



How Can the Federal Government Support Integration in Charter Schools?

APRIL 29, 2019 – HALLEY POTTER AND MIRIAM NUNBERG

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The charter school model has the potential to be a powerful tool for promoting school integration. As schools of choice, charter schools typically have the flexibility to enroll students from across an area, rather than being bound to a neighborhood attendance zone. And as schools usually created from scratch, charters can build diversity into their design, choosing educational models designed to appeal to a wide range of families.

In practice, however, charter schools by and large have not realized their potential for integration. Charter schools are more likely than traditional public schools to have either high-poverty or low-poverty enrollment (more than 75 percent or less than 25 percent of students eligible for free or reduced-price lunch, respectively), and less likely to be economically integrated.¹ Charter schools also have higher rates of racial isolation than traditional public schools, with 17 percent of charter schools enrolling student bodies that are at least 99 percent students of color, compared to 4 percent of traditional public schools.²

One reason for the disconnect between charter schools' potential for integration and the actuality of a lack of diversity in the current charter school landscape is public policy. Long before charter schools start enrolling their first

students, a host of decisions about which charter applications are approved, where charter schools may locate, who they may serve, and how they must recruit have already been made. As we explain in our recent report "Scoring States on Charter School Integration," those decisions are shaped in large part by a state's charter school laws and the policies of individual charter school authorizers. However, the federal government also plays a role in shaping charter school enrollment, through policies such as grant programs, funding mechanisms, and reporting requirements.

Several recent reports from The Century Foundation address the role that the federal government can play in ensuring that charter schools enroll and serve diverse groups of students. In "Advancing Intentional Equity in Charter Schools," University of Wisconsin–Madison professor Julie Mead and University of Connecticut professor Preston Green provide a comprehensive framework for policies at the authorizer, state, and federal level to ensure that charter schools address a wide range of equity issues. In "A Bold Agenda for School Integration," TCF researchers Richard Kahlenberg, Halley Potter, and Kimberly Quick provide a variety of federal proposals to integrate public schools of all varieties, district, charter, and magnet. And in "English Learners and School Choice: Policies for Delivering on

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Charter Schools' Equity Potential," TCF fellow Conor Williams makes recommendations for policy supports at the local, state, and federal level to ensure charter school access and success for English learners.

This report takes a more focused approach, specifically examining the main lever that currently exists for the federal government to shape charter school enrollment: the Charter Schools Program (CSP), a large federal grant program exclusively for charter schools. School integration is not part of the defined purpose of CSP, and several aspects of the program actively work against integration. While there are a few ways that the current program supports diversity, there is much more that can and should be done to leverage CSP as a tool for encouraging a more integrated charter school sector.

This report begins with a brief background on CSP, then identifies opportunities and obstacles for charter school integration that currently exist in the program, and finally makes recommendations for changes to CSP that could result in charter schools playing a larger part in helping to integrate America's schools.

Overview of the Charter Schools Program

The Expanding Opportunities through Quality Charter Schools program, usually referred to as the Charter Schools Program, is a twenty-five-year-old, \$440 million program that supports the creation and expansion of charter schools through several different competitive grant programs.³ CSP has more funding than any of the other federal grant programs focused on innovation and improvement.⁴ As of the 2013–14 school year, over 40 percent of operating charter schools had received money from CSP at some point.⁵

There are three different competitive grant programs in CSP that support opening new charter schools or expanding existing schools. The Grants to State Entities program provides grants to state entities—usually state education agencies, but also statewide charter school boards, governors, or charter school support organizations—

to provide subgrants to allow applicants (known as charter school “developers”) to create new charter schools or expand or replicate existing charter schools.⁶ More than thirty states have active CSP state entity grants, and the bulk of CSP funding (almost 80 percent in 2018) is typically devoted to these grants.⁷ The Grants to Charter School Developers program provides grants directly to applicants proposing to open a new charter school in a state that does not currently have a state entity grant. And the Grants for Replication and Expansion of High-Quality Charter Schools program, known as the CMO (charter management organization) program, provides grants to CMOs from any state to open more charter schools in their networks. CSP also includes several other grant programs aimed at supporting charter school facilities and disseminating best practices.

