



Protecting Our Future: A Guide to Restoring and Preserving Our Public School System

The overwhelming majority of North Carolina’s K-12 students are enrolled in public schools. In 1868, our legislative leaders affirmed that a free, sound, basic education was so important to the well-being of our state’s social, cultural, and economic well-being that they included this right to education in **our state constitution**. North Carolina gives our children a right to an education through both the state constitution and state laws making it clear that all children may enroll and none can be denied admission.

NC opened its first “common” school in 1840. The concept of the common school, as initially envisioned by Horace Mann, is a public institution that nurtures and teaches all who live within its boundaries, regardless of any characteristics or demographics. Our forefathers established that taxpayers must bear the responsibility for funding such schools and that funding should be ample and equitable to address the needs of the served community and the best interests of our State. As funders, our taxpayers have the right to examine how schools use tax dollars to educate children. To enable taxpayer rights, tax-funded schools must be accountable to their community; communities must have the right to elect those who govern their schools.

The allocation of hundreds of millions of dollars to privatize public education - thereby removing the governance of schools from communities and diverting that power to private boards, religious institutions, and nonprofit and for-profit corporations - is alarming. Allowing universal school vouchers and nearly unlimited growth of charter schools is undermining our local public schools and will ultimately destroy democratically governed community-based schools.

Publicly funded “market” alternatives distract from the important task of public school improvement on which all of our energies should focus. Instead of spending our money on unaccountable private or ineffective charter schools, we should fully fund our public schools. It is more cost-effective to use our tax dollars to make public education stronger for all children than to turn over the control of our students’ futures to private and for-profit organizations that are draining much-needed funding for our traditional public schools and their communities.

Public schools are “inclusive” community assets that serve the entire community. Private schools and charter schools are “exclusive” and choose who they admit into their schools. Public schools unite us, welcome students from diverse backgrounds and giving them a free, quality education. Public schools play a vital role in creating a strong economic foundation for their local communities and preparing citizens to fully participate in the democratic process.

We challenge all stakeholders to work together to highlight the strength and potential of our state’s public schools and our students’ futures. Privatizing our public education system is in direct conflict with our state’s constitution and its promise to fund the education our children need. We challenge stakeholders **to consider the dire consequences of diverting students and funding from public institutions**. Instead of spending our money on unaccountable private or ineffective charter schools, we must use our tax dollars to make public education stronger for all children. **We believe all schools that receive tax dollars must operate by the same rules and be accountable to the public.** In that spirit, we offer the following reforms to preserve our valuable public education system and protect the students who attend these public schools.

Charter Schools: Two defining characteristics of charter schools are their lack of a publicly elected governing board and their exemptions from many of the state’s laws governing schooling, such as calendar, school meals, bus service, class size and teacher licensure laws. These various waivers allow charter schools to offer significant flexibility to parents that traditional public schools are not allowed to offer, giving charter schools an **unfair advantage** that has resulted in few meaningful benefits to students overall. With almost no guardrails on where they locate, how they expand, their school calendar, teacher certifications, and other waivers, charter schools have siphoned off students, resources, and funding from

public schools making it harder for many public school districts to meet their student needs. At the same time, charter schools have significantly underserved economically disadvantaged students, admit few special needs children, and are often segregated by race and class. Research consistently shows that traditional public schools outperform charter schools. Even when charters report that their students lag behind students in traditional public schools, charter schools have been allowed to expand. The lack of sufficient oversight has contributed to numerous charter schools struggling academically or closing abruptly due to fiscal mismanagement.

For the last twenty-six years, legislators have allowed the charter school program to erode the many cost-efficiencies of having one unified system of public schooling in each community. This is an increasing risk to taxpayers. As a result, the viability of traditional public schools, which are open to all children and which serve all at-risk and special needs children, is being threatened in many communities.

