



Charter Conversation Starter

Just the Facts on Public
Charter Schools in Tennessee



Key Points

- ▶ Charter schools are public schools. Attendance is free; schools cannot cherry-pick students or require admission requirements, cannot be religiously affiliated, and are more accountable than traditional public schools.
- ▶ Charter schools in Tennessee's four largest districts serve a higher percentage of minority, economically disadvantaged, and disabled students than the district-run public schools.
- ▶ Research suggests charter schools, specifically in cities like Nashville and Memphis, give students the equivalent of 40 additional learning days in math and 28 days in reading, with large gains for minority, low-income, and special needs students. Charters are also quickly closing the achievement gap.
- ▶ Adding an additional charter school authorizer and decreasing the cost of facilities can help these innovative and independent public schools expand to reach more Tennessee students.

Introduction

Tennessee's public education system has seen monumental challenges and reforms over the past few years. With the pandemic revealing weaknesses in the current education system, teachers, legislators, and especially parents have taken a greater interest in K-12 education. Reforms came not in the usual manner of small tweaks, but huge steps to better serve students. Two major reforms included updating the student funding formula so that dollars go toward students, not systems, and the addition of an educational choice program for students in the worst-performing districts.¹ Unfortunately, one negative proposed change in the K-12 field was a halt in the growth of the charter schools, which came almost entirely from the far left.

So, what is a charter school? They are public schools, free to all students, but they operate independently, with an individual school governing body instead of direct management by a school district. Charters are also held to the same testing and assessment standards as traditional public schools. These innovative public schools have contracts (or "charters") that outline the deal between the school and the authorizer (typically the local school district), including what they will teach and how they will be held accountable for results. This charter between the school and the district grants more freedom to try new things, like unique teaching approaches or a focus on certain subjects, in exchange for more accountability. These accountability measures come in many layers and can lead

to a school closing if it is failing the students or financial standards are not upheld. In Tennessee, charter schools must also be managed by nonprofit organizations, cannot be religiously affiliated, and must comply with other state regulations such as teacher certification and open records policies.²

In the Volunteer State, the recent discussions around charter schools appear to stem from the governor's push to expand the number of these schools, combined with ill-spoken comments from a college president and charter advocate advising him on the issue last summer.³ These comments have brought scrutiny to charter schools and with it, a fundamental misunderstanding of what they are—or aren't. Detractors claim that charters dismantle public education, cherry-pick students, can be religious, for-profit, and have less accountability than traditional government-run public schools.⁴ Though these criticisms rely on misunderstandings instead of what the law and data show, they have increased in recent years and reflect what is happening nationally: a shift from bipartisan support for charters to far left politicians actively attacking them.⁵

At the federal level, President Joe Biden added further regulations to the Charter School Program in 2022—reversing the stance the Obama-Biden administration took just a decade ago, when it called for greater federal

investment in the program.⁶ An Obama for America campaign sheet stated, “Barack Obama and Joe Biden will double funding for the Federal Charter School Program to support the creation of more successful charter schools, particularly in high-needs school districts where students continue to be trapped in under-performing schools.”⁷

Most recently, Senator Cory Booker, who oversaw monumental growth of charters during his time as mayor of Newark, New Jersey, and even wrote a *New York Times* op-ed calling for his party to support them, switched his position and voted in favor of Biden's recent charter restrictions.⁸ Well-known figures like Hillary Clinton and Bernie Sanders have also reversed their charter support.⁹ Between left-of-center politicians flipping from championing charters to demonizing them, the increasing volume of activist and legislator rhetoric, and the politicization of nearly every facet of our society, it's no wonder there are so many questions about what charter schools are, the students they serve, and the purpose they fulfill.



History of Charter Schools: A National Perspective

The original idea for charter schools did not come from a conservative politician or right-wing think tank, but from an English teacher and professor in New England. In 1974, Ray Budde wrote a paper, “Education by Charter,” tackling the public education system’s failures and outlining what might happen if teachers were given autonomy to run a public school outside of their district’s control.¹⁰ The idea failed to gain traction at the time, but following the release of “A Nation at Risk”—the landmark 1983 report from the United States National Commission on Excellence in Education describing the issues and failures in public education—teachers, reformers, and parents alike began to think of ways to better serve students.¹¹

Budde published an updated paper in 1988, reiterating the idea of charter schools.¹² That same year, Albert Shanker, then-president of one of the nation’s largest unions, the American Federation of Teachers (AFT), began advocating for charter schools, reasoning that previous reforms seeking to change the whole education system had failed.¹³

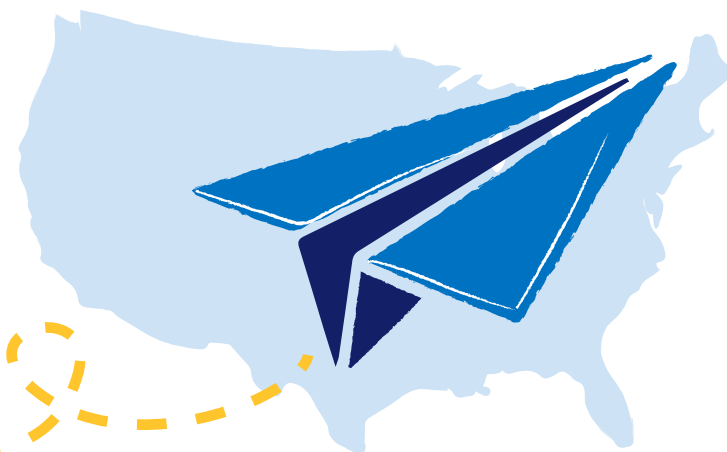
“We’ve got to admit to ourselves that even though people have known the system doesn’t work, and even though there have always been reformers, it hasn’t changed; and it hasn’t changed because we’re trying to change everybody at the same time.”¹⁴

–Albert Shanker

He advocated for teachers to be given more freedom from red tape, to create autonomous schools that could provide a public education that is free for all while being able to build on positive results instead of beating teachers down through bureaucratic state and district-wide rules.

Based on these ideas and a new state open-enrollment law, the Minnesota Legislature passed the nation’s first charter school law in 1991.¹⁵ The following year, three educators in St. Paul, Minnesota created and opened the doors to America’s first charter school, City Academy, which is still in operation today.¹⁶ Nine years after the legislation passed and results were seen and studied, the law received the “Innovations in American Government” award.¹⁷ The state senator who wrote the bill was proud the charter legislation was finally being recognized, but stated that “public education is the real winner.”¹⁸

These innovative, independent schools differ from traditional public government-run schools in many ways, but also share some important characteristics. The similarities and differences among those in Tennessee can be seen in Figure 1.



