

# Charter Schools: Models for Mainstream Reform or Havens for Self-Serving Separatists?

Educational Reform in the Pursuit of Social Justice and American Democracy

By Julie Sarsfield

April 11, 2003

Senior Thesis in Justice and Peace Studies

<b>Table of Contents</b>			
	<b>Chapter</b>	<b>Title</b>	<b>Pages</b>
I.	Chapter One	Introduction: School Choice and the Search for Reform	3 - 6
II.	Chapter Two	Public Education in the Context of Social Justice and American Democracy	7 - 22
III.	Chapter Three	A New Kind of School: Opportunity and Its Varieties	23 - 45
IV.	Chapter Four	Charter Schools and the Federal Government: A National Agenda?	46 - 61
V.	Chapter Five	The Controversial Debate: Potential Benefits and Risks of Charter Schools	62 - 79
VI.	Chapter Six	Conclusion: Assessing the Charter School Movement - The Making of a Model for Mainstream Reform	80 - 81
VII.	References		82 - 86

## **CHAPTER ONE**

### **INTRODUCTION: SCHOOL CHOICE AND THE SEARCH FOR REFORM**

In the past few decades, as public and political concern for education grows and as educational reform ideas flourish, school choice has become a highly popular but controversial proposal for improving American public education. Just this past summer, in the landmark decision of *Zelman v. Simmons-Harris*, the Supreme Court ruled that voucher programs, one form of school choice, are constitutional (*Zelman v. Simmons-Harris*, FindLaw, 2002). Given this, the question then becomes whether school choice is a good public policy choice for American public education. The factors to consider in determining good policy choices are varied and sometimes even in opposition with one another. Concepts such as social justice and American democracy are crucial considerations, and the outcomes of this debate have huge ramifications for both of these ideas. Many would argue that the fatal flaw of school choice is that it is a decision to abandon our nation's system of education - a choice that not only fails to improve public education but could even hurt it in the end, thereby threatening social justice and democracy as well.

Most school choice advocates and critics would agree that charter schools are the mildest of the school choice reform models. Unlike voucher and tuition tax credit programs, where private and religious institutions receive public dollars, charter schools are 100 percent public schools. Unlike traditional public schools, however, charter schools enjoy freedom from direct government oversight in exchange for achieving certain standards of accountability, as agreed upon in the charter with the local school board or chartering agency. First conceived of in the late 1980's, the charter school concept was launched with the opening of the first charter school in 1992. Since then, the movement has exploded. As reported in a March 2003 editorial by a former Maryland legislator, 2,700 charter schools are in operation across the nation, and 39

states have adopted charter school legislation (Campbell, 2003). Many of these schools have had remarkable successes, especially in their service to children in low-income communities – children who are most likely to be left behind by the traditional public school system. For the purposes of this thesis, however, it is important to look beyond what charter schools are doing for their own students and to examine what charter schools are doing for all students – that is, what possibilities and risks this reform movement presents for a system of public education in pursuit of social justice and democracy.

The charter school movement and school choice in general reside within a number of broader themes that this thesis will explore. First, this reform model must be consistent with the framework of American public education, which we will be examined in Chapter Two. This framework is composed primarily of two critical ideals: social justice and American democracy. The purposes of American public education have relied on these concepts ever since the mid-19<sup>th</sup> century, when Horace Mann originated the idea of public education in the “common school,” which would act as “the great equalizer” in a deeply divided social order. With equality of opportunity as the most basic principle and goal of public education, social justice and democracy quickly took root in this new social system. These ideals become complicated, however, when our nation fails to provide equal opportunity as promised. If charter schools are the answer, then we must drastically redefine our notion of equality. Instead of defining equality as “sameness,” perhaps equality can allow for different methods for different students, provided that the goal be the same. In this case, the question then becomes: Can separate ever be equal?

Given this complex and crucial framework, Chapter Three will explore the possibilities that the charter school concept offers for public education and its pursuits. As we will see, charter schools are characterized by wide variations and significant flexibility, but there are also

some commonalities that make this concept a movement. Much of this coherence has to do with the hopes and goals of the founders of the movement, who will be studied in comparison with the goals that others, such as federal policymakers and various charter advocates and critics, hold for the movement.

The politicization of this tension will become apparent in Chapter Four, which will explore how and for what purposes the federal government asserts the powerful role it can play in educational reform. With a focus on the massive educational reform bill passed early in 2001 by the current Bush administration, the central tension between the two distinct justifications for school choice will re-emerge: first, charter schools as educational reform models, and second, school choice as a way out of a failing system. These conflicting goals will highlight the powerful potential the federal government holds for this diverse and malleable movement. It will be noted as well that the prominence of the charter school idea in national political discourse represents a broader change in society – that is, a different method of governance that has parallels in other areas of contemporary life and presents a new way of thinking about how society is organized.