Opportunities for Integration

There are a few ways in which CSP currently creates an opening for diversity. Diversity is not explicitly stated as one of the purposes of CSP, but several of the goals for the program that are listed in the statute are consistent with racial and socioeconomic integration. To begin with, CSP is intended to increase the number of “high-quality” charter schools.⁸ Given the decades of research demonstrating that socioeconomically and racially integrated schools produce stronger student outcomes, on average, than segregated schools, there is an argument to be made that diversity can and should be part of the definition of quality.⁹ Another one of the program goals is to “evaluate the impact of charter schools on student achievement, families, and communities.”¹⁰ Once again, although the impact on community demographics and diversity is not specifically named, this overall purpose would seem to support an analysis of charter schools’ impacts on school integration. Finally, CSP is also charged with expanding opportunities for English learners, students with disabilities, “and other traditionally underserved students.”¹¹ To the extent to which racially and socioeconomically integrated schools are also serving a population that is diverse in terms of disability and language, this goal should also overlap with the work of intentionally diverse charter schools.

In addition to these areas of general alignment with the goals and outcomes of school integration, CSP contains some explicit support for diversity in the CMO program. The statutory requirements for CSP in the Every Student Succeeds Act (ESSA) include a priority in the CMO program for applications from CMOs that “plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies” as one of four priorities named in the law, alongside preferences for demonstrating success working with low-performing schools, serving high school students, or focusing on dropout recovery.¹² In the latest CMO grant competition, schools that met this priority were eligible for up to three extra points out of one hundred on their application.¹³

This priority in the CMO program is the only explicit promotion of school integration in CSP; however, several other aspects of the program could be interpreted to support intentionally diverse charter schools, among other charter school models. As part of the reauthorization of CSP under ESSA, new language was inserted clarifying that charter schools receiving CSP funds may use weighted lotteries to “give slightly better chances for admission” to educationally disadvantaged students, as long as such practice is not prohibited by state law and the charter school is not being designed to serve exclusively that population of students.¹⁴ This type of weighted lottery may be used to promote intentional integration, although, as is explained in the following section, the specific way in which CSP’s guidelines for weighted lotteries have been interpreted also prevents charter schools from using some of the lottery designs most effective for encouraging diversity.

Several requirements in the Grants to State Entities program also indirectly support integration. The program requires that states must address geographic diversity when awarding subgrants, ensuring that schools in urban, suburban, and rural areas are represented, and that states must support charter schools in their efforts to develop and use “recruitment and enrollment practices to promote inclusion of all students.”¹⁵

The fact that CSP contains any explicit support for diversity at all is notable. Specific attention to diversity is largely

missing from state charter school policies. For example, of the forty-three states plus the District of Columbia with charter schools, only six require charter school authorizers to consider the diversity of the student body and the charter school’s effect on enrollment demographics in other schools, and only fifteen require applicants for school charters to submit detailed plans for student recruitment that explain how the school will reach out to families with diverse backgrounds.¹⁶

However, as the next section explains, these direct and indirect supports for integration in the CMO program and the Grants to State Entities program are at times undermined by other aspects of CSP.

Obstacles to Integration

Alongside the opportunities for school integration that CSP provides, the program also contains a number of obstacles that limit the potential for its grants to support charter schools designed to advance integration.

Some of the grant programs under CSP contain competitive preferences for serving low-income or at-risk students that in practice favor schools with high concentrations of poverty, rather than those that give disadvantaged students access to integrated learning environments. The Grants to State Entities program contains a competitive priority—worth up to three points out of the total eighteen points available through five different competitive priorities—for states that demonstrate support for charter schools that serve at-risk students. There is no similar priority for demonstrating support for charter schools that serve diverse student populations in the Grants to State Entities program.¹⁷ While the CMO program does have a competitive priority for schools serving diverse student bodies, the two absolute priorities for the program have the potential to undermine the diversity priority. In order to be eligible for the competition, CMOs must meet at least one of two absolute priorities named in the program: being located in a rural community, or serving a student population that is at least 40 percent low-income.¹⁸ This means that non-rural CMOs that serve less than 40 percent low-income students—even if their low-

income enrollment is representative of the socioeconomic diversity of the broader community being served—are not eligible for the program.

