.

A charter school is also allowed to “target” certain student populations including students within specific age groups or grade levels; students residing within a reasonable distance of the charter school; and students who meet reasonable academic, artistic, or other eligibility standards established by the charter school.

For whatever reasons, charter schools serve a lower percentage of economically disadvantaged students (51 percent) than do traditional public schools (62 percent). Charter schools statewide also serve a lower percentage of students with disabilities (9 percent) than traditional public schools (14 percent). Charters enroll a higher percentage of Hispanic students and a slightly lower level of white and African-American students than traditional public schools.<sup>166</sup>

### **Reverse Cherry Picking**

In at least one case, a charter school did not cherry pick the best, but served as a safety valve for struggling students attending traditional schools. A charter management company operating in Florida, Accelerated Learning Solutions, was accused in 2017 of “taking in castoffs from...Orlando high schools in a mutually beneficial arrangement.” By taking students who violated disciplinary rules in other schools, the ALS school served as a safety valve for other schools, allowing them to boost their graduation rates and test scores. The alternative school “collects enough school district money to cover costs and pay its management firm, Accelerated Learning Solutions (ALS), a more than \$1.5 million-a-year ‘management fee,’ 2015 financial records show – more than what the school spends on instruction.”<sup>167</sup> The company and the Orange County school district denied the charges, and the school’s charter was renewed by the school board later in 2017.<sup>168</sup>

### **Campaign Finance: Contributions by For-Profit Charter Interests**

Like other interests, for-profit charter companies and their advocates use money and influence to affect policy outcomes. In many cases, they have been able to use their influence to avoid tighter management or greater oversight of their operations. One national report found that politically connected for-profit charter companies have resisted efforts to strengthen charter accountability and quality in Florida, Michigan, Ohio, Arizona, Nevada and Pennsylvania.<sup>169</sup>

The charter school industry has become increasingly active in Florida politics since it began in 1996. For this report, Integrity Florida analyzed political contributions by charter school management companies along with individuals, political committees, advocacy organizations and other businesses affiliated with them or engaged in efforts to expand the industry in Florida.

The charter school industry spent at least \$13,666,531 in campaign contributions to candidates, political committees and political parties in Florida over the course of 10 election cycles, from 1998 to 2016.

According to data found in the Florida Division of Elections Campaign Finance Database,<sup>170</sup> these expenditures have steadily increased over time with significant spikes during the 2008 and 2016 presidential election cycles.

### **Florida Charter School Industry Political Contributions (1998-2016)**

<b>Election Cycle</b>	<b>Candidates</b>	<b>Committees</b>	<b>Parties</b>	<b>Totals</b>
<b>1998</b>	\$ 13,150	\$ 0	\$ 7,800	\$ 20,950
<b>2000</b>	24,300	0	142,000	166,300
<b>2002</b>	17,200	6,000	144,997	168,197
<b>2004</b>	25,900	1,325,500	47,750	1,399,150
<b>2006</b>	86,139	1,268,095	144,330	1,498,564
<b>2008</b>	88,726	2,148,049	116,350	2,353,125
<b>2010</b>	130,787	1,378,180	118,000	1,626,967
<b>2012</b>	95,100	1,435,535	297,117	1,827,752
<b>2014</b>	110,183	1,517,504	326,200	1,953,887
<b>2016</b>	111,250	2,125,917	414,472	2,651,639
<b>Totals</b>	<b>\$702,735</b>	<b>\$11,204,780</b>	<b>\$1,759,016</b>	<b>\$13,666,531</b>

The biggest leap in spending occurred in 2004, when \$1,399,150 in contributions was reported, up from \$168,197 in the previous cycle. The 2004 cycle was also significant in that it was the first election cycle when the industry began to use political committees as their primary tool to influence elections.

Many industries invest the bulk of their campaign contributions in political parties, leadership PACs and party affiliated committees, with more money typically going to the party in power. The charter industry, however, has invested most heavily in committees, particularly Electioneering Communications Organizations (ECOs) since 2004, with a small fraction of their spending going directly towards candidates or parties.

Charter money goes to many committees, but one or two main committees dominated each cycle. From 2004 to 2010, the All Children Matter-Florida and All Children Matter ECOs, chaired by John Kirtley and Brecht Heuchan, respectively, collected \$15,030,951 in contributions.

From 2010 to 2016, The Florida Federation for Children ECO, also chaired by Kirtley, raised \$4,499,398 in contributions. This committee continues to be active in the 2018 election cycle.

John Kirtley also chairs the Florida Education Empowerment PAC, which became active in the 2016 cycle.

Together, these three ECOs collected \$19,530,349 and spent \$11,079,300 between the 2004 and 2016 cycles. Most of the contributions to the All Children Matter ECOs came from organizations and wealthy individuals outside of Florida. The money then went towards various political consultants and firms for strategy and communications. The All Children Matter committees also gave significant amounts of money to a state organization, All Children Matter Florida, with a Tallahassee P.O. Box address.

Kirtley is the Vice Chairman for the American Federation for Children (AFC).<sup>171</sup> He has also served as vice president for AFC's 501(c)(3) affiliates, the Alliance for School Choice and the American Federation for Children Growth Fund.<sup>172</sup> He also is the founder and chairman for Step Up for Students, a school choice scholarship program initiated by former Florida Governor Jeb Bush.<sup>173</sup> In addition, he serves as the chairman of the Florida School Choice Fund<sup>174</sup> and as a board member for the Florida Charter School Alliance.<sup>175</sup>

Heuchan's ties to the industry are minimal compared to Kirtley. However, he was appointed by Governor Rick Scott as a member of the 2018 Constitution Revision Commission<sup>176</sup> and supported the Amendment 8 proposal on the November ballot that would have reduced the authority of local school boards over charter schools.<sup>177,178</sup>

## **All Children Matter**

The All Children Matter parent organization, based in Virginia, was founded by Richard DeVos and run by Betsy DeVos. The organization gave \$4,211,000 to the Florida ECOs between 2004 and 2010 and has supported candidates in many states.<sup>179</sup> Betsy, Helen and Richard DeVos, collectively gave \$542,500 directly to the All Children Matter Florida ECOs. Betsy DeVos also served as the chair for the American Federation for Children.