Finally, fueled by this political controversy, Chapter Five will expand the debate to all of the various arguments in support of and in criticism of charter schools. The variety of advocates and critics and their wide assortment of justifications and missions will present in a comprehensive way the potential benefits and risks of this controversial new idea. The most difficult part will be weighing these possibilities for reform against their dangers, in the hopes of determining whether this particular reform model is worth pursuing in light of the two-fold mission of American public education: social justice and democracy.

Overall, a considerable amount of uncertainty characterizes this relatively young concept, and a swirl of questions and arguments surround the movement. In light of social justice and democratic pursuits, however, certain questions and purposes emerge as fundamental to the success of the charter school movement. We must look beyond what charter schools are accomplishing for their individual students and ask what charter schools can do to promote the social justice and democratic missions that are so vital to our system of public education. If charter schools are going to achieve these goals, they must serve as models for mainstream reform, and not confine themselves to the havens for self-serving separatists they have the potential to become. This prioritization is crucial to the success of the movement.

## **CHAPTER TWO PUBLIC EDUCATION IN THE CONTEXT OF SOCIAL JUSTICE AND AMERICAN DEMOCRACY**

Before one can begin to analyze any model of educational reform, it is essential to explore some of the primary goals of American public education and the underlying values upon which this system relies. The ideal of social justice provides compelling moral and practical reasons for a nation to ensure equal access to quality public education, while many political leaders and citizens justify public education as a means of creating a safer and more productive society. An examination of the origins of public education in the United States reveals that the concept and its justification are also inextricably tied to American democracy and capitalism. An evaluation of the current condition of public education on a national scale exposes the extent to which our nation has succeeded at the democratic capitalist experiment and has fulfilled the responsibilities that social justice demands.

Within the contexts of social justice and American democracy, and considering the risk that our current system of education is not fulfilling these vital duties, this report will then return to the question of charter schools. Does the concept of charter schools remain within the framework of the American system of public education? If so, do charter schools have the potential to fulfill the goals of public education in a more efficient and equitable manner and therefore better serve the purposes of social justice and American democratic capitalism?

### **Social Justice, Public Education, and American Democratic Capitalism**

#### *Social Justice Through Public Education*

Catholic social teaching provides one of the most concise and useful definitions for social justice, keeping in mind that this concept should not be limited to Catholics or even just the

religious. This model of how a society should be structured is essentially secular, and therefore it is broadly valuable as a principle around which societies and institutions should be ordered.

According to the National Conference of Catholic Bishops, Catholic social teaching, like many forms of philosophical thought, establishes three aspects of basic justice: commutative justice, distributive justice, and social justice (National Conference..., 1986: 35). Commutative justice regulates fair exchanges between individuals and private parties. Distributive justice regulates the relation of the whole to its parts, requiring of the state that “the allocation of income, wealth, and power in society be evaluated in light of its effects on persons whose basic material needs are unmet” (National Conference..., 1986: 36).

Social justice, originally termed “legal justice” until the latter half of the 19<sup>th</sup> century, orders the relationship of the individual to the good of the whole, as represented by the state (Land, 1994: 100). According to the Catholic bishops, social justice, also called contributive justice, “implies that persons have an obligation to be active and productive participants in the life of society and that society has a duty to enable them to participate in this way” (National Conference..., 1986: 36). This concept of social justice demands that economic and social institutions are ordered in a way that provides a basic level of access for all individuals to participate in and contribute to the society. In their pastoral letter, the Catholic bishops determined that employment with adequate pay is “the primary means for achieving basic justice in our society,” and blamed discrimination in job opportunities and income levels for the unjust economic conditions in the nation in the mid-1980’s (National Conference..., 1986: 37).

The bishops called on businesses, labor unions, government, and other groups that shape economic life to revise the institutional patterns that distribute power and wealth inequitably. They claim that these institutional structures, as opposed to differences in talent or lack of desire

to work, cause the political and economic marginalization and the concentration of privilege that afflict society. While this approach is certainly worthwhile, an approach that focuses on ensuring equal access to power and wealth through equal access to public education would address these economic problems at their most fundamental roots. By its nature, public education seeks to provide opportunities for individuals to acquire the skills and knowledge necessary to develop into persons who can contribute to the common good in the productive way that social justice demands. It is the author's contention that the best way for society to enable individuals to participate in this way is to give them the tools to do so from the very beginning of their lives.

In addition to being the most effective way to achieve the goal of social justice because it addresses social and economic inequalities at their early roots, public education is also the most democratic way to work towards "economic justice for all." For many, the distributive component of basic justice edges on socialism, as it could potentially justify standardized state distributions of wealth and resources that would eradicate the spirit of individualism and hard work that the American tradition prizes. The bishops address this issue when they explain, "Catholic social teaching does not maintain that a flat, arithmetical equality of income and wealth is a demand of justice, but it does challenge economic arrangements that leave large numbers of people impoverished" (National Conference..., 1986: 38). The bishops leave this issue somewhat unresolved, with no clear definition of when impoverishment is a result of institutional structures and when it is a result of talent or lack of a desire to work. The bishops also provide no definitive plan for how to achieve just economic arrangements without resorting to a flat equality of wealth. It could be argued that equal access to quality public education could provide that plan. Many social problems would still persist in this situation, such as job

discrimination and differences in intellectual capabilities, but tackling these social ills at their early roots is one of the most powerful and efficient ways to advance social justice. Public education has the potential to help reconcile the tensions between social justice and American democratic capitalism because it provides the opportunity for individual development for contribution to the common good rather than blanket distribution of equal economic outcomes.

