

11 Warning Signs That Your School District Is Under Attack

As students, parents, educators, and school districts struggle to adjust to the Covid-19 pandemic, others see the crisis as an opportunity to escalate their efforts to further privatize public education. For years, “education reformers,” private companies that want to profit from public education dollars, and others have worked to undermine public education by privatizing all aspects of it—from charter schools, to contracted out bus services and cafeterias, to private testing companies, to software and hardware providers touting the benefits of virtual/online education.

With the current need for districts to rapidly switch to distance learning, many of these same privatization advocates and corporations are using the crisis and the resulting confusion as an opportunity to greatly expand their privatization agenda by offering to help solve some of the problems that the crisis is creating.

The pandemic is creating a fiscal crisis for state, local, and school district budgets and these same forces are also offering up privatization as the solution to these longer-term economic problems. Consequently, we are seeing a major push now by online (virtual) charter schools to greatly increase their number of enrolled students. We are also seeing a major push by “EdTech” companies (education software providers, online pre-packaged classes and tests, computer hardware, cloud computing companies, and others) to peddle their goods and services. These companies seek to offer their services as a way to radically reshape education and education budgets for the long term by dramatically cutting back on qualified classroom teachers and overhead expenses of brick-and-mortar schools.

What to watch for:

Public education advocates need to be vigilant to ensure that during this crisis no long-term commitments are made that increase the privatization of public education.

Below are eleven warning signs and some follow-up questions to help advocates determine whether and how privateers may be trying to make inroads in your school district.

- 1. Emergency powers have been requested, given, or exercised by superintendents that circumvent normal oversight rules.**
 - Have emergency powers been granted to district or state superintendents of education? What, if any, are the limits to those powers? When will the emergency powers end?
 - How are school boards informed of decisions being made, contracts being entered into, etc., under those powers? Does the board have the authority to review or overturn those decisions?
 - Are other emergency orders being put in place? What do they waive or change?
 - Are there efforts to suspend open meetings and public records laws?

2. Procurement rules and processes are being suspended, overruled, or ignored.

- In response to the crisis, has your district, locality, or state suspended normal procurement rules?
- Are procurements being made outside the normal process?
- Are there guarantees ensuring that the district isn't entering into long-term contracts?
- What, if any, transparency is there in the procurement and contracting process?
- Who is responsible for the contracting process and what monitoring and oversight is there?

3. Virtual/online charter companies are expanding their outreach and recruitment of students.

- Have online charters increased their advertising and recruitment activity in your area?

4. Charter schools and their advocates are pushing to change or ignore authorization and oversight rules.

- Are charter schools attempting to change or relax authorization, oversight, and renewal guidelines?
- Are charter schools requesting or being granted increased funding or extensions on funding or renewal periods?
- Are existing charter schools seeking to expand enrollment caps?
- Are districts providing additional services or technology to charter schools?
- Are there efforts to suspend or disregard open meetings and public records laws for charter schools?
- Are there efforts to create long-term distance learning contracts with charters?
- Who is monitoring charter schools for compliance with all legal requirements? Are all the services being delivered?
- Are charter schools ignoring requests for information?

5. Existing charter schools and new charter schools are pushing for immediate charter expansion.

- Are charter school chains or management organizations seeking expansive contracts to provide larger scale education services or replace schools struggling before the crisis?
- Are charter schools advocating for new or additional facilities, or changes in rules regarding facilities?
- Are homeschool charters aggressively marketing payments to families to be used to pay for educational and enrichment programs or services?

6. Education technology companies (hardware and software companies, online testing and lesson planning companies, etc.) are aggressively soliciting the district offering immediate solutions.

- Are education technology companies approaching the district to provide services during the crisis? Which companies? What services? Will those services be needed after the crisis has passed?
- Are companies that already have contracts with the district being allowed to expand those contracts?
- Are companies offering free introductory contracts that are tied to long term obligations?

- Are educational technology companies offering free hardware that requires the district to purchase or lease software or other services?
 - All students do not have equal access to the Internet. What—if anything—is being done to ensure equal access?
 - Who evaluates education technology software for cost and effectiveness? Are new contracts for education technology being executed? What are the durations and terms, and who is providing oversight?
 - Is there a protocol for ensuring that student and educator data is secure? What is the policy for responding in the event of a data breach?
- 7. Equity and access laws and requirements are being ignored.**
- Are contracted companies impacting districts' ability to comply with IDEA?
 - Do contracts meet the needs of all district students, especially English Learners and Students with Disabilities, foster children, and homeless students?
 - Do contracts meet the needs of non-English speaking families?
 - Must charter school enrollment, including cyberschools, reflect the demographics of the district(s) in which they are located?
 - Is a fiscal impact analysis required prior to the authorization or expansion of any charter school to determine whether the proposed school or expansion would negatively impact other schools in the attendance zone?
- 8. Student and educator privacy rights are being ignored or overlooked.**
- Are there robust controls for student privacy, and are parents being informed of their students' rights to privacy? (See [NEPC's list](#) of questions on data privacy.)
 - Are students and families advised of the possible risks associated with accepting optional services offered by education technology companies?
 - Do all contracts with private companies have strong, enforceable guarantees protecting the privacy rights of students, parents, and educators?
- 9. In districts with collective bargaining agreements, contracts are being suspended, ignored, or unilaterally amended.**
- In response to the crisis, has your district or state suspended, ignored, or amended union contracts for public sector workers?
 - If so, under what authority? What are the terms of the suspension? What are the terms of the suspension (duration and extent)?
- 10. Online credit recovery programs are being offered as immediate solutions.**
- Are districts contracting with online charters to provide summer school or credit recovery programs? Who is vetting these programs for privacy, effectiveness, past track records, and cost?
 - Is your district considering contracting all adult education programs to charter schools?
 - Are charter schools trying to convince districts to expand and contract out their entire credit recovery program?
- 11. District educators are doing creative and effective work that should be lifted up and shared.**
- What innovative schools and programs are being offered by your state, district, public school in your district?

- Does your state or district provide instruction online, either for credit recovery, discrete courses, or as a full-time option?
- What professional development is offered to educators in your district to enhance their ability to offer alternatives to traditional instruction?
- What opportunities do educators have to share effective ideas with and learn from colleagues?

Just because we are in a crisis doesn't mean we should give up one of the strongest elements of our democracy: universal public education. By watching for these signs that privatizers are using this crisis, we will be in a better position to stop their relentless efforts to undermine public education while we continue to fight for the quality of education that all of our kids deserve.

Other “Questions to Ask” resource documents from In the Public Interest:

- [Ask the Right Questions Before Privatizing](#)
- [Questions to Ask About School Services Privatization](#)
- [A Guide to Understanding Infrastructure Public-Private Partnerships \(P3s\)](#)