The federal guidelines for the use of weighted lotteries under CSP are also potentially limiting to school integration efforts. One promising sign is that CSP policies with respect to weighted lotteries have become more permissive in recent years. Prior to 2014, the U.S. Department of Education did not permit charter schools receiving CSP funds to use any sort of weighted lottery. In 2014, the department changed its guidance for the CSP to allow schools to use weighted lotteries—but only if their policies were specifically allowed under state law, leaving charter schools in states where the law was silent or unclear with respect to weighted lotteries still unable to take advantage of this tool.¹⁹ Then, in 2018, as part of the reauthorization of ESSA, changes to CSP opened up weighted lotteries as an option for any school, as long as state law did not explicitly prohibit their use, removing this obstacle in many states.²⁰

Other limitations on the use of weighted lotteries remain under CSP, however, based on the mechanisms for prioritizing certain student groups and demographic characteristics that may be considered. CSP allows only weighted lotteries that “give slightly better chances to admission” to “educationally disadvantaged students.”²¹ The first half of this definition has been interpreted in U.S. Department of Education guidance to mean that CSP recipients may not use a “set-aside” model of admissions, in which a fixed portion of seats are reserved to be filled first with only students from the target group, such as a policy to reserve 50 percent of seats for students who qualify for free or reduced-price lunch. A weighted lottery can generally be designed to yield the same expected enrollment target as a set-aside by adjusting the weight given to students in the target population based on the composition of the applicant pool; but set-asides in some situations are simpler and more effective tools for achieving integration, and are used by many district schools, such as the middle schools in District 15 in Brooklyn, New York.²² The restriction on using set-asides in the lotteries of charter schools receiving CSP funds is an unnecessary limitation on the tools available to schools to create diverse enrollment.

Similarly, the weighted lotteries allowed under CSP may only be weighted in favor of educationally disadvantaged students. However, in some cases, in order to increase integration of the student body, a charter school may need to increase enrollment of non-disadvantaged students. Lotteries that reserve portions of seats for both disadvantaged and non-disadvantaged students, in order to achieve enrollment that is representative of the community, have been used in other public schools. In Chicago magnet schools, for example, seats are divided evenly between students from four socioeconomic tiers, which are determined by matching students’ home addresses with an analysis of U.S. Census data on a wide range of factors: median family income, adult educational attainment, percentage of single-family households, percentage of home ownership, percentage of population that speaks a language other than English, and the performance of public schools in that neighborhood.²³ Charter schools, including those receiving CSP funds, would benefit from being able to develop similarly sophisticated lotteries that ensure diverse enrollment by coupling a fair and random selection process with a lottery design based on the diversity of the community being served.

Recommended Changes to CSP to Provide Greater Support for Integration

As it stands, CSP provides a few inroads for intentionally diverse charter schools, but it also sets up a number of roadblocks to integration. The following recommendations outline ways that federal policymakers in Congress and at the U.S. Department of Education could change CSP policies to increase support for diversity.

Build Integration into the Purpose of the Program

Legislators should make enrolling diverse student bodies an explicit part of the purpose of CSP, alongside its current priorities, which include increasing the number of high-quality schools, evaluating the impact of charter schools and communities, and expanding opportunities for underserved students.

Expand Priorities for Diversity

CSP currently includes a priority in the grants to charter management organizations (CMOs) that “plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies.”²⁴ However, there is no comparable priority for the grants to state entities (which make up roughly 80 percent of CSP funding) that would encourage states to include a similar priority in their sub-grants to charter schools, nor is there a priority in the federal grants to individual charter school developers in states without state entity grants. Policymakers should add similar priorities in each of the grant programs.

A few of the state entity applications provide examples of what state proposals for encouraging diverse charter schools might look like. Although there is currently no direct incentive to do so, a few states have included affirmative supports and encouragement for integrated charter schools in their CSP state entity applications. New York State Education Department (NYSED)’s most recent grant application for a CSP state entity grant, which was approved, is the most robust example, including several new provisions for promoting diverse charter schools. According to their proposal, NYSED will use its CSP funds to incentivize the development of new charter schools that serve intentionally diverse student populations by providing up to 25 percent more start-up funding to schools that meet this criterion, and will place a new focus on encouraging weighted lotteries to support diversity, including providing schools with training and technical assistance in setting up a lottery weighted for diversity.²⁵

In North Carolina, where charter schools on average enroll more white students and fewer low-income students than district schools,²⁶ the latest CSP application requires charter schools receiving subgrants to implement weighted lotteries to enroll more disadvantaged students, provide transportation for students, and participate in the federal free and reduced-price lunch program.²⁷ And Colorado, in which charter schools have likewise historically enrolled fewer low-income students than district schools, gives additional points in applications for subgrants to charter schools that

use a weighted lottery or recruitment tools in order to enroll a representative proportion of educationally disadvantaged students.²⁸

Adding a competitive priority in state entity grants for encouraging high-quality charter schools with racially and socioeconomically diverse student bodies could encourage other states to include similar provisions in their subgrant applications.