Clearly, quality public education promotes social justice because it provides individuals with the tools to be productive and powerful members of society and to contribute to the common good. An examination of the origins of public education in the United States reveals how education advances democratic capitalism just as concisely and effectively as it advances social justice.

#### *The Pivotal Role of Public Education in the Democratic Experiment*

Horace Mann, known as “The Father of American Education,” is considered the most influential leader in the establishment of public education in the United States. As Secretary of the Board of Education in Massachusetts in the mid-19<sup>th</sup> century, Mann directed the establishment of the first public normal school in the United States in Lexington in 1839. In his life-long advocacy for public schooling that would be “part of the birth-right of every American child,” he challenged the previous system of private and religious education and contended that a common school would be “the great equalizer” (Mason-King, 2003: 1). Furthermore, Mann believed that a common school available to all would reduce poverty and therefore would lead to a variety of other social goods, including declines in violence and crime (Mason-King, 2003: 1). Much of the success of Mann’s common school movement was attributed to the prevailing Protestant fear of the influx of Catholic immigrants who would establish Catholic schools that could challenge the spread of Protestant beliefs and potentially receive tax money. Nonetheless,

despite the reasons for its success, the establishment of public schooling in America as “the great equalizer” clearly resonates with the values of American democracy. Unlike the elitist structure of old European nations at the time and unlike the socialist structures of later nations in other parts of the world, the American system of government and economics was uniquely founded on the principle of equality of opportunity – a promise that can be filled most effectively through public education.

In addition to its foundational purpose in democracy, public education is also of primary importance to capitalism, a notion that may seem contradictory at first considering the political status of education as a social service provided by the state. Michael Novak, a Catholic writer, has written extensively about democratic capitalism, attempting to reconcile its apparent contradiction with the social and economic justice that Catholic social teaching promotes. From his observations about the amount of insight, practical wisdom, and innovation necessary to be successful in a capitalist society, Novak contends, “The spirit of democratic capitalism is the spirit of development, risk, experiment, adventure. It surrenders present security for future betterment” (Novak, 1982: 48). This capitalist spirit, in which present economic security is invested in potential future success, is exemplified in public education as well as the business world that Novak describes. The current investment of tax dollars in public education ideally will result in a future contribution to the common good by an individual capable of being a productive member of society.

Novak later makes the distinction between equality of opportunity and equality of outcomes that is crucial to Catholic social teaching and to American democracy. Novak writes, “A society in which all have identical incomes is not necessarily a just society ... Further, the attempt to impose equality of incomes changes the focus of economic activity from production to

distribution. This is a reversion to premodern economic conceptions. Such a step backward is certain to reduce savings, investment, and productivity” (Novak, 1982: 124). Clearly, ensuring quality public education for all is fundamental to this notion of democratic capitalism because it invests in production – that is, the development of individuals’ capable of contributing to the common good – and, ideally, precludes the necessity for ensuring equality through distribution later in the individual’s life.

Novak, however, makes a very serious and fundamental assumption in his conception of the ideal modern economic system as embodied in democratic capitalism. He refers briefly to this weakness in his argument when he states, “Those who lack the *opportunity* for self-advancement have legitimate grievances against its promises. Those who can demonstrate *unequal results* have no such legitimate grievance. A free society is necessarily committed to unequal results. For under the conditions of liberty, individuals as well as groups make different choices and follow divergent paths” (Novak, 1982: 125). Novak does not seriously consider the disastrous effects that could result if the opportunity for self-advancement is not provided to all individuals. The success of the American experiment in democratic capitalism depends almost entirely on the ideal of equal opportunity, making the provision of equal access to public education crucial to our success as a nation. The logical extension of this fundamental relationship is that if our public schools are not providing equal access to opportunity, then the American experiment in democratic capitalism will fail. Considering this fundamental threat, the following question becomes even more vital: Does our system of public education effectively educate our nation’s youth in a way that ensures that all individuals are offered the same early chances to succeed?

## **The State of American Public Education Today**

### *Low Academic Performance Confronts and Threatens the Nation in the 1980's*

In April of 1983, the United States Department of Education published *A Nation At Risk*, a landmark report that warned Americans, including both citizens and political leaders, of the crisis of public education that threatened the nation. The report begins with an assertion of the fundamental importance of equal access in education to the success of our nation. Later in the report, the Commission repeats:

Part of what is at risk is the promise first made on this continent: All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself (USDOE, *A Nation At Risk*, 1983: 2).