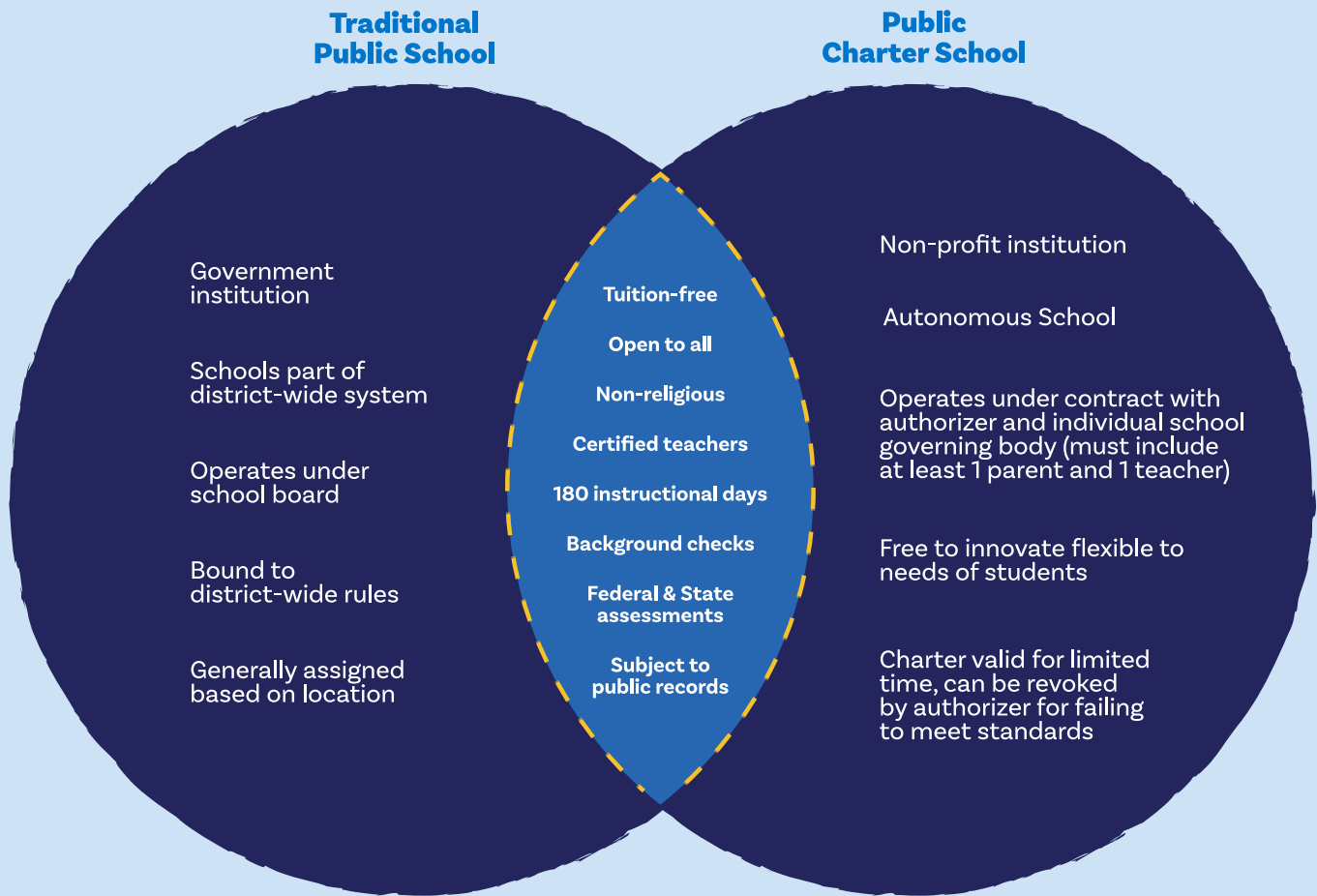


Figure 1.

With freedom from heavy-handed state and district-wide regulations, charter schools can cater to their individual communities of students and teachers in exchange for additional accountability. The most obvious accountability measure is that charter schools failing to meet the requirements of their contracts with the authorizer, or which fail to meet the needs of students and families,

can have their charters revoked. Parents are free to send their children to a school that will suit their individual needs, and can leave if the charter school does not stack up. With charter schools losing all tax dollars for every student that leaves, it is in their best interest to serve students and parents.



The purpose of the law outlines six outcomes:

History of Charter Schools: A Tennessee Perspective

In Tennessee, charters did not become an option for students until a decade after the nation's first charter school opened in St. Paul, though discussions of bringing charter schools to the Volunteer State began in the mid 1990s.¹⁹ The Tennessee Charter Schools Act was introduced in February 2001 and—15 months after deliberation—was signed into law in July 2002.²⁰ The bill passed the legislative branch in true bipartisan fashion.

State Rep. Leslie Winningham, a rural Democrat and veteran educator who held local positions from vice-principal to superintendent while also being involved with the National Education Association and Tennessee Education Association, brought the bill to the House of Representatives.²¹ The Senate sponsor, Republican Ben Atchley, helped usher the legislation through the Democrat-controlled chamber.²² In fact, over the bill's two-year journey to becoming law, both chambers of the state legislature were under Democrat control.²³ Having a Republican senate sponsor and governor who voiced favor for the legislation showed bipartisan support for these innovative schools. "I want to broaden the choices parents have within our system of public education," Gov. Don Sundquist said at the time. "I want to offer teachers and administrators more freedom to innovate."²⁴ Tennessee's first charter school, Memphis Academy of Science and Engineering, opened its doors in 2003 and is still serving students today.²⁵

1. **Improve learning** for all students and close the achievement gap
2. **Provide options** for parents to meet educational needs of students in low performing schools
3. Encourage the use of **different and innovative teaching methods**, and provide greater decision making authority to schools and teachers in exchange for greater responsibility for student performance
4. **Measure performance** of pupils and faculty, and ensure that children have the opportunity to reach proficiency on state academic assessments
5. Create **new professional opportunities** for teachers
6. Afford parents **substantial meaningful opportunities** to participate in the education of their children²⁶

Left Out: Charters Become the Right's Issue

In Tennessee and around the country, charter schools enjoyed years of bipartisan support at all levels of government. Academic gains, closing the racial achievement gap, increased competition, and the accountability built into the agreements between charter

schools and authorizers held up the idea that teachers could better serve students when given the freedom to do so. Figure 2 highlights federal, state, and local political leaders' statements of support for these innovative, independent public schools.