All Children Matter has drawn national attention in Ohio and other states due to election law violations.<sup>180,181</sup> Questions about All Children Matter's unpaid fines relating to campaign finance violations received significant media attention when Betsy DeVos was confirmed as U.S. Secretary of Education in 2017.<sup>182</sup>

Wealthy individuals contributing to the All Children Matter ECOs in Florida included the Estate of John Walton and Jim and Alice Walton, children of Walmart founder Sam Walton. The Walton Family Foundation has been a significant supporter of charter schools and national charter school associations.<sup>183</sup> The Walton family contributed \$7,243,750 to the All Children Matter committees in Florida between 2008 and 2016.

Other notable contributions to All Children Matter came from:

- Robert and Patricia Kern of the Kern Family Foundation in Wisconsin, which supports the Charter School Growth Fund. The Kerns gave All Children Matter \$300,000 in 2004.
- William Oberndorf, based in California, serves as the current chair of the American Federation for Children. He gave the committee over \$500,000.
- New York hedge fund investor Julien Robertson contributed \$500,000.
- The former chair of the American Enterprise Institute, Bruce Kovner, gave \$400,000.

Many of the out-of-state donors made contributions of over \$100,000 in each election cycle, including Dino Cortopassi, the former CEO of Stanislaus Food Products in California, and Richard Sharp, the former Circuit City CEO and co-founder of CarMax.

## **Florida Federation for Children**

The Florida Federation for Children received large contributions each cycle from the American Federation for Children Action (AFC) between 2010 and 2016. According to the organization's website, AFC performs lobbying and grassroots advocacy in the states and Washington, D.C., and uses the action fund to support and oppose state-level candidates for elected office.<sup>184</sup>

AFC made \$2,147,518 in contributions to the Florida Federation for Children ECO between 2010 and 2016. It gave an additional \$100,000 to the ECO in 2016 before the primary but it appears that this money was returned in late October just before the general election.

Other large contributors to the Florida Federation for Children included:

- Jim and Alice Walton, who gave the ECO \$500,000 in 2016. Jim and Alice Walton have already given the ECO \$600,000 for the 2018 cycle.
- John Kirtley, the committee's chair, made \$754,500 in contributions from 2012 to 2016.
- Charter Schools USA made steady contributions to the Florida Federation for Children each cycle, making a total of \$410,000 in contributions between 2012 and 2016.
- Academica made a \$100,000 contribution in 2012.
- Other individuals contributing over \$100,000 include: Roger Hertog, Allan I. Jacob and John D. Baker II, a member of the board of trustees of KIPP schools in Jacksonville.
- Virginia James, chairwoman of the Empire Foundation for Policy Research and founder of A Better Chance ABC scholarships, also gave \$100,000.

The Florida Federation for Children ECO is still active in the 2018 election cycle with large contributions already being made by wealthy donors such as Gary Chartrand (\$25,000), Kirtley (\$100,000) Jim Walton (\$400,000) and Alice Walton (\$200,000).

## **American Federation for Children Action**

AFC is the largest national advocacy organization promoting school choice in the nation. It is often highlighted in the press as an organization that funnels “dark money” into state races to support candidates.<sup>185,186</sup> The American Federation for Children Action Fund made \$2,588,498 in contributions in Florida from 2010 to 2016, all of which went to ECOs.

The vast majority of their contributions went to the Florida Federation for Children. The group also contributed \$371,980 to other ECOs, including The Committee for Florida’s Education, Inc., Floridians for Effective Leadership, Inc., Main Street Leadership Council, Florida Chamber of Commerce Alliance, Inc., the Liberty Foundation of Florida and Taxpayers for Integrity in Government.

## **Candidates and Parties**

While funneling contributions into committees appears to be the dominant channel through which charter school industry campaign funds have moved, individuals and groups affiliated with the industry have made substantial political contributions to candidates and parties as well.

Several examples of large contributions made to candidates and parties between the 1998 and 2016 cycles:

- John Kirtley made \$1,474,140 in political contributions.
- Gary Chartrand, Jacksonville marketing executive and chair of the local governing board of KIPP Schools Jacksonville, contributed \$502,819. Chartrand was appointed to the Board of Education in 2011, and at one point served as chair, where he was an outspoken supporter of charter schools.<sup>187</sup>
- The Apollo Group, parent company of the University of Phoenix and the owner of an online charter school business called Insight Schools, Inc. until 2011,<sup>188</sup> made \$510,300 in contributions to candidates and parties.
- John D. Baker II made \$388,350 in contributions to candidates and parties.

## **Charter Schools USA**

One of the largest for-profit charter school management companies in Florida, Charter Schools USA, has consistently been a large political donor. Its contributions have been smaller than those of the larger political committees, but they are still significant. Contributions from Charter Schools USA, its founder and CEO, Jonathan Hage, and the company's real estate affiliate, Red Apple Development, have collectively totaled at least \$1,056,843 between 1998 and 2016. They also spent \$2,273,000 lobbying the Florida Legislature between 2007 and 2017. (See the section on lobbyist expenditures below.)

Hage was the former research director for Jeb Bush's Foundation for Florida's Future before founding Charter Schools USA and Red Apple Development. Most of the company's schools are in Florida, but it also manages charters in a number of other states. Charter Schools USA has 84 schools across seven states, 54 of them in Florida.

Earlier this year, Charter Schools USA applied for a new K-6 school in Marion County. The Superintendent of Schools recommended that the school board deny the application because she did not believe that company officials had "the best interests of students at heart." She believed that they were more interested in profits.