In the context of this essential nature of education to a democratic society and considering education's dual goals of individual development and collective social benefits, the report subsequently documents indicators of the risk that lack of quality education presents to our nation. Some of the more shocking evidence reported includes:

Some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension ... About 13 percent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent ... Many 17-year-olds do not possess the "higher order" intellectual skills we should expect of them. Nearly 40 percent cannot draw inferences from written material; only one-fifth can write a persuasive essay; and only one-third can solve a mathematics problem requiring several steps ... For the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach, those of their parents (USDOE, *A Nation At Risk*, 1983: 3-4).

Twenty years ago, the federal Department of Education definitively reported that our nation's public schools were not sufficiently and equally educating our youth. The report caused panic and alarm among American leaders and citizens, and resulted in a renewed dedication to

improvements in education, including the birth of such reform models as charter schools. In light of this report and the subsequent reactions, the question remains whether or not public education is still placing our nation at risk today.

*A Nation Still At Risk Twenty Years Later*

The Department of Education periodically publishes reports through the National Center for Education Statistics (NCES) on the academic performance of students in grades 4, 8, and 12, providing the most comprehensive and authoritative evaluation of American public education. The integrated online collection of these reports, entitled *The Condition of Education*, includes indicators and analyses of student academic performance in various areas from 2000, 2001, and 2002 and primarily uses the results of the 1998 National Assessment of Educational Progress (NAEP). One of the most useful measures of academic performance is “achievement levels,” which “identify what students should know and be able to do at each grade” (USDOE, *The Condition of Education 2002*, 2002: 57). Achievement levels are categorized according to the following four divisions: Below Basic, At or Above Basic, At or Above Proficient, and At Advanced. In the critical area of reading performance, the NCES reports, “In 1998, about one-third of 4<sup>th</sup>- and 8<sup>th</sup>- grade students and 40 percent of 12<sup>th</sup>- grade students performed at or above the Proficient level” (USDOE, *The Condition of Education 2000*, 2000: 23). Even more alarmingly, of the remaining two-thirds of 4<sup>th</sup>- grade students who performed below the Proficient level, 38 percent of them performed at the “Below Basic” reading achievement level. This number declines slightly but not sufficiently in the older grades, with 26 percent of the 8<sup>th</sup>- graders below the Proficient level and 23 percent of the 12<sup>th</sup>- graders below the Proficient level reporting to perform at the “Below Basic” level as well (USDOE, *The Condition of Education 2000*, 2000: 132).

In mathematics performance, the 2002 report states, “In 2000, 26 percent of 4<sup>th</sup>- graders, 27 percent of 8<sup>th</sup>- graders, and 17 percent of 12<sup>th</sup>- graders performed at or above the Proficient levels for each grade,” leaving a significant number of students drastically behind in the mathematical skills and knowledge they should have for their grade level (USDOE, *The Condition of Education 2002*, 2002: 57). Again, of those below the Proficient level, the percentage of students performing at the Below Basic level was considerable. Thirty-one percent of 4<sup>th</sup> graders, 34 percent of 8<sup>th</sup> graders, and 35 percent of 12<sup>th</sup> graders who scored below proficiency were also at the Below Basic level (USDOE, *The Condition of Education 2002*, 2002: 138).

The NCES results on science performance of students provide similar results. *The Condition of Education 2002* reports, “In 2000, 29 percent of 4<sup>th</sup> graders, 32 percent of 8<sup>th</sup> graders, and 18 percent of 12<sup>th</sup> graders performed at or above the Proficient level set for each grade” (USDOE, *The Condition of Education 2002*, 2002: 59). Even more shockingly, of the *total* number of students in all four categories, 34 percent of 4<sup>th</sup> graders, 39 percent of 8<sup>th</sup> graders, and 47 percent of 12<sup>th</sup> graders performed at the Below Basic level in science.

In its report on the writing performance of students, the NCES report concludes that “most students are not proficient writers” and that “most students exhibited at best only partial mastery of the requisite knowledge and skills” (USDOE, *The Condition of Education 2000*, 2000: 24). More specifically, “The majority of 4<sup>th</sup>, 8<sup>th</sup>, and 12<sup>th</sup> grade students wrote at the Basic level. About one-quarter of students in each grade could write at the Proficient level, and 1 percent of students could write at the advanced level” (USDOE, *The Condition of Education 2000*, 2000: 24).