Charter schools are not held accountable for failing to deliver on their original legislative intent. Instead, giving charter schools the flexibility to make financial profits and to compete with traditional public schools for enrollment has created an unfair playing field, one that jeopardizes the sound operation of our traditional public schools. Traditional public schools offer extensive school choice through magnet schools and innovations even though they are bound by state statutes and are 100 percent accountable to the taxpayers, parents, educators, students and the voters who elect their school boards. The flexibility given to charter schools has not yielded improvements that fully funded traditional public schools could have provided if given the same flexibility.

In most states across the nation, local school boards are the largest authorizers of charter schools and they operate much like magnet schools. **NC charter schools should operate under the management of the local elected school board and work cooperatively in partnership** with the local school district. The NCGA should pilot several programs for local boards of education to govern existing charter schools immediately. Until legislation ends charter school autonomy that does not partner with local school districts, we support legislation and regulations that will **make charters more fiscally accountable to the taxpayers** who fund them along with ensuring that the children they serve have a learning environment that is **held accountable for their academic outcomes**.

Such legislation would include the following:

- Transfer of authorization, oversight, and renewal of the charter to the public school district in which the charter school is located;
- A cap on charters at the current number by establishing an immediate moratorium on creating new charter schools, including no further replication or expansion of existing charter schools until accountability and regulations are changed;
- An end to federal Charter School Programs that subsidize charter expansion;
- A process to transform for-profit charters to nonprofit charters and for-profit management to non-profit management organizations;
- Elimination of all federal funding to charter schools run by for-profit corporations;
- The mandate that all disciplinary regulations and due process rights afforded public school students are available to charter-school students;
- Elimination of enrollment privileges in charter schools with the exception of sibling preference;
- Required certification of all school teaching and administrative staff in accordance with public school requirements;
- Complete transparency in all income and expenditures including an annual public audit;
- Open meetings of charter boards, posted at least 72 hours prior on the charter's website, with all meeting minutes posted;
- The obligation that charter schools offer free or reduced-price lunch programs for eligible students;
- The requirement that charter schools offer services and support for students with special needs and students who are not yet proficient in English;
- Publication of annual audits and management contracts on district/school websites;
- The requirement that charter schools follow bidding laws and regulations in accordance with traditional public school requirements;

- The obligation that all properties and equipment owned by the charter school become the property of the local public school district if the charter closes;
- A mandate that all charter facilities meet DPI building codes;
- The requirement that no students be excluded, discouraged from enrolling in a charter school, or counseled/pushed out based on behavior, academic achievement, or special needs;
- Regulations that prohibit charter schools from refusing transfer students mid-year (“backfilling”) if they have available space;
- Mandated public annual reporting of student withdrawal, expulsion, other disciplinary action, and the reason for leaving the school;
- Pro rata reimbursement for the school district (or the state) when students leave a charter school during the school year.

School Vouchers: North Carolina is spending millions of dollars each year on two school voucher programs that use taxpayer funds to pay private school tuition. Specifically, the Opportunity Scholarship (OS) voucher program makes all families eligible to receive a school voucher regardless of their family income or prior public school attendance, thereby allowing any student in the state to receive taxpayer dollars for private school tuition with no regard for financial need. It is important to note that research shows that private or religious schools do not offer a higher quality education for voucher students than our public schools.

Diverting funds to private schools damages our public school system while creating significant cost inefficiencies. All across our state, especially in numerous rural communities, public schools are already struggling to address teacher shortages and provide needed student services due to inadequate and inequitable state funding. Shifting more funds from public to private schools will have a devastating impact on the local economies of these communities.

Private schools, unlike public schools, even those using public tax dollars, do not have to make their financial records public, do not have to have teachers who are licensed or even college graduates, do not require criminal background checks for staff, do not have to teach NC’s standard course of study, do not have to serve free/reduced price meals, offer transportation, or offer special education services.

Private schools choose which students they admit by adopting school admission policies that explicitly discriminate against various groups, or have policies that open the door to discrimination through less obvious language. Public schools admit everyone. State officials say there is little they can do about private schools that discriminate. However, state officials do have the power to ensure that students have unambiguous and explicit anti-discrimination protections codified in voucher legislation and all state laws that govern private schools. Further, they can withhold funding from private schools that violate federal anti-discrimination laws.

