

# Hall Pass: Your Ticket to Understanding School Board Politics

**Recommended subject line:** Hall Pass: Your Ticket to Understanding School Board Politics, **Edition #65**

Welcome to Hall Pass, a newsletter written to keep you plugged into the conversations driving school board politics and governance.

In today's edition, you'll find:

- **On the issues: The debate over expanding Opportunity Scholarships in North Carolina**
- **Share candidate endorsements with us!**
- School board filing deadlines, election results, and recall certifications
- **Oklahoma approves nation's first religious charter school**
- **Extracurricular: education news from around the web**
- Candidate Connection survey

Reply to this email to share reactions or story ideas!

## On the issues

*In this section, we curate reporting, analysis, and commentary on the issues school board members deliberate when they set out to offer the best education possible in their district.*

The North Carolina House of Representatives passed House Bill 823 on May 17, proposing to eliminate the income restrictions—which are based on the federal government's free and reduced-price lunch program—for qualifying for Opportunity Scholarship funds. The program, known as an education savings account (ESA) program, [allows students to receive up to \\$6,492](#) for the 2023-2024 school year to spend on private school tuition and other educational expenses. In response, Gov. Roy Cooper (D) said, "It's clear that the Republican legislature is aiming to choke the life out of public education ... I am declaring this state of emergency because you need to know what's happening."

Since the start of the year, governors in [Arkansas, Iowa, Utah, and Florida](#) have signed legislation expanding ESA programs to cover all or most students.

The state Senate is expected to pass the bill, Cooper is expected to veto it, and legislative supporters are planning to override.

Christopher Talgo writes that expanding the Opportunity Scholarship program would give families more choices and create competition between schools. Talgo says more competition

would create incentives for public and private schools to better serve students. Talgo says Cooper's opposition to the bill is misguided because school choice is a win-win for schools and students.

*The Charlotte Observer* Editorial Board writes that the Opportunity Scholarship program hurts public schools. The Board says schools face problems like insufficient funding and underpaid teachers and staff and argues that expanding the program would make matters worse. The Board also writes that Cooper is right to declare a state of emergency to amplify his opposition to the legislation.

### [North Carolina Governor Declares 'State of Emergency' Over School Choice Bill |](#)

Christopher Talgo, *The Heartland Institute*

"In reality, school choice would not necessarily harm the existing public school system in North Carolina. If anything, injecting school choice into the Tar Heel State would likely result in public schools bettering themselves due to increased competition. ... For several decades, North Carolina's public schools have had little competition while automatically receiving large sums of money directly from the state government. This has led to a sclerotic state, in which North Carolina's public schools lack basic accountability for the quality of education (or lack thereof) that they are providing. ... Cooper's opposition is predicated on the myth that school choice is a zero-sum game whereby public schools will be harmed by the "inevitable" drop in attendance. This is not necessarily "inevitable," because if public schools were sufficiently educating students, parents would not have to seek other options. Such is why school choice is a win-win for both the schools themselves and the children who attend them. However, school choice is not a win for public teacher unions and education bureaucrats, who have not been held accountable. For far too long, public school teachers and education professionals have become complacent and comfortable under the status quo system, which lacks incentives for education innovation and serves as a job protection racket."

### [NC gov declares an education 'state of emergency.' Where has he been?|](#) The Editorial Board, *The Charlotte Observer*

"Way back in 2013, when Republicans were pushing in earnest for school vouchers for low-income families, our Editorial Board wondered aloud if lawmakers wouldn't stop there. The Opportunity Scholarship Act, we said, was a 'small but clear step toward de-emphasizing public education and, perhaps ultimately, dismantling public schools.' Such an outcome, we said, would be fine with NC Republicans, who didn't and still don't want to pay what is necessary for public education to succeed in our state. And here we are. ... Here's another thing we said, way back in 2016, the day after Cooper became governor: 'What Cooper does have is a bully pulpit. He can make a case to North Carolinians — and perhaps to moderate state lawmakers — that North Carolina needs to steer itself in a different direction. He should make that case whenever possible. Be loud, Governor.' ... But some progressives across the state have long wished their governor would more forcefully fight for them. After all, our schools still aren't properly funded. Our teachers still aren't getting paid what they should. Neither is Cooper's fault, but if he had toured the state talking about emergencies, say, two years ago instead of now, maybe North

Carolínians would have been provided clarity earlier to the dangers facing our schools and our state.”