Donald Trump
President (2017-2021)

"Charter schools have tremendous potential to offer students around the country the priceless gift of possibility. As a Nation, we should support the continued success of charter schools and hold our students up to the high standards they are all capable of achieving."¹¹⁵



Barack Obama
President (2009-2017)

"Charter schools play an important role in our country's education system...these innovative and autonomous public schools often offer lessons that can be applied in other institutions of learning across our country, including in traditional public schools."¹¹⁶



George W. Bush
President (2001-2009)

"Charter schools encourage educational entrepreneurs to try innovative methods. They break up the monopoly of one-size-fits-all education. These diverse, creative schools are proof that parents from all walks of life are willing to challenge the status quo if it means a better education for their children. More competition and more choices for parents and students will raise the bar for everyone."¹¹⁷



Bill Clinton
President (1993-2001)

"The idea behind charter schools is that not all kids are the same—they have different needs; they have different environments—but there is a certain common level of education that all kids need, no matter how different they are, and that it would be a good thing to allow schools to be developed which had a clear mission, which could reach out to kids who wanted to be a part of that mission, who could achieve educational excellence for children who otherwise might be left behind..."¹¹⁸



Phil Bredesen
Governor (2003-2011)

"Expanding charter schools provides additional opportunities for more children across the state. Children at-risk will benefit from expanded access to charter schools... while charter schools are not the answer for every child, they increase competition, which is great for public education. As more schools are forced to adopt best practices for all students, our entire system is strengthened."¹¹⁹



Bill Lee
Governor (2019-present)

"Charter schools are public schools. They're part of our public school system...one of the things that's important to me is that children have the option, particularly in our public school system, to go to high-performing schools. We should not relegate children in a particular neighborhood to a poor-performing public school as the only option they have."¹²⁰



John DeBerry
State Representative (1995-2021)

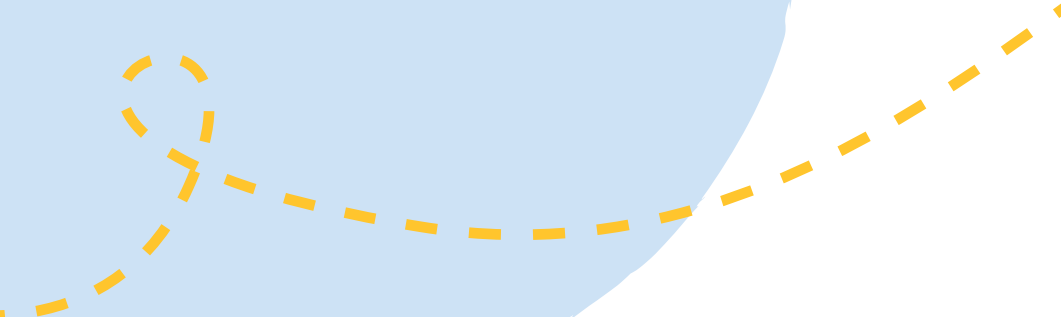
"I think all of us on both sides of the aisle realize that charter schools allowed us to go in a different direction, and to use creativity in the way we educate. Overall, charter schools help us to have a diversity of ways that we educate our young people in this state."¹²¹



Karl Dean
Mayor of Nashville (2007-2015)

"Nashville will not have enough KIPP (charter school)— or enough of any of our other high-quality charter schools - until every single child in the city has the same opportunity."¹²²

Figure 2.



Charter schools have kept teachers, students, and innovation at the forefront. The very idea of them came from an educator, which was applauded by the head of a national teachers union, and the first charter school was organized and led by educators. Similar actions took place in Tennessee, with the bill creating charter schools being brought forth by a veteran educator, passed by a Democrat-controlled legislature, and the first one being established by a Memphis teacher.²⁷

Unfortunately, nobody could guess that from the way progressive politicians talk about charter schools today. In recent years, charter schools have gone from a bipartisan education reform to a policy issue that many left-of-center politicians disparage, despite its wide public support.²⁸

Such a flip-flop support is most clearly seen in the current presidential administration. During his tenure as vice president in the Obama administration, Biden advocated for federal support for charter schools—but he has recently changed his tune. “I am not a charter school fan,” he told reporters on the campaign trail in 2020—and since taking office, his administration has erected additional hurdles to charters.²⁹

Why have charter schools gone from a bipartisan issue to receiving left-of-center distaste? The old saying “follow the money” appears to be true. According to a 2021 article in *New York Magazine*, “The political standing of the idea has moved in the opposite direction of the data, as two powerful forces—unions and progressive activists—have come to regard charter schools as a plutocratic

assault on public education and an ideological betrayal.”³⁰ The author argues that charters lost most Democrat support not due to their results (which as a whole saw immense gains in closing achievement gaps), but because unions were not willing to base teachers’ pay raises on performance instead of seniority.

Rewarding educators for results should be an apolitical issue, as it reflects accountability to students and communities.

Even President Obama said, “Too many supporters of my party have resisted the idea of rewarding excellence in teaching with extra pay, even though we know it can make a difference in the classroom ... [I]f a teacher is given a chance or two chances or three chances but still does not improve, there’s no excuse for that person to continue teaching. I reject a system that rewards failure and protects a person from its consequences.”³¹

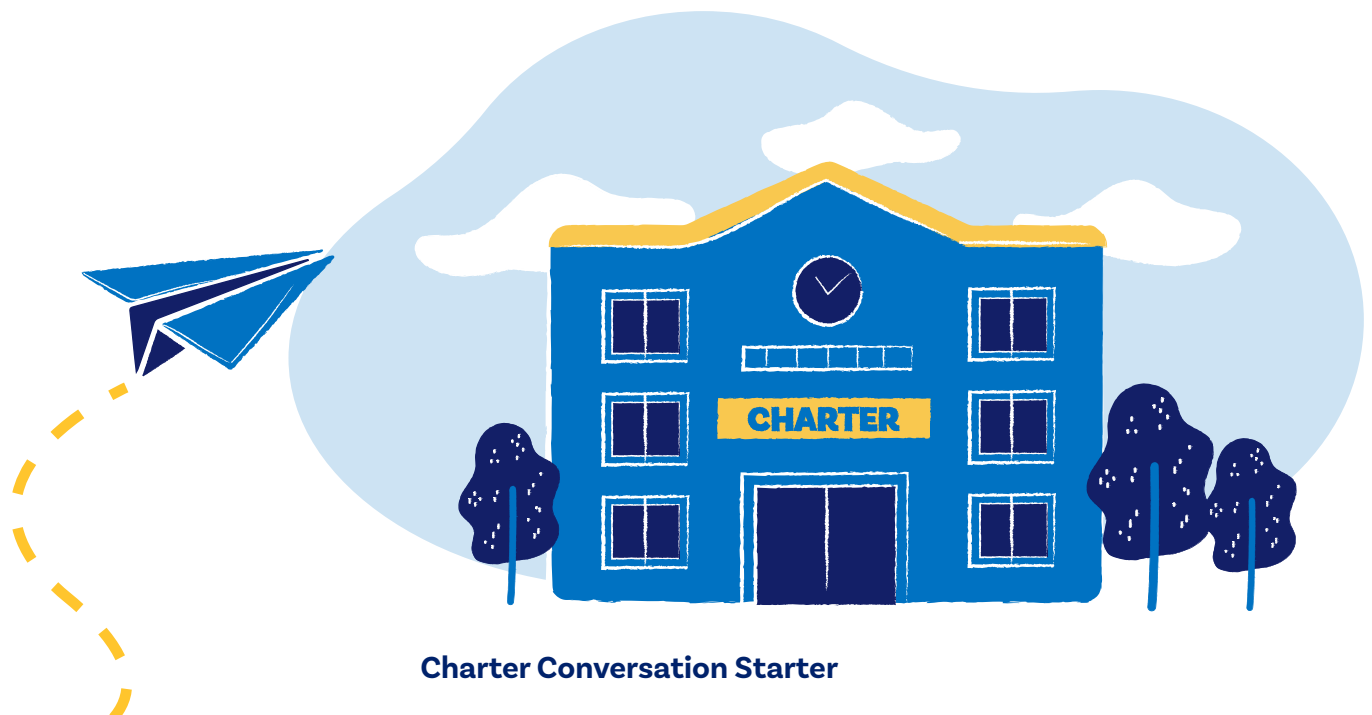
Charters new found freedom from both union and district control was an “essential element” of their success.³² As a result, union leaders, sensing their loss of control, began to turn their backs on charter schools and their political contributions (nearly all of which went to liberal/Democrat recipients) signaled that charters should no longer be supported.³³

