

## **Dumping Kids Out – The Misuse of Charter Schools in New Orleans, Part 1**

Dr. Barbara Ferguson  
Research on Reforms, July 2011  
[bferguson@researchonreforms.org](mailto:bferguson@researchonreforms.org)

Selective retention, called “dumping kids out,” gives some New Orleans charter schools an advantage over other schools. Why is this allowed? Why can some charter schools dump out poorly performing students? The charter school movement was supposed to be the state’s answer to improving failing schools. Yet, while some charter schools try new ways to educate historically low performing or misbehaving students, others simply dump them out. Dumping kids out improves the scores, but it does so at the expense of the other charter and traditional schools, which educate all students. Dumping kids out is a misuse of the charter school concept.

### **Dumping Kids Out by Wrongfully Expelling Them**

Charter schools are public schools, funded by the public for public purposes, the least of not, which is the education of all children and youth. The purpose of public education is to ensure the continuation of our democracy. Education and democracy are intricately intertwined. States with the highest educational attainment rates have the lowest crime rates and the highest economic development status. Louisiana continues to be at the lowest educational attainment level.<sup>i</sup> And, New Orleans has the highest crime rate in the nation.<sup>ii</sup>

Since charter schools are public schools, the reasons for which students can be expelled from them, as from all public schools, are defined in Louisiana law. Since expulsion is the permanent removal from school, the law only allows expulsion for the most serious offenses.<sup>iii</sup> However, many New Orleans charter schools do not abide by Louisiana law on expulsion.

Lafayette Academy charter school, for example, can expel students for sleeping in class, failing to report to the office as directed, disobeying a teacher, cheating, lying, or for any other conduct that is disruptive, disrespectful or disobedient, as determined by the principal.<sup>iv</sup> Lafayette was taken-over because its 2005 performance score was 44.4, and now Lafayette has a score of 77.3.<sup>v</sup> At the time of its takeover, Lafayette could only expel students for the offenses listed in Louisiana law, now it can expel students for just about anything.

Another example is Abramson Charter School, which can expel students for violating daily classroom rules, such as, not being in assigned seats before the tardy bell rings, not bringing pencils or books to class, not raising hands before talking, or not following a teacher’s directions the first time they are given.<sup>vi</sup> Abramson was taken-over because its 2005

performance score was 31.2, and now Abramson has a score of 78.0.<sup>vii</sup> Just like Lafayette, when Abramson was taken over it could only expel students for offenses cited in Louisiana law. Now, it can expel students for just about anything.

The Louisiana State Board of Elementary and Secondary Education (BESE) appears to not know or regulate the discipline codes of the charter schools. At one point, Mr. Chas Roemer, BESE chair of the state's takeover committee (Recovery School District committee), said that charter schools are autonomous and that they can devise their own rules for expelling students.<sup>viii</sup> At a Recovery School District committee meeting in New Orleans, Mr. Roemer said:

“The charter school determines what they can and cannot do autonomously. So that is their decision, their discipline policy, their expulsion policy, their attendance policies, which can be determined at a school by school basis.”<sup>ix</sup>

Subsequently, BESE Executive Director Catherine Pozniak said that charter schools must follow the Louisiana law that governs expulsions.<sup>x</sup> However, charter schools are not required to submit their discipline codes or student handbooks to the state, so it appears that BESE members and staff neither know nor regulate a charter school's expulsion policies.

### **Why this is a Misuse of Charter Schools**

Charter schools are an answer for turning failing schools into successful schools. The charter school movement originated to allow public schools to distance themselves from the local school board governance structure and to govern themselves using a more site-based approach.<sup>xi</sup> Thus, the main difference between charter schools and traditional schools is in the governance structure. Charter schools do not have to follow the cumbersome rules set by local school boards. But, charter schools do have to follow state laws. However, in Louisiana, not all charter schools follow state laws as many devise their own rules for expelling students.

As an answer to educating failing students, charter schools are to develop innovative strategies for teaching. Unfortunately, in several charter schools, the innovative strategies amount to nothing more than dumping failing kids out. These kinds of charter schools are a disservice to the charter school movement and to the many charter schools that focus on the mission of teaching the at-risk, not dumping them out.

Because charter schools in Louisiana are allowed to dump out failing students, an accurate assessment of the charter school movement would require distinguishing schools that dump them out from the schools that are actually developing innovative strategies for teaching the at-risk.

## Other Creative Ways to Dump Kids Out

In addition to expelling students, some charter schools have developed other creative ways to dump kids out. Many have rules that allow them to remove students either during the year or to deny them admission for the following year.

For example, KIPP Central City Primary (grades K-2) has a rule stating that students who are absent or tardy five (5) or more times will be “disenrolled from KIPP Central City.”<sup>xii</sup> At Sojourner Truth Academy, parents must attend one parent meeting a month, and, if a parent fails to do so, the administration will determine whether Sojourner Truth is the proper placement for the student.<sup>xiii</sup>

Not re-enrolling students occurs in some of New Orleans’ premier schools, which had rules for not re-enrolling students prior to the 2005 state takeover. These schools with rules for selectively retaining students were not taken-over by the state, but all did convert to charter school status after the state take-over. Once as traditional schools, and now as charter schools, these schools still have rules for selectively retaining students; and, of course, they still have high performance scores.