The school board denied the application by a 4-1 vote, largely because the new school planned to use Public Education Capital Outlay (PECO) dollars for construction. The school board chair expressed concern that if the school failed, the property would have been owned by Charter Schools USA rather than the taxpayers. Some estimated that the district would have lost \$50 million in funding over the next decade if the school had moved forward.<sup>189</sup>

## **Academica**

Academica, which manages over 100 schools in Florida<sup>190</sup> has been called "Florida's richest charter school management firm."<sup>191</sup> The company gave \$1,442,101 in contributions between the 2002 and 2016 election cycles to candidates, parties and committees. This includes contributions made by the company itself and the company's affiliates, such as School Development HC Finance, Southwestern Grant LLC and Civica, as well as those made by company founder Fernando Zulueta and his brother Ignacio Zulueta, who manages School Development HC Finance. They also spent \$685,000 lobbying the Florida Legislature between 2007 and 2017.

The majority of Academica contributions were made by School Development HC Finance (\$1,150,100), an affiliated property management company. According to its website School

Development HC Finance works “to alleviate concerns related to finance, design, permitting, and construction” for charter schools.<sup>192</sup> School Development HC Finance has already contributed \$282,000 for the 2018 election cycle.

A 2011 Miami Herald investigative report<sup>193</sup> found that the Zuluetas had more than two dozen property management companies receiving more than \$9 million a year in management fees, paid for with public tax dollars, from South Florida charter schools. At that point the Zuluetas owned more than \$115 million in South Florida real estate that was exempt from property taxes because the land was leased to Academica’s public schools. Those companies collected \$19 million in lease payments in 2010 with nine schools paying rents over 20 percent of their revenue, at a time when 13.5 percent was the average in Miami-Dade and Broward.

The Herald report found that, on average, Academica schools’ leasing Zulueta-controlled properties in 2010 paid rents amounting to 16 percent of their revenue, while Academica schools renting from independent landlords paid 11 percent. The report also found that Academica schools in its Mater Academy chain had stockpiled more than \$36 million, held by a nonprofit corporation, while its Somerset Academy chain had amassed assets of \$25 million.

Academica has benefitted greatly from relationships with lawmakers such as Representative Manny Diaz, chief operating officer for Doral College. Rep. Diaz is credited with championing HB7069,<sup>194</sup> passed during the 2017 legislative session, which requires local school districts to share capital outlay funds with charter schools, providing Academica millions of dollars each year. One analysis found that Academica would receive over \$13 million in public dollars for capital improvements this year due to the new requirement.<sup>195</sup>

Academica has enjoyed political influence through relationships with other lawmakers as well. State Senator Anitere Flores served as college president to the Doral Academy and former State Representative Erik Fresen, brother in-law of Fernando Zulueta, lobbied for Academica prior to holding office. He also worked for Civica, an Academica-affiliated company, after leaving office. From 2002 to 2006, Academica also hired Representative Ralph Arza as a consultant while he sat on the House Education Committee.<sup>196</sup>

Several other management companies made sizable contributions, such as K-12 Management, (\$325,000) and Accelerated Learning Solutions (\$45,000 in 2016).

## **Political Parties and Leadership PACs**

Companies and individuals interested in expanding the charter school industry move large sums of money through national organizations such as the American Federation for Children, which then funnels the money into ECOs such as the Florida Federation for Children. Most of this money

is then spent on consultants and communications efforts. However, charter school interests still spend a significant amount of money directly on parties (\$1,709,016 since the 1998 cycle), as well as candidates for cabinet positions (\$75,703 since the 1998 cycle) and allies such as Representative Manny Diaz, with his Better Florida Education PAC (\$29,000 from 2012-2016). Governor Scott and his Let's Get to Work PAC have received \$66,000 from charter school interests since 2010.

## **The 2018 Election Cycle**

The spending patterns described above are continuing in the current 2018 election cycle. As of July, \$42,500 had been contributed by for-profit charter school interests to candidates, \$1,876,275 to committees and \$105,000 to political parties and affiliated committees.

The largest contributions made by companies so far for the 2018 election cycle were made by School Development HC (\$287,000), Charter Schools USA (\$143,000) and S.M.A.R.T Management (\$51,000). The highest contributions by individuals were made by Jim Walton (\$475,000), John D. Baker II (\$208,950) and Gary Chartrand (\$154,550).

The Florida Federation for Children ECO has received \$800,000 in contributions, with \$600,000 of that coming from Jim and Alice Walton. Jim Walton also gave \$75,000 to John Kirtley's Florida Education Empowerment PAC. American Federation for Children Action (AFC) is also putting money into Florida Education Empowerment PAC, contributing \$11,000 so far this cycle. Those are the only contributions AFC has made. The Florida Education PAC has raised \$279,000 total from charter school interests.

Charter Schools USA has already made contributions to Governor Scott's Let's Get to Work PAC, Richard Corcoran's Watchdog PAC, Representative Manny Diaz and his Better Florida Education PAC, Bill Galvano's Innovate Florida PAC, Jack Latvala's Florida Leadership Committee PAC, and Kirtley's Florida Federation for Children ECO and Florida Education Empowerment PAC. Red Apple Development has also made contributions to the Better Florida Education and Let's Get to Work PACs and the 8isGreat.org. PAC that supported Amendment 8.

Charter School Capitol Inc., S.M.A.R.T. Management, School Development HC Finance, Charter Schools USA, Kirtley and several other individuals collectively gave \$188,000 during the current cycle to Corcoran's Watchdog PAC. Another \$32,500 went to Senate President Joe Negron's Treasure Coast Alliance PAC prior to the legislative session.