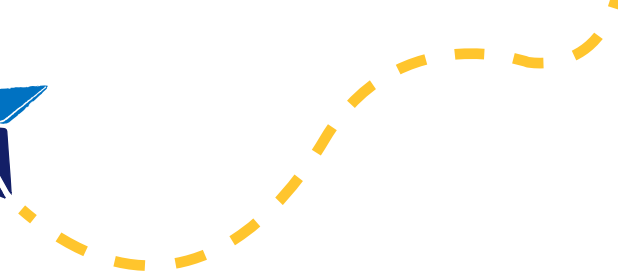
Some progressives have called out the unions for caring more about control than students. Democrats for Education Reform said, “The conflict between [charters] and the union’s presumption that they, rather than school leaders and parents, are the ultimate arbiter of personnel decisions remains a key tension in the public charter school debate today.”³⁴ Meanwhile, pro-charter politicians in blue states received strong opposition from union leaders and highlighted multimillion-dollar attack ads from the union on Democrat school board candidates who supported charter schools.³⁵

Today, the conflict over charters has been skewed so as to not reveal detractors’ true motives: greater union and government control. In an article titled “Time for Democrats to Recognize the Progressive Roots of Charter Schools,” Emily Langhorne, an analyst at the Progressive Policy Institute states that due to low numbers of union members at charter schools, the teachers union leaders have “gone to war against charters,” even going so far as to claim they are “privatizing” public schools.³⁶ Langhorne adds that the accusations against charters are “nonsense” and “born

of self-interest, designed to protect the jobs of mostly white, middle-class teachers and union officials at the expense of mostly poor, minority kids.”³⁷ In a scathing rebuke of union-backed left-of-center politicians, she states that “they betray America’s children—particularly those whose parents lack the money to move into a district with strong public schools or send their children to private schools.”³⁸

Despite polls showing large minority support for charter schools—one even showing that “89 percent of Black Democratic primary voters support a proposal to expand access to more choices and options within the public-school system, including magnet schools, career academies, and public charter schools”—it appears politics may be superseding the outcomes of students struggling in low-performing traditional public schools.³⁹ Unions and special interest groups should not control the conversation around charters on either side of the political aisle. Policymakers should look at what is serving students best, and once again give charter schools bipartisan support because they provide the public school options for students, parents, and teachers.





Charter (mis)Characteristics

Like urban legends that are repeatedly disproven but somehow persist, claims of what charter schools are—and are not—seem to

be a common trend among activists, unions, and politicians. The table below provides context for some of the most common ones.

Claim	Fact
Charter schools cherry-pick students. ⁴⁰	Charters cannot choose individual students or require admission tests, unlike public magnet schools. If more students apply than the school can accommodate, a random lottery is taken through a fair and transparent process. ⁵⁰
Charter schools enroll fewer higher-need students. ⁴¹	Tennessee law requires public charter schools to provide special education services for students in the same manner as all other public schools, and may not refuse to enroll students because of their eligibility for such services. Charter schools also serve a higher proportion of disadvantaged students than traditional public schools. ⁵²
Charter schools privatize public education. ⁴²	Charter schools are public schools, open to all, and cannot deny students if seats are available. ⁵³
Charter school boards are unaccountable and remove parents' voices in concerns. ⁴³	Parents' voices are not silenced, but amplified because Tennessee law requires at least one parent and one teacher to be members of the governing board. ⁵⁴ Charter schools are also bound by their contracts with the districts to uphold standards. District boards have the power to revoke a charter at any time. ⁵⁵
Charter schools hire unlicensed teachers. ⁴⁴	Tennessee law states, "All teachers in a public charter school must hold a valid Tennessee educator license," though other states have different standards. ⁵⁶ Note: Licensure did not stop at least one traditional public school district in Tennessee from hiring unlicensed educators for key positions. ⁵⁷
Charters aren't held to the same academic standards. ⁴⁵	Charters must meet performance standards, requirements, and administer the same state assessments as traditional public schools. ⁵⁸
Charters can be religiously affiliated. ⁴⁶	Tennessee law clearly states that "a nonpublic school...or other private, religious, or church school, shall not establish a public charter school." ⁵⁹
Charters are for-profit. ⁴⁷	All charter schools nationwide are public schools, and Tennessee law stipulates that "a charter shall not be granted to a for-profit corporation." ⁶⁰ Only California and Arizona allow for-profit management organizations to hold charters. ⁶¹

Claim	Fact
Charters have less accountability. ⁴⁸	In addition to being bound by the charter agreement with the authorizer, revocations of charter for schools that fail to uphold the agreements, parent and teacher representatives on the school’s governing body, state assessments, and open-records policies, charters are highly accountable, especially to students and families. As schools of choice, they strive to attract and keep students to receive funding. By comparison, a family must move outside of the district or attend a non-public school before a traditional public school district loses state education funding.
Charters perform no better, if not worse, than traditional public schools. ⁴⁹	Research shows in Tennessee, 59 percent of charter schools received the highest growth rating on state assessments—nearly twice as much as the state average of 31 percent. ⁶² Additionally, a national study on urban charters shows their students experience higher academic growth than district schools, especially for historically disadvantaged groups. ⁶³

Though both political parties now disagree on charter schools as a solution to educational troubles, as schools of choice in the public education system, families support them in droves. Following Minnesota’s charter law,

45 states and the District of Columbia have adopted laws allowing charter schools to operate. During the 2019–20 academic year, more than 7,500 charter schools served more than 3.4 million students nationwide.⁶⁴