As evident from these recent reports on student achievement, our nation's education system is still subject to many of the same risks it faced in 1983. Beneath this broad, overall assessment of academic success, however, an examination of these academic outcomes in relation to students' race and level of poverty reveals troubling statistics on the crucial question of equal access to education. In reading performance, *The Condition of Education 2002* reports, "Since 1971, the reading scores of Black 9-, 13-, and 17-year-olds have been lower, on average, than those of their White peers" (USDOE, *The Condition of Education 2002*, 2002: 54). Although this achievement gap has narrowed overall since 1971, most of these decreases occurred prior to 1988. Since the late 1980's, "the gaps have remained relatively stable or increased," indicating that these inequities still present a major problem to our education system today (USDOE, *The Condition of Education 2002*, 2002: 54). The same results are also true in mathematics, science, and writing. In mathematics, Whites in all three grades scored higher, on average, than their Black, Hispanic, and American Indian counterparts (USDOE, *The Condition of Education 2002*, 2002: 57). In science, Whites also had higher average scores than Black, Hispanic, and American Indian students (USDOE, *The Condition of Education 2002*, 2002: 59). Finally, in writing, "Whites were more likely to score at the Proficient level and less likely to score below the Basic level when compared with Black, Hispanic, and American Indian students at all three grade levels" (USDOE, *The Condition of Education 2000*, 2000: 24).

In addition to the intersection between race and academic achievement, the NCES also exposes the striking relationship between poverty and student performance. Focusing on the connection between poverty, as measured by eligibility for free or reduced-price lunch, and 4<sup>th</sup> grade achievement in mathematics specifically, the NCES concludes, "Compared with students in low-poverty public schools, students in high-poverty public schools have lower achievement

scores in 4<sup>th</sup> grade mathematics” (USDOE, *The Condition of Education 2002*, 2002: 58). The same report also found a significant correlation in the science performance. The NCES reports, “As the percentage of students in a school eligible for the program increased, the average score of students in the school decreased” (USDOE, *The Condition of Education 2002*, 2002: 59). Furthermore, the study also found that, in a school with a high number of eligible students (over 50 percent of their students eligible), even those students not eligible for the program performed at lower average achievement levels than ineligible students who attended a school with a quarter or fewer of student population eligible (USDOE, *The Condition of Education 2002*, 2002: 58). Essentially, students in a school afflicted by high rates of poverty in the student body performed at lower average academic levels despite their own family’s income status, indicating the tremendous amount of influence poverty has on whole schools, not just individual students.

This educational discrimination along the lines of race and income is not new to American society, especially when considering that racial segregation of schools was legal and enforced in this country up until the *Brown v. Board of Education* decision in 1954. The immense problems presented by the achievement gap, however, have just begun in recent decades to receive the attention that they deserve. In his 1991 book, *Savage Inequalities*, Jonathan Kozol exposed the racial segregation that plagues our nation’s public education system and the radical differences in public funding and access to quality education that are determined along those racial and socioeconomic lines. Kozol writes, “The Supreme Court decision in *Brown v. Board of Education* 37 years ago, in which the court found that segregated education was unconstitutional because it was ‘inherently unequal,’ did not seem to have changed very much for children in the schools I saw ... Most of the urban schools I visited were 95 percent to 99 percent nonwhite” (Kozol, 1991: 3). Kozol then takes the reader to some of the worst urban

public schools in the country, constantly referring back to the inequities in funding for public schools that are the major source of low student morale and academic failure. Kozol's book appealed to the American conscience of social justice and democracy, and the nation responded to the book with widespread critical acclaim, press attention, and public popularity, making it a *New York Times* bestseller.

Although the achievement gap in public education has gained attention in politics, the media, and the public consciousness, at least some recent statistics still report significant problems that will take increased efforts to remedy. In Maryland, Anne Arundel county school superintendent Eric Smith was recently hired because of his impressive accomplishments in narrowing the achievement gap in North Carolina. In six years, he “quadrupled black enrollment in college-level Advanced Placement courses and boosted test scores overall by 20 percentage points” (Johnson, 2002: 1). He started an impressive prekindergarten program, called Bright Beginnings, which he credits with eliminating the gap between rich and poor kindergartners at the very beginning of their education (Johnson, 2002: 1)

In his new position, however, Smith faces a grim situation in Maryland, where the average scores of white students on last spring's Scholastic Assessment Test (SAT's) were 244 points ahead of those of black students. In the District of Columbia, the results were even more shocking, with black students' average scores behind those of white students by 424 points (Johnson, 2002: 2). Based on nationally normed tests and studies conducted by Education Trust, a Washington think tank dedicated to closing the achievement gap, this Washington Post article estimates that, nationally, when black and Hispanic students reach 12<sup>th</sup> grade, if they do at all, they are four years behind their white and Asian classmates (Johnson, 2002: 2). Eric Smith and

school superintendents across the nation clearly have a tremendous task ahead of them – one with serious consequences for social justice and American democracy.