## Share candidate endorsements with us!

As part of our goal to solve the [ballot information problem](#), Ballotpedia is gathering information about school board candidate endorsements. The ballot information gap widens the further down the ballot you go, and is worst for the more than 500,000 local offices nationwide, such as school boards or special districts. Endorsements can help voters know more about their candidates and what they stand for.

Do you know of an individual or group that has endorsed a candidate in your district?

Click [here](#) to let us know.

## School board update: filing deadlines, election results, and recall certifications

*Ballotpedia has historically covered school board elections in about 500 of the country’s largest districts. We’re gradually expanding the number we cover with our eye on the more than 13,000 districts with elected school boards.*

## Election results from the past week

### Texas

We covered runoff elections for the following Texas districts on **June 10**. In Texas, if no candidate receives a majority of the vote, the top-two vote-getters in the general advance to a runoff.

- [Dallas Independent School District Board of Trustees District 2](#)
- [Ysleta Independent School District Board of Trustees District 6](#)
- [Fort Worth Independent School District school board District 5](#)
- [El Paso Independent School District Board of Trustees District 2](#)

## Upcoming school board elections

### South Dakota

We’re covering school board elections in some South Dakota districts on **June 20**. District include:

- Clark School District
- Hanson School District

- Burke School District
- Britton-Hecla School District
- Tea Area School District
- Watertown School District

In South Dakota, districts schedule their own elections between April and the end of June.

## Washington

Washington is holding school board primary elections on **Aug. 1**. We're covering elections in the following districts:

- [Cheney School District](#)
- [Lake Washington School District](#)
- [Seattle Public Schools](#)
- [Spokane Public Schools](#)

## Oklahoma approves nation's first religious charter school

On June 5, the Oklahoma Statewide Virtual Charter School Board voted 5-3 to approve an application for plans to open the St. Isidore of Seville Catholic Virtual Charter School—the nation's first religious charter school. The Catholic Archdiocese of Oklahoma City and the Diocese of Tulsa submitted the application for the school, which would offer online instruction to up to 500 students throughout the state.

In a unanimous vote in April, the Board rejected the application but said it could be resubmitted.

Oklahoma is one of 46 states that allows charter schools. [According](#) to the National Center for Education Statistics (NCES), a charter school is “a publicly funded school that is typically governed by a group or organization under a legislative contract—a charter—with the state, district, or other entity. The charter exempts the school from certain state or local rules and regulations. In return for flexibility and autonomy, the charter school must meet the accountability standards outlined in its charter.”

The Archdiocese of Oklahoma City [first submitted](#) the application to the Oklahoma Statewide Virtual Charter School Board in February, following then-Attorney General [John O'Connor's](#) (R) [advisory opinion](#) that, in light of recent U.S. Supreme Court (SCOTUS) rulings, a state law prohibiting religiously affiliated charter schools likely violates the First Amendment. On Feb. 23, current Oklahoma Attorney General [Gentner Drummond](#) (R) rescinded O'Connor's opinion, [saying](#), “The Opinion as issued by my predecessor misuses the concept of religious liberty by employing it as a means to justify state-funded religion.”

O'Connor based his advisory opinion on three SCOTUS rulings—[Trinity Lutheran Church v. Comer](#) (2016), [Espinoza v. Montana Department of Revenue](#) (2020), and [Carson v. Makin](#) (2022). In each of those cases, SCOTUS ruled that states could not restrict private religious organizations from receiving generally available taxpayer funds. Drummond said the SCOTUS cases all involved private schools not charter schools.

Critics said allowing religious charter schools would blur the distinction between church and state. The American Civil Liberties Union (ACLU) [said](#) that it and Americans United for Church and State (AU) planned to sue in response to the Board's decision. AU President Rachel Laser said, "State and federal law are clear: Charter schools are public schools that must be secular and open to all students. No public-school family should fear that their child will be required by charter schools to take theology classes or be expelled for failing to conform to religious doctrines." American Federation of Teachers (ATF) President Randi Weingarten [said](#) the decision "turns on its head the concept that charter schools were supposed to be public schools run in a different way." The ATF is the nation's second-largest teachers union.