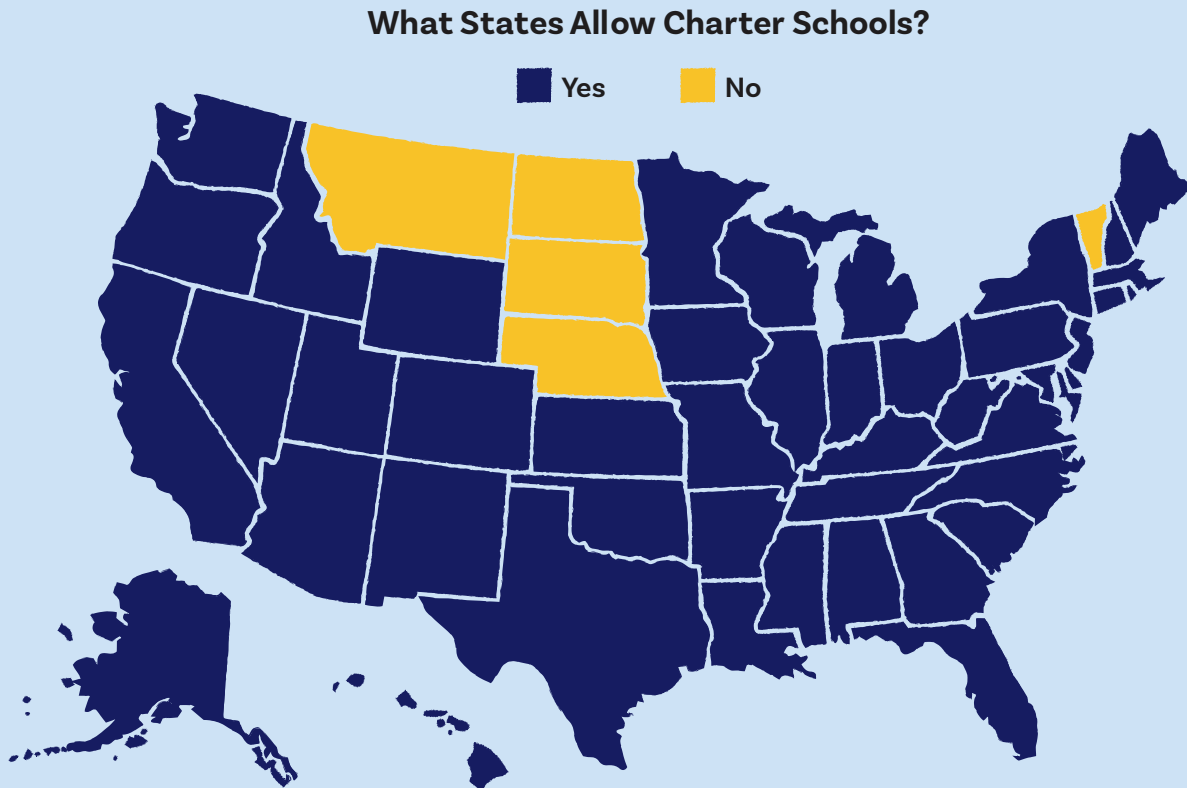


Figure 4.

Growth of Charter Schools in Tennessee

In the nearly 20 years since charter schools became an option in Tennessee, enrollment has grown to approximately 44,000 students spread among 118 schools, with 4.3 percent of all Tennessee students attending a charter

school.⁶⁵ Figure 5 shows the most recent data from the Tennessee Department of Education displaying the rapid growth seen in both enrollment and the number of charter schools being established.

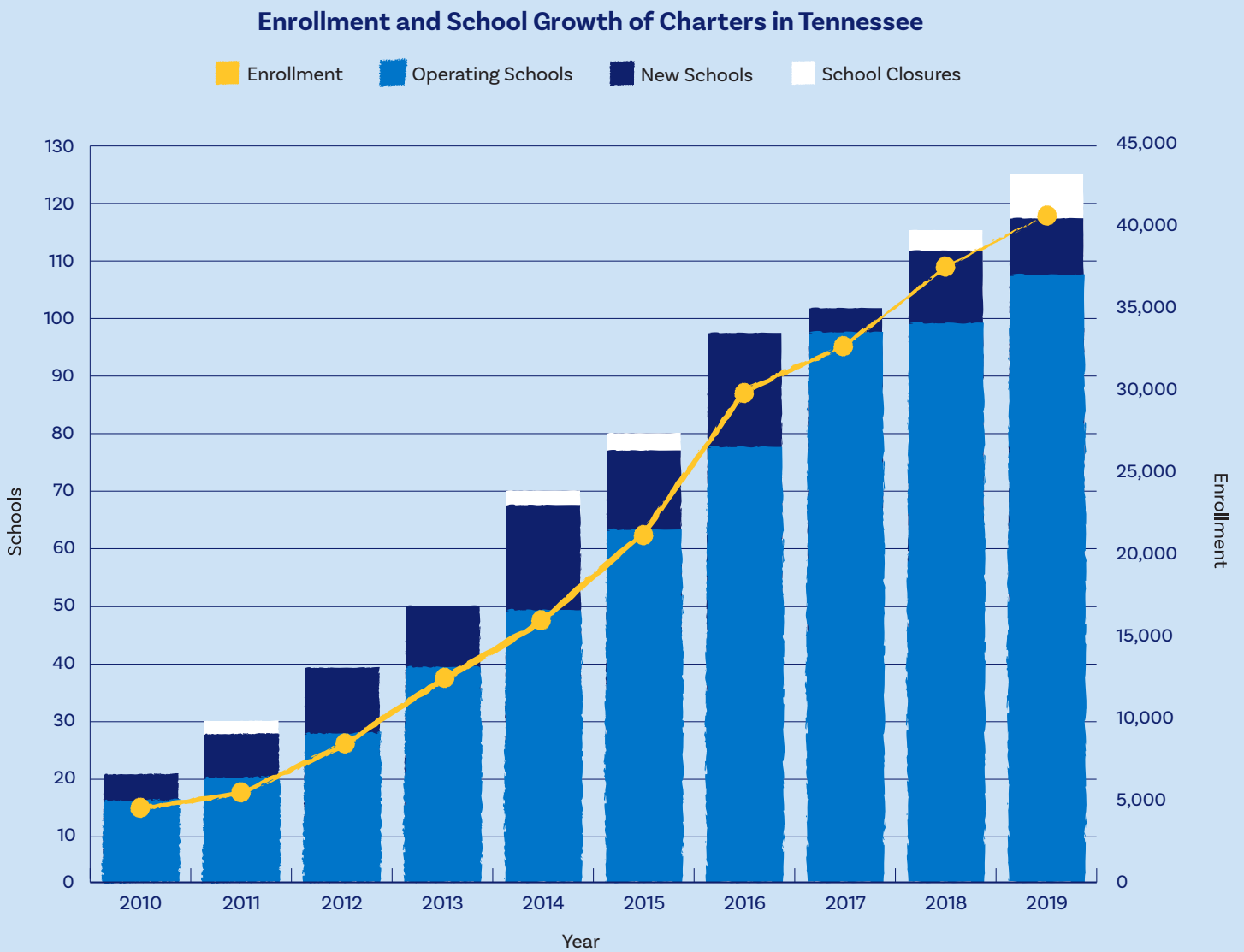


Figure 5.