The 8isGreat.org political committee raised \$167,032 in support of Amendment 8 by late summer, with the Republican Party of Florida making the largest contribution (\$100,000). Other sizeable contributions have come from charter school interests such as Red Apple Development, LLC,

(10,000) and Greenaccess, LLC, (\$15,000), which helps foreign individuals obtain green cards (permanent legal resident status) through the EB-5 visa program.<sup>197</sup>

## Charter School Industry Lobbying Influence in the State Capitol

Florida law requires companies, including charter school companies and their affiliates, to report their lobbying expenditures in a range which is then aggregated to produce an estimated expenditure for legislative lobbying.<sup>198</sup> Executive branch lobbying expenditures, which are not aggregated, are excluded from the following discussion.

Based on the aggregated estimates, Charter Schools USA from 2007 through 2017 spent the most on legislative lobbying (\$2,273,000), followed by K12, Inc. (\$905,000). Academica, Imagine Schools, the Florida Charter School Alliance and others spent a significant amount on lobbyists as well. The top ten companies in lobbyist expenditures collectively spent \$5,328,000.

### Lobbyist Expenditures: Top Ten Charter School Companies (2007-17)

	Top Ten Highest Lobbyist Expenditures	Number of Contract Lobbyists	Total Paid
1	Charter Schools USA	85	\$2,273,000
2	K12, Inc.	32	905,000
3	Academica	40	685,000
4	Imagine	32	420,000
5	Florida Charter School Alliance	15	265,000
6	Educational Management Corp.	15	205,000
7	Charter School Capital, Inc.	6	155,000
8	Red Apple Development	5	155,000
9	Accelerated Learning Solutions, Inc.	6	135,000
10	KIPP	26	130,000
	<b>Total</b>	<b>262</b>	<b>\$5,328,000</b>

From 2007 through 2017, all companies affiliated with the for-profit charter school industry in Florida spent more than **\$8 million** collectively on lobbyists to represent them before the legislature, as shown below. Lobby spending is trending upward with spikes in 2013 and 2015.

### Total Lobbyist Expenditures 2007-17 by Charter School Industry

The charter school companies together hire roughly 30 legislative contract lobbyists each year,<sup>199</sup> with the top ten companies listed above averaging about 20 to 25 lobbyists per year. The top ten companies alone hired 262 contract lobbyists between 2007 and 2017.

<b>Year</b>	<b>Lobby Expenditures</b>
<b>2017</b>	\$ 757,000
<b>2016</b>	\$ 690,000
<b>2015</b>	\$ 1,972,000
<b>2014</b>	\$ 820,000
<b>2013</b>	\$ 1,760,000
<b>2012</b>	\$ 430,000
<b>2011</b>	\$ 555,000
<b>2010</b>	\$ 335,000
<b>2009</b>	\$ 275,000
<b>2008</b>	\$ 280,000
<b>2007</b>	\$ 270,000
<b>Total</b>	<b>\$ 8,144,000</b>

## **Charter Companies' Conflicts of Interest**

Efforts by the charter school industry to shape policies in their favor have been aided in recent years by officials in the Florida Legislature who stand to benefit directly from the expansion of this education model. A number of high-powered legislators have either worked for charter schools or charter companies or had immediate family members involved with charters.

Richard Corcoran, the outgoing Speaker of the Florida House of Representatives, made the expansion of charter schools a top priority during his time in office.<sup>200</sup> His wife, Anne Corcoran, is the founder and a board member for Classical Preparatory School, a Pasco County charter school that opened in 2014.<sup>201</sup> She also serves on the not-for-profit board for the Tallahassee Classical School, which has successfully appealed a decision by the Leon County School Board denying their application for a new school in Leon County.<sup>202,203</sup>

Both Richard and Anne Corcoran have deflected criticisms about conflicts of interest by arguing that Anne Corcoran is simply an unpaid proponent for liberal arts education, including charter schools. They argue further that, as an attorney, she has likely lost money due to the time she has dedicated to the schools and that the House speaker has always been a proponent of school choice, regardless of any connections with charters.<sup>204</sup>

Another lawmaker with direct ties to the charter school industry is Representative Manny Diaz, a member of the House Education Committee<sup>205</sup> who also serves as chair of the K-12 Appropriations

Subcommittee.<sup>206</sup> While serving in these prominent roles that influence education policy and funding, Diaz also serves as chief operating officer for Academica-affiliated Doral College in Miami,<sup>207</sup> where he receives a six-figure salary.<sup>208</sup>

Diaz has been called one of the most pro-charter school voices in the House and has consistently championed legislation expanding the reach of charter schools in Florida since he was elected to office in 2012.<sup>209</sup>

Senator Anitere Flores served in the Florida House of Representatives from 2004 to 2010 and has served in the Senate since 2010. She previously worked for Doral College, serving as the president until 2015. Since then she has worked as development director at the nonprofit A.C.E. Foundation, which provides support for charter schools.<sup>210</sup>

According to its website, the A.C.E. Foundation uses funding from public and private partners to provide support such as curriculum planning, staffing, marketing support, professional development, direct funding and other resources to charter schools that focus on students from economically disadvantaged backgrounds.<sup>211</sup>

Flores and Diaz have championed bills that would assist online charter schools, limit school district control over privately managed charter schools and provide public funding to build more charter schools.<sup>212</sup>

While Flores and Diaz have direct ties to charter schools, other state lawmakers are involved with foundations or business entities connected to charter schools. Representative Michael Bileca chairs the House Education Committee while also serving as executive director of the Dennis Bileca Foundation,<sup>213</sup> which awarded substantial grant funding to True North Classical Academy, a charter school in Miami.<sup>214</sup>

Corcoran, Diaz and Bileca are credited with driving HB 7069, the controversial education bill in 2017, through the legislative process. Opponents argued that the legislation would lead to millions of tax dollars being directed away from traditional public schools to expand the charter school industry while removing authority from local school boards. They also objected to a rushed legislative process.<sup>215</sup>