Parents have the right to educate their child in a private school. Many charitable and religious organizations provide private K-12 education, sometimes offering scholarship funding. We support the tax subsidy they receive through federal or state tax deductions afforded other charitable organizations. However, we believe that private education should be funded privately, and we oppose the funneling of taxpayer dollars to families to pay for private school tuition. We advocate for a moratorium on all state funding for school voucher programs (i.e., “Opportunity Scholarship Program and ESA+”), instead we request that the state focus on fulfilling the constitutional requirement to support and improve our public school system.

Until school voucher programs are ended, we support legislation that holds private schools accountable to the public for how they spend public tax dollars and for student outcomes. We support regulations that protect students, and families participating in the voucher program.

Such legislation would include the following:

- An immediate moratorium on the creation of new voucher programs or their expansion;

- The requirement that private schools that receive vouchers must not discriminate in any form, including based on religion, gender, achievement, LGBTQ+ status, and disability. This includes discrimination through admission rules, curriculum, hiring, discipline, and dress codes. When a private school accepts public funding, it should comply with the same anti-discrimination and civil rights laws as public schools;
- The requirement that private schools that receive vouchers comply with the Individuals with Disabilities Education Act (IDEA) and Section 504 protections;
- The legal obligation that schools that accept vouchers publicly report student demographic data required of public schools as well as student admission, enrollment, graduation, and attrition data;
- Mandated financial audits of voucher programs, participating private education providers, and third-party voucher-granting organizations;
- Required physical inspections of private schools before they can accept vouchers;
- Mandated state data collection voucher school closures and year-to-year changes in tuition;
- Mandated the same due process rights afforded to public school students and families in all matters of discipline are afforded to students receiving a voucher;
- Required certification of all school teaching and administrative staff in schools that receive vouchers in accordance with public school requirements;
- Complete transparency in all expenditures and income for private schools, micro- schools, and homeschools receiving voucher funding;
- Requirements that voucher students, including micro and homeschool students, participate in the same state testing programs as public and charter students and that student results be made publicly available;
- Required annual audits and management contracts available to the public by postings on state education department websites for all private schools receiving vouchers;
- The obligation that all voucher school facilities meet all building codes;
- The mandate that students receiving a voucher be offered free or reduced-price lunch if they are eligible to receive FRPL in the public school;
- The requirement that all unused voucher funding be returned to local and state sources if the students return or transfer to public schools.

In summary, taxpayers should not have to pay to fragment or dismantle our public K-12 education system. Taxpayers should not pay for educational services that are unaccountable, segregate students, are not cost-efficient, and fail to deliver better educational outcomes for our children in a fair and equitable way. We owe all North Carolinians, including the 70 percent who do not have children in public schools, full accountability for how tax money is spent as well as accountability for student outcomes. The best way to accomplish this is to protect, support, and strengthen **ONE unified school system**, open to all, which is only offered through our traditional public school system. **In the meantime, all schools that receive tax dollars must operate by the same rules and be accountable in the same manner to the public.**

North Carolina's forefathers made public education an essential part of NC's duty to prepare students for responsible citizenship. The first public university in the nation was the University of North Carolina. In 1868, our state played a similar role in the strong investment of a unified public statewide system open to all children. They recognized that public schooling was a way to promote cohesion across social classes, improve social outcomes for all students, and preserve our democracy.

North Carolinians value quality education for our students. Ask your candidates where they stand on privatizing our public schools. Ask them if they agree that we should level the playing field so that any school – traditional, charter, private or home schools – receiving state tax money must use the same rules! Ask them to explain why they do or do not support implementing the legislative suggestions listed above to ensure transparent accountability of our tax dollars and good academic outcomes for our children

Source: A Resolution in Support of Community-based Public Education, a Pillar of our Democracy, The Network for Public Education, October 2023.