### **The Need and Potential for Reform**

As will be discussed in Chapter Four, President Bush made education the cornerstone of his domestic agenda with the No Child Left Behind Act of 2001. In doing so, he clearly indicated his own personal belief in the value of education and responded to a perceived public commitment to public education and its importance in American society. *A Nation at Risk* articulated this public commitment to education as one of the most powerful tools for improving our troubled education system. Based on a 1982 Gallup Poll of the *Public's Attitudes Toward the Public Schools*, the report claimed, "People are steadfast in their belief that education is the major foundation for the future strength of this country. They even considered education more important than developing the best industrial system or the strongest military force, perhaps because they understood education as the cornerstone of both ... the public understands the primary importance of education as the foundation for a satisfying life, an enlightened and civil society, a strong economy, and a secure Nation" (USDOE, *A Nation At Risk*, 1983: 7-8). The same is still true today, twenty years later. In the November 2002 election, education proved to be a primary concern among voters. Referring to this past election as "the education election," the New York Times reported,

While political analysts saw the elections as a show of support for the Bush administration, there was another clear message in the balloting: voters still care about education. In state after state, while other ballot initiatives failed, voters showed strong support for smaller classes, afterschool programs, college scholarships, school construction, and universal preschool, even when the price tag was daunting and there was no clear source for the money (Lewin, 2002).

Whether they ground their commitment to public education in their own self-interest for a safe and profitable society, in the ideals of social justice and American democracy, or in some combination of the two, the American public clearly cares about public education.

If American citizens and leaders are so deeply committed to education, why is our public education system today still plagued with low performance and unequal access? Why have so few improvements taken place since *A Nation At Risk* and Jonathan Kozol shocked the nation?

Many charter school advocates would respond to this question by explaining that the very *structure* of our system of public education is inherently flawed. Ted Kolderie, whose theories will be discussed further later in this report, was one of the first to challenge the idea that public schools must be run directly by the government to be considered public (Kolderie, 1990).

Frederick M. Hess recently articulated this idea in his 2002 policy report, *Making Sense of the “Public” in Public Education*. He explains how “public schools” have commonly been associated with a responsibility to promote such notions as democracy, legitimacy, equal opportunity, nondiscrimination, and shared values – essentially, to promote the notion of the public good that Americans share. He further explains, “It is important to recognize that, in multiple sectors, legislators routinely craft policies intended to address public needs, but then rely upon a variety of public agencies and private firms to execute these policies. In such cases, we generally accept that a public service is being rendered regardless of the agent providing the service” (Hess, 2002: 2). In effect, the government does not have to directly provide a public service itself in order to fulfill a public good. At least in theory, it would seem that as long as strong accountability measures ensure that the public good of education is being provided equally to all, then the nation’s responsibility is fulfilled.

Many charter school advocates would also argue that charter schools are a more effective and democratic way to provide public education than the current system. First, charter schools will harness the public's strong commitment to education by providing them the means to reform the system at its most basic level – in the schools. Evidence has already shown how much value Americans place in education. Ideally, advocates say, the charter school structure empowers them to improve education by placing the responsibility directly in their hands.

Furthermore, the charter school concept embodies the notion of pluralism upon which American democracy rests. Following their study of ten California charter schools, a team of researchers from the UCLA Graduate School of Education and Information Studies published an article that explores the postmodern nature of the charter school concept in the context of its liberatory possibilities. As they explain, charter schools appeal mostly to educators, parents, and students who feel disenfranchised by the traditional public school system and empowers these “silenced voices” to engage their own pedagogical approach based on cultural and group differences. The report explains, “The process of organizing and founding a charter school can help low-income parents and community members of color create and sustain new social networks that can be used for political organizing and gaining political voice within the larger society” (Wells, et al., 1999: 193). According to this vision, charter schools can potentially do a better job of ensuring equal access to public education than the traditional system, therefore promoting social justice and democracy more effectively.

This democratic pluralism is the ideal, and one that many, such as the UCLA researchers, believe is not as feasible as it appears. The researchers warn that these charter schools will create small spaces for individual identity, while also leading to increased divisions between racial and ethnic groups, to a consolidation of the most “well-connected and efficacious parents

and students” to the detriment of those left behind in the traditional school system, and to a persistence of the larger social inequalities that plague our education system (Wells, et al., 1999: 194-196). This tension between the potential of the idealistic charter school movement and the reality of its actual effects on public education will be explored further in the later chapter on the controversial debate between charter school advocates and critics.

For now, it is important to keep in mind the position of the charter school reform model in the context of social justice and American democracy. Clearly, public education is crucial to the advancement of social justice and the success of American democracy. Our current educational system is not adequately performing that responsibility, and the calls for reform in recent years have become even louder. The charter reform model, for many, fits conceptually in the context of American governance and ideals. The question remains whether charter schools will realistically be capable of more effectively fulfilling the demands of social justice and American democracy by achieving higher levels of academic success for all students.

## **CHAPTER THREE**

### **A NEW KIND OF SCHOOL: OPPORTUNITY AND ITS VARIETIES**

Given the fundamental role of public education in the foundational framework of social justice and American democracy, as well as the demonstrated failures of the current system of education, the question becomes: what, if anything, can charter schools do to remedy this critical problem? First, it is helpful to examine what a charter school is, as well as the founding promises of the movement and all of the current variations and commonalities of this malleable concept.