The charter school industry has long had allies within the legislature. Academica founder and president Fernando Zulueta's brother-in-law, Eric Fresen, served in the Florida House from 2008 to 2016 and was chair of the House Education Budget Subcommittee. While in office, Fresen worked as a consultant for an architecture firm, Civica, which specializes in building charter schools, many for Academica.<sup>216</sup> Fresen's sister, Magdalena Fresen, also worked for Academica

as vice president and treasurer while he was in office.<sup>217</sup> His wife had worked for a charter school run by Academica before Fresen entered office.<sup>218</sup>

Fresen's personal ties to the industry received significant public attention as he pushed for controversial legislation beneficial to charters. An ethics complaint was filed in 2011<sup>219</sup> due to a failure to list his sister's relationship with Academica after voting on a bill that would allow high-performing for-profit charter management companies to speed up the regulatory process for opening new schools.<sup>220</sup> The Florida Commission on Ethics eventually dismissed the complaint, saying that Fresen had done enough to reveal potential conflicts by disclosing his brother-in-law's connection to Academica.<sup>221</sup> Fresen and other lawmakers with connections to the charter industry can propose legislation that benefits charter schools and vote in support of the bills due to Ethics Commission rulings on conflicts of interest that some consider to be too loose.<sup>222</sup>

John Legg is another former lawmaker who had direct personal ties to a charter school while in office. Legg, a member of the House and Senate from 2004-16, is the founder and business administrator for Dayspring Academy Charter School<sup>223</sup> in New Port Richey.<sup>224</sup> His wife is the primary administrator at the school.<sup>225</sup>

Other former legislators with direct ties to charter schools include Seth McKeel, who was a state representative from 2006 to 2014 and served as the deputy majority leader.<sup>226</sup> He also served at the time as the director,<sup>227</sup> president and member of the governing board for the schools of McKeel Academy in Polk County, a network of public charter schools managed by the Polk County School Board.<sup>228</sup> He first joined the board of the new McKeel Academy Choice School, named after his grandfather, in 1996.<sup>229</sup> John Stargel, husband of Senator Kelli Stargel, has served on the board for the McKeel Academy of Technology since 2013.<sup>230</sup>

Many lawmakers have lobbied for charter school interests. Former House Speaker John Thrasher had represented charter schools as a lobbyist before returning to the Florida Legislature as a senator where he repeatedly proposed easing charter school limits.<sup>231</sup> Former Representative Ralph Arza lobbied for entities such as the Charter School Alliance after leaving office.<sup>232</sup>

Other prominent lawmakers have had loose ties to the charter school industry. Former House Speaker Will Weatherford served on the board for the Classical Preparatory School in Pasco County<sup>233</sup> and was part of another effort to open a new charter school. The application for his new school was denied, and it never opened.<sup>234</sup>

## **Leon County Charter School Microcosm**

The charter school history of the Leon County school district serves as a microcosm of issues prevalent in the charter story throughout the state. Like charters in other districts, Leon has

experienced charter school closures, denials of applications for new charters by the school board and subsequent appeals and a mix of school grades and demographic characteristics. All of the currently operating charters enroll a smaller percentage of students with disabilities than the district's students as a whole, just as most charters do statewide.

The district includes both independently operated charters and one that has contracted with a private for-profit management company. One independently run school pays an annual rental of \$23,000, compared to more than \$1 million for the for-profit operation – a disparity seen throughout the state.

Four charter schools in the district have closed,<sup>235</sup> the most recent being the Imagine School at Evening Rose in 2017, a part of the for-profit Imagine school portfolio. Declining enrollment and a failing school grade led to the closure.<sup>236</sup> (See Appendix for an essay on the Imagine School at Evening Rose by Dr. Sally Butzin, the founder of the Project CHILD instructional system used at the school.)

## **School of Arts and Sciences**

The School of Arts and Sciences was founded in 1999 and has two campuses in Leon County.<sup>237</sup> Its older campus on Thomasville Road serves kindergarten through eighth grade and it has received an A grade every year the school has been in operation since 2003.<sup>238</sup> Under state statute, it is considered a high-performing charter school.<sup>239</sup> Its newest campus serves kindergarten through fourth grade and it received an A grade in its first year of operation.

On its website,<sup>240</sup> the School of Arts and Sciences boasts that it is “consistently one of the highest ranked schools in Leon County and in the top ten percent of schools in the state based on the Florida School Rankings.” The school offers a “unique and proven curriculum” that “emphasizes projects focused on the arts and sciences.”<sup>241</sup> It offers Spanish as a “special area” second language.<sup>242</sup>

The school is run by a not-for-profit corporation and its board of directors meets monthly at one of the school's two campuses.<sup>243</sup> Its board members are all based in and around Tallahassee.<sup>244</sup> The school owns its building at its Thomasville Road location and is making scheduled mortgage payments of \$23,000 annually through 2026. It leases the space for its second school and it pays yearly rent amounting to nine percent of its Base Student Allocation appropriated by the state. Its most recent independent financial audit did not identify any pending fiscal problems.<sup>245</sup>

In its most recent annual report<sup>246</sup> provided to the Department of Education, 60 percent of the School of Arts and Sciences' students were white (the Leon County School District as a whole is

43 percent white), 23 percent were Black or African-American (the district is 44 percent) and five percent were Hispanic/Latino (the district is also 5 percent).

The school listed 13 percent of its students as “disabled” (the district lists 15 percent) and fewer than 10 students as “economically disadvantaged” (compared to 42 percent in the district as a whole.)

## **Tallahassee School of Math and Science**

The Tallahassee School of Math and Science began operation in 2015 after being previously known as Stars Middle School.<sup>247</sup> It serves kindergarten through eighth grade and in its first year of operation in 2016 it received a C grade.<sup>248</sup> In 2017, its grade improved to a B.

On its website,<sup>249</sup> the Tallahassee School of Math and Science says its mission is “to provide students with a well-rounded elementary and middle school education with special emphasis on (STEM) Science, Technology, Engineering, Mathematics, and Reading in the light of research based, proven and innovative instructional methods in a stimulating environment.” It also says STEM education is “critical to ongoing economic success in Florida and that nationwide, growth in STEM careers outpaces that of any other occupational category.”