The Board's decision has divided charter school advocates.

The National Alliance for Public Charter Schools [released](#) a statement opposing the decision to approve St. Isidore of Seville: "All charter schools are public schools, and as such must be non-sectarian."

Oklahoma Gov. Kevin Stitt (R) [said](#), "This is a win for religious liberty and education freedom in our great state, and I am encouraged by these efforts to give parents more options when it comes to their child's education." *New York Times* opinion columnist David French, who [supports](#) taxpayer funding for religious schools, [wrote](#) that "the very idea that a religious institution should be either clothed with state authority or subject to state control — let alone both — is antithetical to the constitutional balance struck by the First Amendment's establishment clause and free exercise clause."

Neal McCluskey, the director of the libertarian Cato Institute's Center for Educational Freedom, warned against permitting religious charter schools, [saying](#) that "unlike programs such as education savings accounts and vouchers, in which families decide which private options to use, chartering would significantly entangle the government with religion."

According to Notre Dame law professor Nicole Stelle Garnett, who has advised the Oklahoma City Archdiocese, the constitutionality of religious charter schools depends on whether charter schools are considered state actors. Writing in *Education Next*, Garnett [said](#):

"The federal constitution only binds private actors in the very rare circumstance when they are effectively acting as government agents—when their actions are so closely controlled by the government that their actions are effectively the government's own. If charter schools are state actors, then the Establishment Clause (extended to apply to the state governments by the 14th

Amendment) may justify forbidding the schools from being religious. But if the schools are not state actors, then these prohibitions represent unconstitutional religious discrimination.”

The U.S. Supreme Court is currently considering whether to take up *Peltier v. Charter Day School, Inc.*, a case out of North Carolina that would decide whether charter schools are state actors. You can read our coverage of that case [here](#).

Oklahoma first established charter schools in 1999, when then-Gov. Frank Keating (R) [signed](#) the Education Reform Act. The law [states](#): “A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution.”

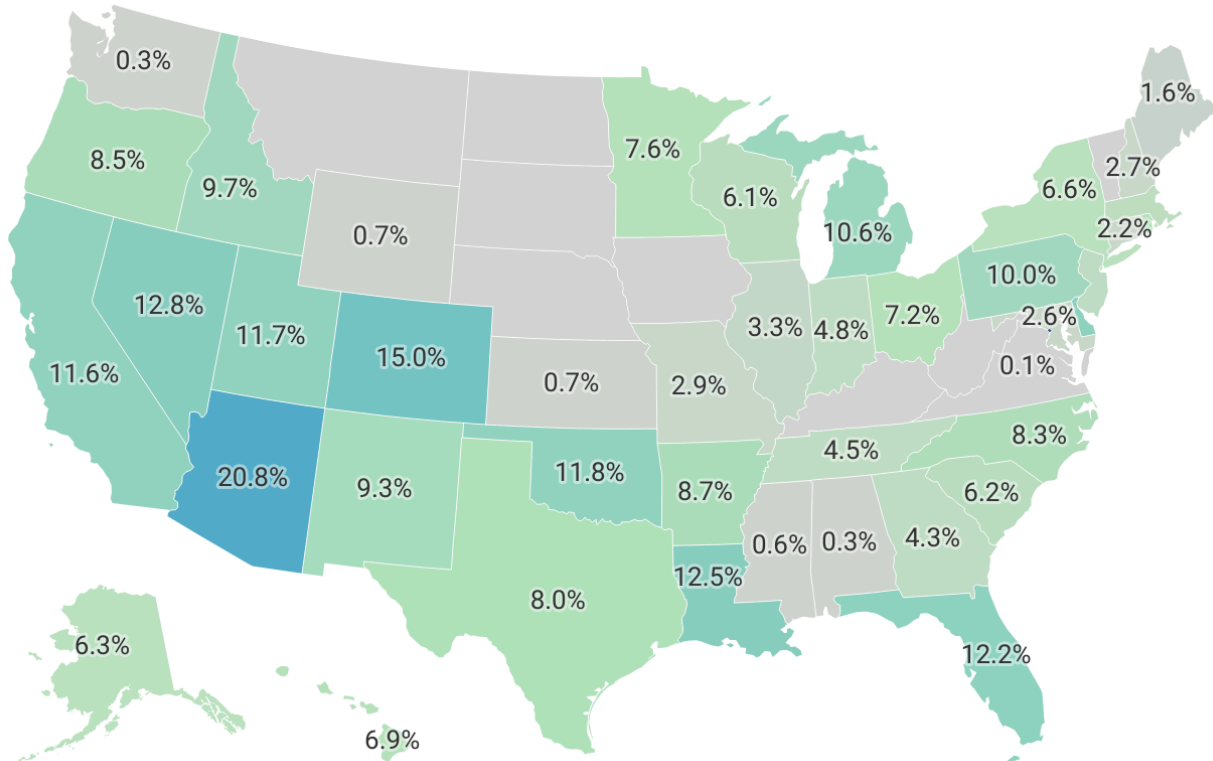
In 2016, Oklahoma voters rejected [State Question 790](#) 57.12% to 42.88%. The measure would have repealed Section 5 of Article 2 of the Oklahoma Constitution, which prohibits public money from being spent for religious purposes. The measure was proposed largely in response to a state supreme court ruling that found a Ten Commandments monument displayed on the grounds of the Oklahoma state capitol violated Section 5 of Article 2 of the state Constitution.