Metro Nashville Public Schools’ Open Data Portal shows that every charter currently operating with at least one year of data saw enrollment growth.⁶⁶ On the other hand, looking at 123 currently operating traditional public elementary, middle, and high schools, only 48 had increased enrollment, with 75 experiencing a decrease.⁶⁷ The gains in charter schools and losses in traditional

public schools suggest students and families are actively choosing charter schools as the best available option. For the last 10 years, MNPS-authorized charters’ enrollment has grown from 4,001 students in 2013–14 to 13,658 in 2022–23. During the same period, MNPS district-run elementary, middle, and high schools’ enrollment dropped from 77,006 to 66,445, as seen in Figure 6.⁶⁸

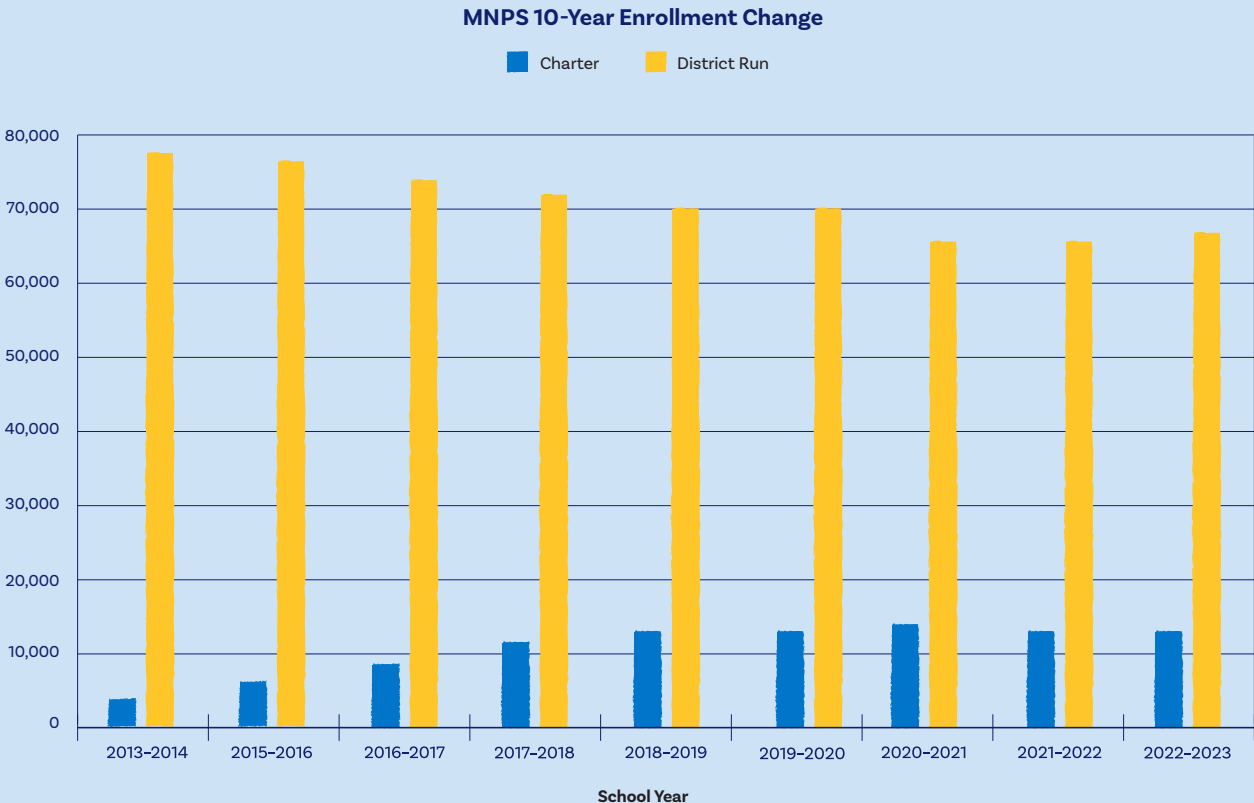


Figure 6.

Since Governor Sundquist signed the Tennessee Charter Schools Act of 2002 into law, charters have only operated in the state’s four biggest districts (Metro Nashville, Memphis-Shelby County, Hamilton County, and Knox County), but that changed in the summer of 2022, when Rutherford became the first county to approve a charter school outside of the “Big 4.” One school board member who voted in favor of the charter application noted that with the county population growing so fast, there

was not enough space at traditional public schools, so approving a charter provided the options and seats Rutherford County needed.⁶⁹ In addition to the accountability, academic benefits, and allowance for innovative techniques to be discovered, the Rutherford school board member mentioned another benefit of charter schools: providing seats in fast-growing districts without the need to build an entire school.



Benefits of Public Charter School Options

Thirty-five years after Ray Budde wrote his 1988 paper laying the groundwork for charter schools and 32 years after the first charter school legislation passed, a significant body of research shows Budde’s reforms are working for students and families. The idea and practice of independent public schools with higher standards and that business-education partnerships should be offered to give students real-life training to students, show that charter schools are able to innovate and respond to student needs.⁷⁰

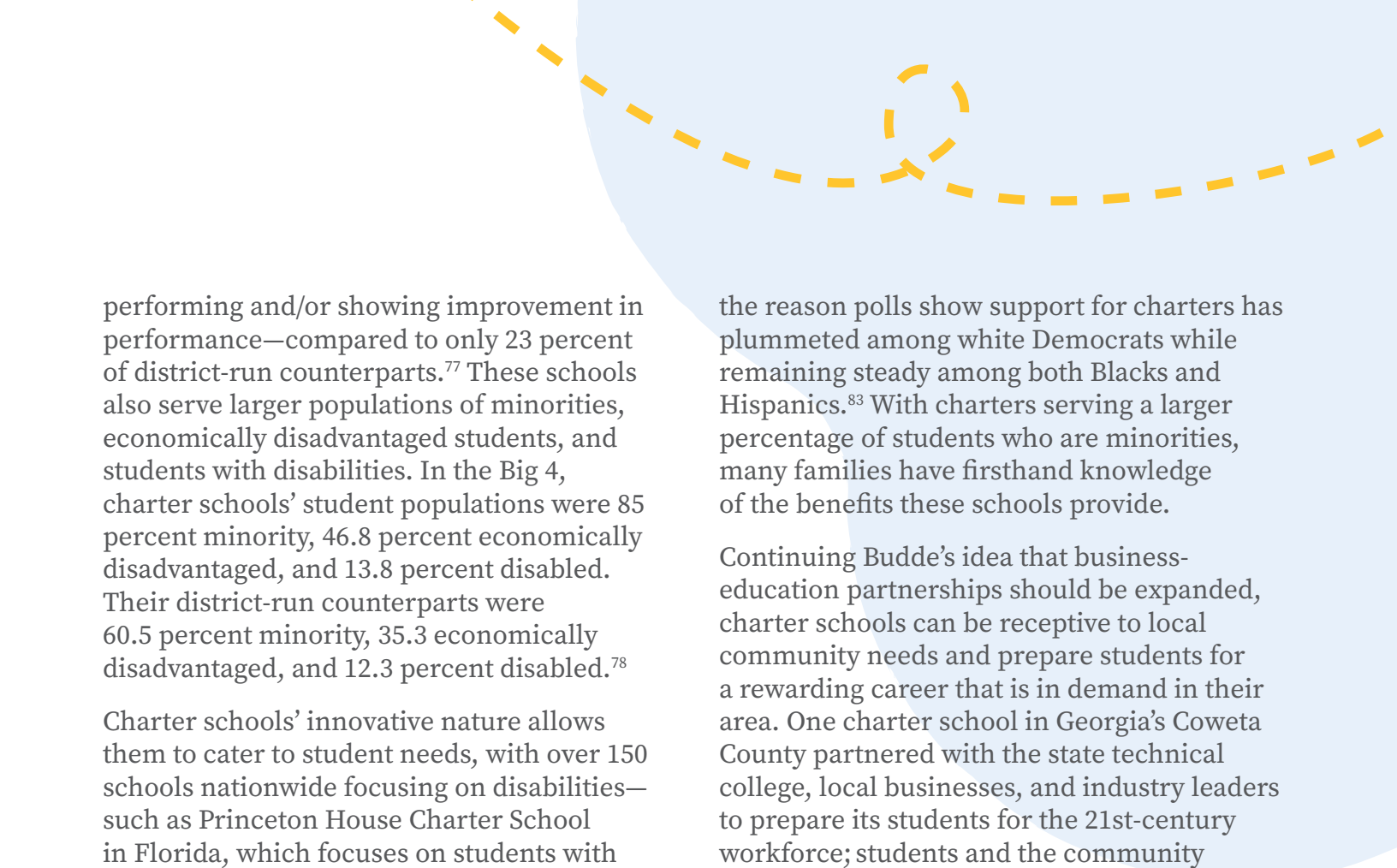
With their flexibility, charter schools can give teachers, students, and parents a wealth of input into the school. For example, Memphis Academy of Science and Engineering focuses on STEM education.⁷¹ A recently opened charter school in southeast Nashville focuses on music, and others around the state and country deliver instruction and keep students engaged in unique ways.⁷² In California, one charter school prioritizes civic engagement, teaching students to take ownership in their community. This charter is “a school built on community service and nurturing responsible citizens.”⁷³