The school is run by a not-for-profit corporation called Stars Education Services and its board of directors meets at the school periodically during the year. The school leases its facility and for the fiscal year ending June 30, 2017, paid a total of \$343,088 in rent.<sup>250</sup> The lease is through 2026 and rent payments increase yearly by about \$10,000. Its most recent independent financial audit did not identify any pending fiscal problems.

In its most recent annual report<sup>251</sup> provided to the Department of Education (DOE), 37 percent of the school’s students were white (the district as a whole is 43 percent white), 45 percent were listed as Black or African-American (the district is 44 percent) and 13 percent were listed as Hispanic/Latino (the district is five percent).

The school lists nine percent of its students as disabled (the district lists 15 percent) and the school lists 77 percent of its students as “economically disadvantaged” (compared to 42 percent in the district as a whole.)

The Tallahassee School of Math and Science has seen some controversy over its suspected ties to Turkish cleric Fethullah Gulen, who lives in a compound in Pennsylvania.<sup>252</sup> The Turkish government accuses the cleric of masterminding a failed 2016 coup attempt to overthrow the president of Turkey. The cleric denies the accusation.<sup>253</sup>

The Turkish government has also asked education officials in the United States to investigate more than 160 publicly funded charter schools in more than 25 states. The schools were all started by Turkish men said to be inspired by Fethullah Gulen. The Tallahassee School of Math and Science denies it is a Gulen charter school, but it has been reported that it is linked to the Gulen network.<sup>254</sup>

The president<sup>255</sup> of the governing board of the Tallahassee School of Math and Science is also the executive director<sup>256</sup> of the River City Science Academy in Jacksonville which, like the Tallahassee charter school, emphasizes the STEM education<sup>257</sup> favored by the other so-called Gulen schools.<sup>258</sup> It has also been reported<sup>259</sup> that Stars Education Services, which holds the charter for the Tallahassee school, has “strong” links to Turkey and its administrators and staff include Turkish nationals. A Leon County school administrator confirmed in the report that the school offers field trips to Turkey and that the Turkish language is taught in the school.

There have also been allegations<sup>260</sup> that the Gulen schools have abused public funds, funneled money to the cleric’s movement, violated legal requirements surrounding competitive bidding and discriminated against employees on the basis of national origin and gender. It has also been reported<sup>261</sup> that the schools have been investigated by the FBI and other government agencies with accusations of replacing American teachers with Turkish nationals and awarding contracts to affiliated businesses. No charges have been filed against any of the schools.

## **Governors Charter Academy**

Governors Charter Academy opened in August 2012.<sup>262</sup> It serves kindergarten through eighth grade and in its first year of operation in 2013 it earned a C grade.<sup>263</sup> It continued to receive C grades until 2017, when it received a D. In October of 2017, the Leon County School Board approved a school improvement plan for the charter that seeks to raise its grade to at least a C in the next school year.<sup>264</sup>

On its website,<sup>265</sup> Governors Charter Academy states it is a Charter Schools USA school and as such, uses the Charter Schools USA Educational Model. It states their “Guaranteed and Viable Curriculum includes the Florida Standards grouped and mapped in a particular way to ensure they can be mastered within the time given.”

In its most recent annual school accountability report<sup>266</sup> provided to the Department of Education, 16 percent of Governors Charter Academy’s students were white (compared to 43 percent of the district as a whole) 71 percent were Black or African-American (the district is 44 percent) and four percent were Hispanic/Latino (the District is five percent).

The school lists 11 percent of its students as “disabled” (the district as a whole is 15 percent) and 67 percent as “economically disadvantaged” (the district lists 42 percent).

The board of directors for Governors Charter Academy is the same board of directors for 35 other Charter Schools USA schools in Florida. The not-for-profit organization is called Renaissance Charter School Inc. and it lists a Fort Lauderdale address. The board members all have South Florida addresses. The board typically meets monthly and the meetings cover 36 of the 84 charter schools operated by Charter Schools USA. If a parent or a member of the public wants to attend a board meeting, they are asked to come to one of the schools and participate in a conference call.<sup>267</sup>

Governors Charter Academy has a management agreement with Charter Schools USA, a for-profit corporation, to “manage, staff and operate” the school, according to its most recent independent audit.<sup>268</sup> Under the agreement, Charter Schools USA is entitled to cost reimbursements and a management fee for its services, subject to availability of funds. The fee is subordinate to the school’s lease payments to Charter School USA’s sister company, Red Apple Development. In the 2017 fiscal year, the school ran a deficit, so Charter Schools USA did not receive a fee and actually contributed more than \$227,000 to the school to help pay its bills.

Governors Charter Academy pays monthly principal and lease payments to Charter Schools USA’s sister company Red Apple Development, a for-profit corporation. The rent payments are scheduled through May 2043 and total an average of \$1,148,000 a year.

According to the audit, the Governors Charter Academy’s budget deficit increased from \$1,730,000 in 2016 to \$1,841,600 in 2017. It found that the school’s general revenue decreased by about \$200,000 from 2016 to 2017 due to declining enrollment, but the school was able to continue to operate with assistance from Charter Schools USA. The school is currently running an advertising campaign designed to boost enrollment for the 2018-19 school year.<sup>269</sup>

## **New Charter School Applications – Tallahassee Classical School**

In 2018, two new charter school applications were filed in Leon County. Both of the applicants, Tallahassee Classical School and Plato Academy, proposed schools that would offer a “classical” approach to education.

In its application for a K-12 charter school,<sup>270</sup> the Tallahassee Classical School states its mission is to “train the minds and improve the hearts of young people through a content-rich classical education in the liberal arts and sciences.” It also states that students at all levels “will be trained in Socratic Seminars to encourage intelligent, logical, and independent thinking.”