Since the early 1990s, 46 states have passed laws authorizing charter schools. Minnesota was the first [to do so](#) in 1991, with the first schools opening in 1992.

According to the [National Alliance for Public Charter Schools](#), charter school enrollment was estimated at 3,695,769 students—or about 7.5% of all public school students—in the 2020-2021 school year. Charter school enrollment has grown steadily over time. In 2000, the National Center for Education Statistics [estimated](#) that 448,343 students were enrolled in charter schools. By the 2021-2022 school year, the most recent year for which data are available, that number is more than 3.6 million.

## Charter school enrollment by state as a percentage of total public school enrollment in the 2020-2021 school year

In the District of Columbia, 44.5% of public school students attend charter schools.



In Iowa, the percentage of public school students enrolled in charter schools rounds to zero. In the 2020-2021 school year, approximately 123 public school students were enrolled in charter schools.

Source: National Center for Education Statistics

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Only Nebraska, North Dakota, South Dakota, and Vermont do not have laws authorizing charter schools. Montana [became the 46th state](#) to authorize charter schools on May 18.

Kentucky authorizes charter schools but does not currently have any in operation.

### Extracurricular: education news from around the web

*This section contains links to recent education-related articles from around the internet. If you know of a story we should be reading, reply to this email to share it with us!*

- [WV circuit court wrongly blocked Gov. Justice from enforcing charter school law, state Supreme Court says](#) | Fox News

- [Atlanta school board says it will oust its superintendent when her contract ends in 2024](#) | *AFRO*
- [Education Reform Hasn't Failed ... Yet. 3 Overlooked Instructional Strategies](#) | *Education Week*
- [Southern California school board meetings now political battlegrounds](#) | *The Sun*
- [Partisan school board races coming to Catawba County in 2024](#) | *Hickory Daily Record*
- [Success of Educational Choice Laws Will Depend on Implementing Them with Excellence](#) | *Education Next*

Take our Candidate Connection survey to reach voters in your district



Everyone deserves to know their candidates. However, we know it can be hard for voters to find information about their candidates, especially for local offices such as school boards. That's why we created **Candidate Connection**—a survey designed to help candidates tell voters about their campaigns, their issues, and so much more.

**If you're a school board candidate or incumbent, click [here to take the survey](#).** And if you're not running for school board, but there is an election in your community this year, [share the link with the candidates](#) and urge them to take the survey!

The survey contains over 30 questions, and you can choose the ones you feel will best represent your views to voters. **If you complete the survey, a box with your answers will display on your Ballotpedia profile.** Your responses will also appear in our mobile app, [My Vote Ballotpedia](#).

In the 2020 election cycle, **4,745** candidates completed the survey.