These schools are Benjamin Franklin High School, Lusher School and Warren Easton High School. At Benjamin Franklin and at Lusher, students must earn an overall academic 2.0 GPA average to return the following year.<sup>xiv</sup> At Warren Easton, students must earn an overall 1.5 GPA to return the following year.<sup>xv</sup> Ben Franklin’s performance score in 2005, when it was not a charter school, was 200.5 and its score now as a charter school is 169.8. Lusher, in 2005, had a score of 140.7 and its score now is 146.2. Easton, in 2005, had a score of 93.6 and its score now is 92.6. Thus, charter school status did not make a significant difference in these schools, which had student removal policies as traditional schools and now have them as charter schools.<sup>xvi</sup> (Ben Franklin, even though its score is approximately 40 points lower, still retains the highest rating of five stars.)

## Why this is a Misuse of Charter Schools

Traditional schools, with selective-retention policies, were never intended to serve at-risk students. These schools, called magnet schools in federal law, are important in large city school systems because they provide for diversity. Originally, such schools were established just for that purpose, *i.e.*, to attract and retain white middle-class students.<sup>xvii</sup> Even in schools systems that are predominantly minority now, such magnet schools continue to attract middle class students of all racial backgrounds.

The disservice is in classifying such magnet schools as charter schools, and attributing their high performance scores to their charter status, whereas, they had high performance scores prior to

becoming charter schools. A greater disservice is in funneling federal charter school money, intended for the at-risk, to these schools that selectively retain only students who are not at-risk.<sup>xviii</sup>

Other schools that remove students for being excessively absent or tardy, or remove them because parents do not attend parental conferences, act in contradiction to Louisiana law. Unfortunately, the Board of Elementary and Secondary Education does not monitor the student removal processes established by individual charter schools.

### In Conclusion

**Dumping kids out is a misuse of the charter school concept. Louisiana law requires charter schools to address the “best interests of at-risk” students. Yet, many New Orleans charter schools are allowed to dump out the at-risk. This practice causes many ills. First, it becomes impossible to determine the effectiveness of charter schools by comparing them with traditional schools, because traditional schools cannot employ the dumping out policy. Next, dumping kids out shifts the burden of educating the at-risk; it does not address the issue for which charter schools are intended; thus, diminishing the charter school movement. Also, dumping kids out of a public charter school violates public law. Most importantly, dumping kids out of public charter schools burdens the community. For the community to thrive and prosper, the public schools must provide for the education of all children and youth. Charter schools are public schools, but, when they dump kids out they become more like private schools. Private schools are privately funded; whereas, charter schools are publicly funded. And, all publically funded schools should be for the public purpose of educating all students.**

### Endnotes

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<sup>i</sup> U.S. Census Bureau, Statistical Abstract of the United States: 2011. Table 229: Educational Attainment by State.

<sup>ii</sup> Federal Bureau of Investigation, Uniform Crime Report, 2010.

<sup>iii</sup> La R.S. 17:416: Discipline of Pupils, Suspension, Expulsion.

<sup>iv</sup> Lafayette Academy Charter School: Student/ Parent/ Families Handbook, 2010-11.

<sup>v</sup> La Department of Education, District Composite Reports for Lafayette School, Years 2004-05 and 2009-10. See, also, La Department of Education, School Performance and Accountability Reports for the years 2004-05 and 2009-2010.

<sup>vi</sup> Abramson Science and Technology Charter School, Student Handbook, 2009-10.

<sup>vii</sup> La Department of Education, District Composite Reports for Abramson School, Years 2004-05 and 2009-10. See, also, La Department of Education, School Performance and Accountability Reports for the years 2004-05 and 2009-2010.

<sup>viii</sup> Comments by Mr. Chas Roemer, Chair, RSD Committee at the June 9, 2011 Meeting of the BESE Committee of the Whole for RSD Matters. Comments transcribed by Learning Matters, Inc.

<sup>ix</sup> *Ibid.*

<sup>x</sup> Catherine Pozniak, Executive Director, La Board of Elementary and Secondary Education. Comments from email of June 17, 2011: “Charter law requires that local school boards and BESE must ensure that charter applications

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include provisions that comply with the Model Discipline Plan, which states that suspension and expulsion policies are consistent with R.S. 17:416.”

<sup>xi</sup> No Child Left Behind, Title V, Part B: Charter Schools.

<sup>xii</sup> KIPP Central City Primary, Parent/Student Handbook, 2010-11.

<sup>xiii</sup> Sojourner Truth Academy, Scholar Handbook (*not dated*).

<sup>xiv</sup> Benjamin Franklin High School, Student Handbook, 2010-11. Lusher Charter School, Student/Parent Middle School Handbook and Student/ Parent High School Handbook, 2010-11.

<sup>xv</sup> Warren Easton Senior High School, Student Handbook, 2009-10.

<sup>xvi</sup> La Department of Education, District Composite Reports for Benjamin Franklin, Lusher and Warren Easton Schools, Years 2004-05 and 2009-10. See, also, La Department of Education, School Performance and Accountability Reports for the years 2004-05 and 2009-2010.

<sup>xvii</sup> No Child Left Behind, Title V, Part C: Magnet Schools.

<sup>xviii</sup> La Department of Education, Charter School Grant Program, Amounts Allocated to New Orleans Schools: Ben Franklin \$1,078,000 (2005-06); Lusher \$1,686,000 (2005-06); Warren Easton \$400,000 (2006-07).