The application lists several elements that would make the school unique, including a requirement that students study Latin informally in the elementary grades with formal studies in Latin beginning in the 6<sup>th</sup> grade and continuing through high school.

The application also states that the Tallahassee Classical School has partnered with the Barney Charter School Initiative, an outreach of Hillsdale College. According to a New York Times report,<sup>271</sup> Hillsdale is a conservative private college of 1,400 students in southern Michigan that describes itself as “nonsectarian Christian” and dedicated to “civil and religious liberty.” The report says Hillsdale has received private grants to foster K-12 schools, funded with public money, that “introduce children to the ancient Greeks and constitutional principles and require the study of Latin.”

The Tallahassee Classical School’s application says it will not discriminate on the basis of race, gender, ethnicity, national or ethnic origin, nor disability in the admission of students. In its application, the school points to two schools as models for success. Both of the model “classical schools” that the Tallahassee Classical School seeks to replicate serve a higher percentage of white students than are in the district and serve fewer Black or African-American students. The schools serve far fewer economically disadvantaged students than are in the districts where the schools are located.

One of the models for success is Mason Classical Academy in Naples, which opened in 2014. According to the Florida DOE,<sup>272</sup> Mason has received an A grade in each of its three years of operation. In Mason’s latest school accountability report,<sup>273</sup> 75 percent of its students were white (the district as a whole has 36 percent white students), four percent were Black or African-American (compared to 12 percent for the district) and 17 percent were Hispanic/Latino (the district is 49 percent Hispanic).

The school lists seven percent of its students as disabled (the district lists 13 percent) and nine percent as “economically disadvantaged” (compared to 62 percent for the district).

The Tallahassee Classical School application also points to the Pineapple Cove Classical Academy in Brevard County as another model. Pineapple Cove received a C grade in its first year in operation in 2016 and an A grade in 2017.<sup>274</sup>

In its latest school accountability report,<sup>275</sup> Pineapple Cove reports it also serves a higher percentage of white students than in the district as a whole and fewer Black or African-American students. Like the Mason School, Pineapple Cove serves far fewer economically disadvantaged students than are in the district (10 percent in Pineapple Cove compared to 50 percent in the district).

## **New Charter School Applications – Plato Academy**

In its application<sup>276</sup> for a K-8 charter school, the Plato Academy states its mission is to “assist students in achieving their full potential by requiring and nurturing high academic and behavioral standards...” Plato Academy states it uses the SuperiorEd education model, developed by Superior Schools, Plato’s for-profit parent company. Superior ED combines the “Socratic Method with Aristotelean Modes of Persuasion in accordance with Bloom’s Depth of Knowledge.” The Plato Schools require students to learn Greek as a second language and immerses the students in Greek culture including Greek choir, dance and theatrical performances.<sup>277</sup>

Plato Academy Charter Schools is a nonprofit corporation that currently has nine schools in Hillsborough, Pasco and Pinellas.<sup>278</sup> The nine schools share the same governing board. The parent company, the for-profit Superior Schools, contracts with Plato to provide management for the schools, including curriculum and management services. Superior Schools is paid a yearly management fee by each Plato school.<sup>279</sup>

The Plato Academy’s Leon County application<sup>280</sup> says it is seeking to “replicate the high-performing Plato Academy Seminole Charter School.” The Plato Seminole School has received an A grade in every year of operation since 2013.<sup>281</sup>

According to its most recent audit,<sup>282</sup> the Plato Seminole School borrowed over \$450,000 in 2013 from the Superior School Corporation to make improvements to its leased facility. The loan is scheduled to be paid off in 2020. The school leases its facility from Saint Dustin’s Episcopal Church. The base rent increases by 2.2 percent annually and total payments in 2017 were over \$100,700.

In its Leon County application,<sup>283</sup> the Plato Academy states that the “student body will be diverse in its ethnic make-up and representative of the community.” That is not the case for the Plato Seminole School. According to its most recent school accountability report,<sup>284</sup> the Plato Seminole School reports 76 percent of its students were white (the district is 57 percent white), less than 10 percent were Black or African-American (the district has 19 percent) and 14 percent were Hispanic/Latino (compared to 16 percent in the district as a whole.)

The Plato Seminole school reports five percent of the students it serves were disabled (13 percent for the district as a whole) and 29 percent were “economically disadvantaged” (the district reports 51 percent).

## Leon County School Board

The Leon County School Board met on April 24, 2018 and voted unanimously to reject the two new proposed charter schools.<sup>285</sup> School Superintendent Rocky Hanna asked the board to deny the Plato Academy and the Tallahassee Classical School applications even though both schools could appeal the decision to the State Department of Education, where they will likely win approval. Board members expressed concerns about the new charter schools further segregating the district, which according to a report released last year is one of the most segregated in the state.<sup>286</sup>

At an earlier meeting,<sup>287</sup> Hanna argued the two new schools were not needed. He pointed to a 2016 decision by the Florida Department of Education that denied the district's request to build a new high school because there wasn't enough projected student growth. Hanna argues it's a matter of limited resources and has said, "Every single kid that walks away from our schools walks away with that \$7,200. And arts and music programs in public schools will be the first to go. I don't know how to stop it."<sup>288</sup>

On May 22, 2018 the Tallahassee Democrat reported that the Plato Academy's board had voted not to pursue an appeal of the School Board's decision to the Florida Department of Education.<sup>289</sup> Later in May, the Tallahassee Democrat reported that the Tallahassee Classical School did file an appeal of the County School Board's decision to deny their application to the Florida Department of Education.<sup>290</sup> In the 406-page appeal, the school argued the School Board's denial notice was "void of any competent or substantial evidence to deny" Tallahassee Classical School.

In August 2018, the Charter School Appeal Commission ruled in favor of the Tallahassee Classical School's appeal.<sup>291</sup> Leon County School Superintendent Rocky Hanna said the district will accept the Commission's decision, clearing the way for Tallahassee Classical School to open in 2019.