#### **Definition and Fundamental Premise: Autonomy In Exchange For Accountability**

According to the U.S. Department of Education, “Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools” (USDOE, [uscharterschools.org](http://uscharterschools.org), 2003: Definition). The school functions under the terms of a “charter,” a contract between the school and its authorizer, either a state agency or a local school board, which details the school’s mission, goals, and methods of assessing student performance and success of the school. The contract also provides public funding for the school for a specified period of time, usually 3-5 years, after which time the school is reviewed and the charter may be renewed or revoked depending on its assessment outcomes.

Autonomy from the regulations of an oftentimes inefficient, distant, and insensitive school bureaucracy is one of the most distinguishing characteristics of charter schools, the argument being that these schools are saved from many of the problems that plague conventional public schools and their districts. According to the Department of Education’s *State of Charter Schools 2000 Fourth-Year Report*, “The majority of charter schools reported they had primary control over most areas critical to school operations, including purchasing, hiring, scheduling,

and curriculum. Slightly fewer charter schools reported that they had control over student admission, student assessment, and budget” (USDOE, 2000: Executive Summary). This freedom was the driving force behind the birth of the charter school movement, as many charter school advocates consider it to be the key to this model of educational reform. Free from direct governmental oversight, many charter schools are able to experiment with innovative programs and to provide some of the positive characteristics that they are typically known for, such as small class sizes and standardized curriculum.

The trade-off for this flexibility is that charter schools theoretically must be held to certain levels of accountability to their authorizers, usually school districts, the parents who choose to send their children there, and the public and private entities that provide them with funding. The terms of accountability are agreed upon in the original charter, and in theory, the charter school is technically only accountable to its authorizers at the end of the duration of the charter when the contract is up for renewal. However, according the 2000 report, based on a selected sample of schools, more than 70 percent of charter schools made accountability reports in the 1997-98 school year alone “to one or more constituencies, including their chartering agency, school governing board, state department of education, parents, the community, or private funders” (USDOE, 2000: Executive Summary). This variety of entities to which charter schools are held accountable suggests some severe limitations on their autonomy, but it also serves the important purpose of quality control for schools that are still public by definition. As will be discussed further in a later chapter, the accountability dilemma has been one of the primary criticisms of charter schools, as assessments are typically based on standardized tests, a method of evaluation that generates a high degree of controversy. As will also be further

explored, inconsistent enforcement of accountability standards presents another major problem for the movement.

### **History of the Charter School Movement**

The reasons for the emergence of the charter school movement provide some valuable insights into the alleged inadequacies of American public education that this reform and others have sought to address. Additionally, the promises made by the movement founders and the ideals to which they aspired will later enable a more comprehensive evaluation of the movement.

#### *Early Origins*

Although the first charter school did not open until 1992 and the movement did not start taking shape until the late 1980's, the charter school phenomenon has its early roots in the educational and social reform movements of the 1960's and 1970's. In the early 1970's in a report for the federal Office of Economic Opportunity, Christopher Jencks proposed a voucher program in which parents would receive a voucher to send their child to the public or private school of their choice, and so began the school choice movement and the debate that still surrounds it today (Cookson and Berger, 2002: 26). Civil rights groups and teachers unions were the main opponents of the proposal, with civil rights leaders arguing that public dollars supporting private schools blurred the line between church and state, and with teachers claiming that the voucher program would weaken the role of teachers in public schools and jeopardize their jobs. Both groups argued that vouchers would weaken the public education system as a whole (Cookson and Berger, 2002: 26). Conversely, proponents established the educational competitive market argument, claiming that competition from other schools would spur improvements in the mainstream school district.

The emergence of magnet schools in the 1970's also introduced a number of ideas that would later become crucial to the debate surrounding charter schools. Magnet schools are "schools that embrace and promote a specific theme, reflect a specific teaching philosophy, or are targeted to meet the needs of a specific subgroup of students" (Cookson and Berger, 2002: 27). Systematically, school districts used magnet schools to improve and diversify their educational opportunities. On an individual school basis, educators, teachers, and sometimes parents were given the ability to create schools that reflected local philosophies and creative innovations in education, much like charter school founders will be able to do later. In the midst of all these exciting reforms, one important question remained to be answered: "What would happen to children whose families did not or could not make good choices about where to send their children?" (Cookson and Berger, 2002: 29). This problematic question has also plagued the charter school movement, whose advocates have yet to answer it adequately, as will be discussed later in this report.

As noted earlier, the 1983 release of *A Nation at Risk* by the Department of Education shocked the nation with its warning of the threat posed by a failing public education system. The report alarmingly concluded that the United States, as a nation and as a people, was at risk because "our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world" (USDOE, *A Nation At Risk*, 1983: 1). Appealing to common concerns among citizens and politicians about national security, the report warns, "We have, in effect, been committing an act of unthinking, unilateral educational disarmament" (USDOE, *A Nation At Risk*, 1983: 1). The report recommended and effectively inspired in political and educational leaders a back-to-basics approach focused on a common curriculum and standardized test results and further heightened the growing controversy

between progressives and conservatives in the educational reform debate. Although the charter school concept had not yet developed, the report's calls for accountability and heightened public attention to and involvement in education clearly contributed to the origins of the idea, while its simultaneous recommendation for a more standardized, common curriculum fueled later criticisms of this decentralized educational reform.

