

MAY 2016

Backfilling in Charter Public Schools

Overview

Backfilling is the practice of enrolling new students in a charter public school when students leave the school. It can apply to students who enroll in the middle of the school year (e.g., a school chooses to enroll a new 3rd grade student to replace one who leaves in the middle of the academic year) or students who enroll in grades other than the school's "entry point" grade (e.g., a K-5 school chooses to enroll new 3rd grade students to fill open 3rd grade spots at the beginning of the academic year, which is not the school's "entry point" grade of kindergarten). The backfilling issue revolves around two questions: Does a school enroll new students when other students leave? If so, when does the school enroll those new students?

Examples of Current Approaches to Backfilling

Different states and organizations approach backfilling differently, but here are some examples that highlight the diversity of approaches to backfilling:

- **Massachusetts:** In 2010, Massachusetts passed legislation requiring all charter public schools in the state to fill any vacancy up to February 15th, except seats in the last half of the school's grade span. In other words, if a K-5 charter school has a vacancy in 1st grade before February 15th, the charter has to fill the vacancy. But if the vacancy occurs in 5th grade (which is in the last half of the school's grade span), the charter school would not be required to fill the vacancy. It should be noted that this policy was adopted as part of a larger legislative effort to partially lift the cap on charter public schools in Massachusetts, so backfilling was not necessarily addressed in isolation.
- **District of Columbia:** D.C. is attempting to structure a new funding model that will create a compelling financial incentive for charter schools to backfill. While it is still in the early stages of development, the goal is to allow for multiple membership counts at all public schools so schools can be compensated for the students currently enrolled, as opposed to those who never showed up or who left mid-year. This approach creates a financial incentive for charters to keep seats filled so they receive funding associated with students in those seats.
- **Indiana Public Charter School Board:** As an authorizer, the Indiana Public Charter School Board requires its charter contracts to include a commitment on the part of charter public schools to use enrollment practices similar to traditional public schools, which is interpreted as requiring the schools to fill any vacancies that become available.

- RePublic Schools: This charter network with schools in Tennessee and Mississippi backfills their vacant slots with students from their waitlists. The network-level policy cites a commitment and obligation to provide access to a high quality education to as many students as possible.
- Latin American Montessori, Bilingual (LAMB) Public Charter School: On the other end of the spectrum is LAMB in D.C. LAMB only enrolls students at the pre-kindergarten level. LAMB argues that because they commit to graduating their 8th graders fluent in both Spanish and English, they need a full eight years with students to accomplish that outcome. This approach results in their kindergarten classes being significantly larger than their 8th grade graduating classes.

Backfilling Arguments

There are several arguments made on both sides of the backfilling issue. We outline some of them below.

Pro-Backfilling

- Charter schools are public schools. Therefore, they should, by definition, provide open enrollment to every student, no matter when a student decides to enroll. While charter public schools should be allowed flexibility in HOW to educate, they should not be able to dictate WHO to educate.
- Many charter public schools that backfill cite the moral imperative that a high quality public school should attempt to serve as many students as possible. The charter movement was born of a need for more high quality public schools, so if we do not make those schools available to as many students as we can, we are not fulfilling the promise of charter public schools.
- If a charter public school does not fill vacant seats, it becomes more difficult to definitively say that a school's proficiency data is an accurate reflection of its performance. For example, if a charter public school loses a larger percentage of students from its "entry point" class over the years, it is more difficult for an authorizer to determine whether or not a school is making academic gains with students because the start and end points are so different.

Anti-Backfilling

- Charter public schools are distinctly different than traditional public schools. They are set-up to be innovative and are given the space to create a rigorous and comprehensive school culture. Allowing students to enroll mid-year significantly derails a school's ability to sustain a coherent school culture.
- If we require charter public schools to backfill, we lose the balance of autonomy and accountability that the public charter school model is predicated on and invite regulatory creep into other areas as well.
- Traditional public schools are not required to backfill. The vast majority of school districts are

required to enroll students at any point in the year, but they are not necessarily required to enroll a student in his or her neighborhood school at any point in the year. Charter public schools are usually one-school entities without the same capacity as a school district.

Options for Future Work on Backfilling

As states and organizations tackle the backfilling issue in their respective jurisdictions, we offer the following options for them to consider as they work to better understand and address this complicated issue.

Gather Data

One option is to lead the conversation by compiling the quantitative and qualitative data in order to define the scope of the issue. While there are a small number of jurisdictions that have looked at enrollment data and compared beginning and end of year enrollment in charter schools (such as New York City and D.C.), too few places have taken a comprehensive look at enrollment data that could speak to the existence of backfilling policies at the school, authorizer, and state level. A charter support organization (CSO) or other organization could lead a working group to answer the following questions:

- What do enrollment trends (specifically, beginning of year versus end of year enrollment) look like in charter public schools in the jurisdiction in question?
- If the analysis is looking across multiple jurisdictions, is there a significant difference in enrollment trends depending on the citywide enrollment share of charter schools?
- What backfilling policies exist at the state, authorizer, charter management organization, and school level?
- Is there a significant difference based on the grade level served by the school? Are backfilling policies more prevalent in elementary, middle, or high schools?

After data is compiled and presented, charter supporters could either let the data speak for itself and encourage the movement to use the data to respond to the issue of backfilling or take a stronger stance, based on what the data indicates.

Require Transparency

If charter supporters in a particular jurisdiction conclude that action is needed to deal with the backfilling issue, one potential approach is to mandate, possibly via new state laws or regulations, that authorizers publish their portfolio's enrollment data at certain points in time (e.g., beginning, middle, and end of year). Posting this data could create public pressure for charter schools to backfill (assuming there is significant fluctuation in charter enrollment across the school year). And if that data reveals that a particular charter school or jurisdiction is showing a commitment to backfilling, there may be an opportunity for public praise or acknowledgment from local or national advocates.

Create Financial Incentives

Other options involve creating financial incentives for schools to backfill. It is intuitive to think that public school funding formulas would naturally incentivize backfilling since funding should be tied to the number of students in a building and charter operators should want to enroll as many students as they can so they will have more funds to implement their model. However, public school funding formulas typically only incentivize backfilling when there is “real time” funding for students. When there isn’t “real time” funding, schools aren’t financially motivated to backfill.

Typically, if a student is counted at a school on the state’s official enrollment count day (such as October 1st), the state’s public school funding formula gives the school the per pupil funding for that student for the entire year, even if that student leaves the school the next day. Also, if a new student enrolls in the school after the official enrollment county day, the school doesn’t receive the funding associated with that new student. To create systems focused more on “real time” funding, states should establish multiple enrollment count days to allocate funding based on who is in the building at multiple points throughout the school year. This approach may encourage schools to consider backfilling as a strategy to keep sustainable funding streams.

Another option is to inform charter school funders and foundations to examine backfilling. The welcomed commitment of the philanthropic community to the charter school movement has sometimes decreased the motivation of charter schools to enroll students mid-year because philanthropic dollars supplement any public dollars lost as a result of a student departing mid-year. By pulling together its philanthropic base and having a conversation about enrollment and backfilling, a state’s charter school movement could highlight particular enrollment trends and encourage funders to consider this data when selecting which models to fund.