Charter schools’ independence allows successful ones to continue and bad ones to fail. As a whole, they have boosted students’ academic achievement, especially in cities. A Stanford University study of urban charter

schools found their students received the equivalent of 40 additional learning days in math and 28 days in reading, compared to their matched traditional public schools.⁷⁴ The report further validated the benefits of urban charter schools by stating:

Many urban regions (traditional public schools and charter schools combined), such as Boston, Detroit, Indianapolis, Memphis, and Nashville, find themselves faced with large region-wide achievement deficits relative to their state’s average. However, within these regions the charter sectors provide strong growth compared to their local [traditional public schools]. These charter sectors appear to provide their students with strong enough annual growth in both math and reading that continuous enrollment in an average charter school can erase the typical deficit seen among students in their region.⁷⁵

Charter schools in Tennessee are serving a higher percentage of underserved populations compared to their district-run counterparts in addition to beneficial academic achievements.⁷⁶ The most recent data from the State Report Card shows that nearly 26 percent of charter schools in Tennessee are considered “Reward Schools”—that is, high-



performing and/or showing improvement in performance—compared to only 23 percent of district-run counterparts.⁷⁷ These schools also serve larger populations of minorities, economically disadvantaged students, and students with disabilities. In the Big 4, charter schools' student populations were 85 percent minority, 46.8 percent economically disadvantaged, and 13.8 percent disabled. Their district-run counterparts were 60.5 percent minority, 35.3 percent economically disadvantaged, and 12.3 percent disabled.⁷⁸

Charter schools' innovative nature allows them to cater to student needs, with over 150 schools nationwide focusing on disabilities—such as Princeton House Charter School in Florida, which focuses on students with autism, or Damar Charter Academy in Indiana, which serves students with developmental and intellectual disabilities.⁷⁹ To say charters refuse or demur to serve historically underserved students not only is contrary to the data, but goes against the initial reason the nation's first charter school opened.⁸⁰

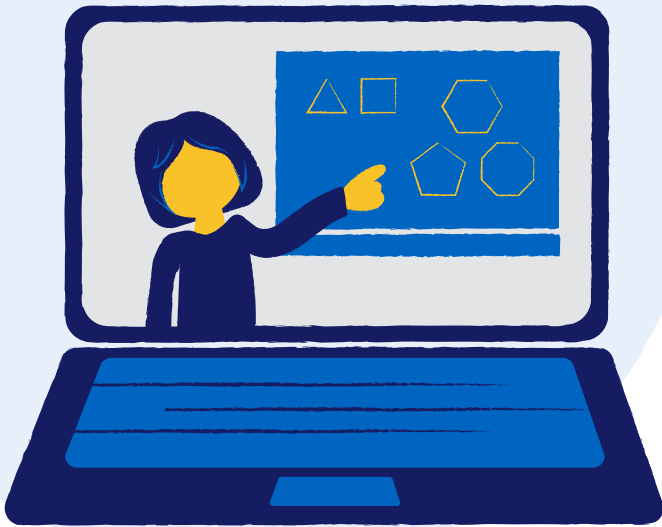
These facts are important because research suggests that “an increase in total charter school enrollment share is associated with a significant narrowing of a metro area's racial and socioeconomic math achievement gaps.”⁸¹ Another study found “learning gains for charter school students are greater by significant amounts for Black, Hispanic, low-income, and special education students in both math and reading.”⁸²

Families seem to agree that charter schools bring results. Remember, charters are public schools of choice. If they are failing students, parents can withdraw their children or the school can be closed. The minority population of the student body may also be

the reason polls show support for charters has plummeted among white Democrats while remaining steady among both Blacks and Hispanics.⁸³ With charters serving a larger percentage of students who are minorities, many families have firsthand knowledge of the benefits these schools provide.

Continuing Budde's idea that business-education partnerships should be expanded, charter schools can be receptive to local community needs and prepare students for a rewarding career that is in demand in their area. One charter school in Georgia's Coweta County partnered with the state technical college, local businesses, and industry leaders to prepare its students for the 21st-century workforce; students and the community alike have reaped the benefits: Yamaha, a longtime employer in the community, was looking elsewhere to expand because the local labor market didn't have the skills it needed at the time.⁸⁴ The collaboration between the charter school and the community provided students with the skills to pursue further education or get a career immediately after graduation.⁸⁵ Yamaha lauded the charter school as the reason it decided to stay and expand in the community.⁸⁶ These types of innovations can allow charter schools to be a pipeline for students from a secondary education directly into a career.