## Conclusion

Charter school enrollment continues to grow in Florida and across the nation, although at a slower rate than in previous years. The number of for-profit charter schools continues to grow at a rapid pace and now makes up nearly half of all charter schools in the state. Although many charter schools in Florida are high-performing, research has found no significant difference in academic performance between charter schools and traditional public schools.

Charter schools were originally proposed as teacher-run schools that would use innovative techniques to be shared with traditional schools. Over time, the concept changed to set up a competitive relationship between charters and traditional schools rather than a cooperative one.

Numerous studies have found that charter schools strain traditional public schools and school districts financially.

Charter schools have largely failed to deliver the education innovation that was originally promised and envisioned. Some charter advocates have explicitly said their goal is to privatize education by encouraging a for-profit K-12 industry. Today some charter proponents see charter schools, rather than traditional ones, as the “predominant system of schools.”

Since 1998, at least 373 charter schools have closed their doors in Florida, causing problems for some school districts. Local school boards have seen reduced ability to manage the schools in their districts. Proposed constitutional Amendment 8 would have further reduced local school boards’ ability to manage schools and represents an attempt to preempt local control by the state.

The legislature has modified the original Florida charter school law significantly over the years to encourage creation of new charters, increase the number of students in charter schools and to enhance funding of charters, sometimes at the expense of traditional schools. Lax regulation of charter schools has created opportunities for financial mismanagement and criminal corruption.

The charter school industry has spent more than \$13 million since 1998 to influence state education policy through contributions to political campaigns. The charter school industry has spent more than \$8 million in legislative lobbying expenditures since 2007 to influence education policy. Some public officials who decide education policy and their families are profiting personally from ownership and employment with the charter school industry, creating the appearance of a conflict of interest.

### **Policy Options to Consider**

- **Inasmuch as charter schools can be an inefficient and wasteful option for “school choice,” the legislature should evaluate the appropriate amount of funding** the state can afford to offer in educational choices to parents and students.
- **Require for-profit companies associated with charter schools to report their expenditures and profits** for each school they operate.
- **Require charter schools to post on their website their original application and charter contract** along with their annual report, audit and school grade.
- **Charter school websites should include lease agreements**, including terms and conditions and who profits from the lease payments.

- **Companies managing charter schools in more than one school district should have annual audits** ensuring local tax revenue is being spent locally.
- **Add additional criteria for school boards to consider** when reviewing and deciding on a charter school application.
- **Give local school boards more tools to manage** the schools in their districts, including greater contractual oversight and the ability to negotiate charter contracts.
- **The Florida Supreme Court removed Constitutional Amendment 8 from the November 2018 ballot** that would have created a statewide charter school authorizer. However, future attempts by the legislature to establish a statewide charter authorizer may occur and should be opposed. A state charter authorizer would preempt voters' rights to local control of education through their elected school boards, even though local tax dollars would pay for charter expansion.
- **Increase education funding to sufficiently fund all public schools to eliminate competition** between traditional schools and charter schools for inadequate public education dollars.
- **Prohibit charter schools from using public education funds for advertising** to attract new students.
- **Limit the amount of public funds to be used for charter school facility leases** to a certain percentage of the school's operating budget.
- **Require charter schools to report annually the number of dropouts, the number of withdrawals and the number of expulsions.**

## Appendix

The following essay appeared in the Tallahassee Democrat following the closing of the Imagine School in Tallahassee in 2017.

### **From Dream to Nightmare: The Story of Imagine School**

“Imagine the possibilities,” I thought when the Imagine School Company approached me a little over ten years ago about opening a Project CHILD charter school in Tallahassee. This was a dream come true. As the founder of the Project CHILD instructional system and executive director of the non-profit Institute for School Innovation, this would be an opportunity to build a school from the ground up.

We envisioned a “school of the future” that would break the mold from the standard elementary school with single grade classrooms and textbook teaching. Project CHILD would change the traditional approach by cross-grade teaming, technology applications and hands-on active learning through games and projects. It was doubly exciting to partner with Dave Wamsley, who had a dream of an eco-friendly urban enclave called Evening Rose. There would be a variety of homes along a spectrum of prices, including “live above the store” apartments for professionals and artists. It would be a walking community with restaurants and shops close by and anchored by the Imagine K-8 charter school.

We got approval from the Leon County School Board based upon the strong research for Project CHILD, as well great cooperation from the city to quickly secure the permits to get started. The groundbreaking day was cool and beautiful, with city leaders, friends and supporters in attendance. The future looked bright.

The first year was magical. The new faculty received intensive training and coaching from the Project CHILD staff, and I worked to secure partnerships with FSU and Flagler College to have their education students become interns to learn the latest teaching techniques. Parents were excited to see their children happy in school, often coming from schools where they had not been successful.

Then the bottom fell out. The great recession hit and the Evening Rose development went bankrupt. Home construction stopped. And the Florida Department of Education (DOE) dealt a body blow by giving the school an “F” rating after being open only one year. Any new innovation takes at least three years to transform a culture of failure, and most of the students had been failing in their previous schools or had been home-schooled with no baseline comparison test scores. Imagine School never had a chance.

An “F” meant that the DOE took over and sent their “experts” to manage the instruction. This meant that the Project CHILD methods took a back seat, and within a few years Project CHILD had disappeared completely. The school turned into a traditional school, with high teacher turnover and dissatisfied parents.

The Imagine corporate office, which owned the building, began to bleed the school’s finances with management fees and rent. Money for professional development and enhancements disappeared. The faculty consisted primarily of beginning teachers who commanded lower salaries than experienced teachers who could make more and get better benefits in the county system.

I was not surprised to learn that Imagine School is closing at the end of this year. The nightmare is over. Some dreams just aren’t meant to be.

Dr. Sally Butzin is an author and retired educator. She is working on her next book, *Creating Joyful Classrooms: A positive response to testing and accountability*.

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