Revise the Priority for Serving a Low-Income Demographic

The current absolute priority for schools serving at least 40 percent low-income students in the CMO competition, and a similar priority that has been proposed to be included in the next round of the developer grants,²⁹ is a blunt instrument that could at the same time reward some schools for serving far fewer low-income students than are in their surrounding community, while punishing other schools for serving a representative sample of low-income students in areas with low overall poverty rates. A better priority would require charter schools to serve a proportion of low-income students that is within a defined range of the demographics of the community that they are serving, such as falling within fifteen percentage points above or below the percentage of low-income students in the community. Charter schools should be allowed to define the geographic bounds of the community in line with their enrollment policies, with the option of including multiple school districts or a portion of a larger school district. Likewise, charter schools should have the option of using census data rather than district school enrollment for this comparison, to account for communities in which the district school enrollment differs considerably from the demographics of the school-age population, due to high rates of private school attendance, homeschooling, or students transferring to other districts.

Require Data on School Demographics and Comparison to Surrounding Schools

The state entity, developer, and CMO grants should also require applicants to submit data on actual or proposed

charter school demographics, along with a comparison of those demographics to that of surrounding schools serving similar grade levels. The application process for the federal Magnet Schools Assistance Program provides an example of what this requirement might look like in practice.³⁰

In a similar vein, the U.S. Department of Education should include an analysis of the impact of CSP on school integration as part of their overall program analysis. Under the requirements in ESSA, the department must look at the impact on student achievement, but there is no mention of demographics or other school and community impacts.³¹

Expand Allowances for Weighted Lotteries

As noted earlier, CSP's current restrictions on the use of weighted lotteries limit several admissions tools that can be very helpful for encouraging integrated enrollment. CSP's allowance for weighted lotteries should be expanded to include "set-aside" style admissions that reserve a set portion of seats for the target population. In addition, charter schools receiving CSP funds should be allowed to use lotteries that reserve seats or provide preferences for both educationally disadvantaged students and non-disadvantaged students in an admissions system designed to create integrated enrollment reflective of the diversity of community being served.

In addition, the Grants to State Entities program could be leveraged to encourage states that currently prohibit weighted lotteries to change their policies. A newly created priority for states that encourage high-quality, diverse charter schools could include as one of the requirements for satisfying the priority that a state must allow charter schools to use weighted lotteries to promote diversity.

Conclusion

In response to the ongoing debates about charter schools and school segregation, some charter school supporters deflect blame by asserting that charter schools have neither the responsibility nor the ability to address a problem that

is much bigger than the charter school sector. To be sure, charter schools, which enroll 6 percent of public school students nationwide,³² are not the main contributor to the intractable problem of racial and socioeconomic segregation in schools. Neighborhood segregation, gerrymandered school attendance zones, fracturing school districts, and institutional and individual prejudices are almost certainly all much larger contributing factors. But while charter schools are not the main contributors to school segregation, they also have the potential to be positive forces for integration—as the growing number of diverse-by-design charter schools across the country are demonstrating.³³ Rather than blaming them for segregation, parents, educators, advocates, and policymakers alike should reclaim charter schools' potential to be vehicles for integration, by changing both practice and policy.

While the primary responsibility for charter school policies rest squarely with states and authorizers, the federal government can play an important role in shaping charter school policies and practices through CSP. When it comes to encouraging integration in charter schools, this federal lever could help to fill in some of the many gaps in state laws that do not address or actively discourage charter schools from serving diverse student populations. Unlike most state policies, CSP already has some groundwork laid for supporting diverse-by-design charter schools, but there is much more that can and should be done through CSP to support the role of charter schools in helping to promote school integration.

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