Recently, the pandemic exposed additional ways charters are able to change and adapt as single schools instead of waiting for district-wide changes. With the increase in remote learning, there were differences in how charter schools and traditional public schools responded. Of note, one poll revealed charter teachers felt more supported than traditional public school teachers; those feelings may have played a part in charter schools providing



more real-time instruction, scheduling more group and one-on-one lessons, holding longer office hours, and providing more unscheduled one-on-one sessions for students.⁸⁷ These results mirrored those of a study that found 74 percent of charter schools expected teachers to continue providing instruction during the pandemic, compared to 47 percent of traditional public schools.⁸⁸

Budde also called for higher standards for charter schools, and those are clearly shown through accountability. In Tennessee, the charter-approval process is intentionally slow. State law stipulates that a letter of intent to start a new charter must be filed 60 days before a proposed school founder can apply.⁸⁹ Following that, a proposed school must file an application on or before February 1 the year before it plans to open.⁹⁰ All told, including the authorizer deliberation period and vote, charter schools take nearly two years to open their doors.⁹¹

The application process is also a difficult

and accountable one, involving hundreds of questions, proof of governance, policies, budgets and financials, standards, and the biographies of board members.⁹² Authorizers may charge up to \$2,500 for an application fee, and if the school is approved, the authorizer receives an annual fee of either \$35,000 or three percent of charter funding, whichever is less, from state and local coffers.⁹³

Once a charter begins serving students, accountability is continued through progress reports, detailed financial accounts, annual audits, and performance reports.⁹⁴ If a charter school under performs, being listed as a priority school (low performance and/or graduation rates), authorizers may revoke a charter. Should a school be a priority school for two cycles, its charter is automatically revoked.⁹⁵ Such accountability is not matched in traditional public schools, where priority schools do not face closure and may actually receive additional funding if standards are not met.⁹⁶ Furthermore, since most Tennessee charter schools are approved by a district, charters are independent, but still within district oversight. As such, the district board has the authority to revoke and close a charter school at any time if it fails to uphold the charter agreement.⁹⁷ That means oversight for charter schools is amplified. They are accountable to their authorizers, to their individual school boards of directors (which by state law must include one parent and one teacher), and most importantly, accountable to students and parents.⁹⁸ Being public schools of choice, the determining factor for a charter school is whether students want to attend. Failure to provide positive results can lead families to remove their children from the school, taking their education tax dollars with them.



Recommendations

Charter schools have continued to grow more popular with families, despite union influence and far left politicians turning their backs on a once-bipartisan reform with progressive roots. Even with Tennessee charter schools growing in the Big 4 counties, and the first charter school recently approved outside of them, Tennessee still lags behind the national average in the percentage of students able to take advantage of attending these innovative public schools. Only 4.3 percent of Tennessee public school students are enrolled in charters, compared to 6.8 percent nationwide. In other words, Tennessee's share of charter enrollment compared to traditional public school enrollment is nearly 37 percent less than the national average.⁹⁹

There is room for improvement in how the state's charter school law is written. In an annual report ranking states by the most charter school-friendly statutory and regulatory environment, Tennessee ranks in the bottom half at 26, while states like Florida, Massachusetts, North Carolina, and Washington state are in the top 15.¹⁰⁰ These rankings also suggest that favorable charter school laws are not—or at least at one time were not—a partisan issue.



Another area in which Tennessee can improve access to quality charters is to increase its number of charter authorizers. Historically, Tennessee only allowed local districts (including the statewide Achievement School District) to approve charter school applications, with the State Board of Education acting as an appellate authorizer. Yet the

Charter schools are not granted property or buildings, which requires operators to seek out space for classrooms. State research shows only around 18 percent of Tennessee charter schools own or finance their facilities, with the rest leasing them from property owners.¹⁰¹ Though state law currently allows charter schools to access underutilized and vacant public property, and in 2022, a bill was proposed to allow easier access to vacant sites, charters must still rent or lease the space from government-run public schools and buildings.¹⁰² This is especially a need in more urban areas like Nashville, where the population is growing and private individuals and developers regularly pay above market rate for properties.¹⁰³ Currently, charters must use their tax dollar funding to access tax-funded, traditional public school facilities.¹⁰⁴

Recommendation #1:

Tennessee policymakers can increase opportunities for students and the establishment of new public charter schools by allowing them to more easily access unused or underutilized public property and at lower costs.

State Board appeal duties were transferred to the new Tennessee Public Charter Schools Commission in 2019, with authorization responsibilities starting in 2021.¹⁰⁵ The state authorizer has already helped expand charter options to Tennessee students, though the charter commission cannot directly authorize a school—only on appeal.¹⁰⁶

An additional authorizer would provide further checks and balances in the application process. Tennessee has already seen this to a small degree: In 2021, a local district denied a charter application, but after review from the charter commission, the application was approved. Despite overcrowding in the Rutherford County school system, the local school board was pessimistic, with one member stating there was no need for a charter school.¹⁰⁷ The charter commission found the district “was not transparent and honestly just manipulated the system to try and cause this application to fail.”¹⁰⁸ Other members stated that the school board was playing “games” and the district-review process was “riddled with errors and missteps.”¹⁰⁹ Despite the state finding clear evidence that a charter school could provide benefits to the growing district, the district initially claimed the complete opposite.¹¹⁰

Only 14 states have a single authorizer, and only eight states allow that to be the local school district.¹¹¹ Local districts can be hostile to charter applications, denying

them based on politics and not merit, so additional authorizers provide accountability to authorizers themselves and can increase charter growth. However, policymakers should be aware that states with too many authorizers can see a difference in quality, and some schools may shop for authorizers with lower standards. Implementing memorandums of understanding between authorizers will deter them from trying to steal schools away from each other by lowering standards.¹¹² With local districts already receiving oversight from the state, the clear additional authorizer would be a statewide direct authorizer. If state oversight is beneficial to local school districts, providing direct oversight and authorization capabilities to the state should be welcomed by both state and local officials.

Recommendation #2

Tennessee policymakers should either welcome an additional type of authorizer or allow applications to go directly to the state board initially instead of only on appeal, while staying focused on quality over quantity.



With the implementation of forced virtual learning and data showing charter schools were more engaged with one-on-one interaction during the pandemic, Tennessee policymakers should reconsider their ban on virtual charter schools.¹¹³ Providing additional public options has proven to benefit students’ in-person learning, and that shouldn’t stop

simply because of the way educational material is delivered. Virtual charters not only provide additional educational options and individualized instruction for students, but also professional opportunities for teachers and administrators.¹¹⁴

Recommendation #3

Tennessee policymakers should welcome high-quality virtual charter schools by removing the state ban.

Tennessee’s public charter schools provide a much-needed and much-desired option for families. Through careful consideration, policymakers should build upon these foundations to provide even more public school options to Tennessee students.



Conclusion

The history of charter schools shows how innovative thinking giving teachers the freedom to make their own reforms free of bureaucratic rules have improved the lives and learning of students. With research showing positive effects, it stands to reason that charter schools should be given more bipartisan support now than when they were first introduced; however, union influence and the desire for control seem to overtake students' needs of students in the minds of some policymakers.

Parents and students continue to choose charter schools because they see the results firsthand. This fact alone verifies their value

and accountability. Tennessee policymakers should seek to listen more to the students and teachers in these schools instead of special interest groups. Favorable policies allowing for the growth of innovative, independent public schools have proven to benefit students. While charters are not a magic wand to solve all the ills of public education, they clearly provide benefits to those students, families, and communities that choose them over their traditional zoned public schools—not only through assessments, but overall through accountability.



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