### *Birth of an Idea*

The introduction of these new educational models, a growing faith in business models, a general distrust of the abilities of the government and its big bureaucracy, and the release of *A Nation At Risk* all combined to create a social and political landscape fertile for the birth of the charter school movement. Albert Shanker, a nationally prominent education leader and president of New York City's United Federation of Teachers and of the American Federation of Teachers, was the first person to publicly articulate the idea of the charter school, a concept that was first formulated by Ray Budde, a former schoolteacher. At a 1988 Minnesota conference on school reform, Shanker presented the reform as one that would empower successful teachers to develop innovative programs. "To Shanker, the charter school was a teacher-centered reform strategy that would inspire reform from the inside. Teachers would be unrestricted by regulations and free to innovate and build new educational models based on student needs and on shared best practices"(Cookson and Berger, 2002: 33).

The idea that the system was to blame for the failure of public education took root in Minnesota, which became the birthplace of the school choice movement, mainly due to the work of three key leaders. When Rudy Perpich became governor of Minnesota in 1976, he instituted a school choice option in which parents could select schools within their local school district. In this progressive environment, educational leader Joe Nathan became one of the original

proponents of the charter school idea in Minnesota, offering it as a more democratic alternative to school choice programs that invested public money in private schools. According to Nathan, “The fundamental purpose [of the charter movement] is to expand opportunity, especially for low and moderate income families who currently don’t have much. And secondly, to help stimulate improvement in the larger education system”(Cookson and Berger, 2002: 37).

In his 1990 report, *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education*, policy analyst and author Ted Kolderie exposed what he believed to be the inherent flaw in the American system of education: that state and local governments have no means of holding school districts and schools accountable to providing quality education. He contends that the problems in public education, such as the ones reported in *A Nation At Risk*, are not because of money or people, whether they be students, teachers, or parents, but are due to the structure of the system itself. Because “an organization with an exclusive franchise is under little pressure to change,” Kolderie suggested that state governments replace the current system of “territorial exclusive franchises” with a system of school choice that includes a new kind of public school that operates autonomously under a contract system in which the school is accountable to a public entity (Kolderie, 1990: 4). In his challenge to the traditional structure of public education, Kolderie held the link between school choice and reform of the mainstream public schools at the heart of his argument, stating that choice would force all schools to reform and better serve the purposes of public education (Kolderie, 1990: 6).

The arguments of these four original charter school advocates were the promises of the movement, and the ideals to which the schools and the concept would have to live up.

*A New Kind of School and a Growing Movement*

In 1991, Minnesota became the first state to pass charter school legislation. One year later, the City Academy, the first charter school, opened its doors in St. Paul. Since then, the movement has taken off, gaining the most momentum in recent years. As of the beginning of 1996, 252 charter schools were operating in ten states (USDOE, 1997: Executive Summary). When the U.S. Department of Education sponsored another study just a few years later, it reported that, as of September 1999, 1,484 charter schools were in operation in 31 states and the District of Columbia (USDOE, 2000: Executive Summary). Currently, charter school laws are in existence in thirty-eight states plus the District of Columbia. As of September 2001, The Center for Education Reform estimates that there are nearly 2,400 charter schools and 576,000 charter school students (as cited in Fordham Foundation, 2003). In a March 2003 editorial in *The Washington Post*, former Maryland legislator James Campbell reports that there are 2,700 charter schools in operation (Campbell, 2003).

The reform has also gained considerable political attention, with many political leaders proposing it as a more popular and democratic school reform option than the ones that fund private and religious schools. In his 1996 State of the Union address, President Clinton strongly advocated for the charter school movement. The next day, during a visit to a Minnesota charter school, then Secretary of Education Richard Riley announced the administration's strong support for charter schools. Congress responded to the administration's request for \$20 million in start-up funds for charter schools by allocating \$18 million to the cause (Nathan, 1996: xiv-xv). Currently, charter schools are a major component of President Bush's No Child Left Behind Act, as will be discussed further later.

## **A Multitude of Variations**

### *Types of Charter Schools*

Joe Nathan, a Minnesotan and one of the major champions of charter schools from the state that was the birthplace of the movement, states in his book, “The charter school concept is about *an opportunity*, not a blueprint” (Nathan, 1996: 1). As a result of their autonomous nature, there is no such thing as a typical charter school. The schools vary widely in their vision and methods, mainly because of a wide spectrum of kinds of founders and of state charter school laws.

Founders provide the charter school with its mission and thereby its reason for existence. In order to obtain a charter, they undergo a lengthy process in which they must present their educational vision and exhibit to the chartering agency that their educational plan will result in high student achievement that will meet or exceed school standards. Types of charter schools, as determined by their founders, usually fall under one of three groups: “grassroots organizations of parents, teachers, and community members; entrepreneurs; or existing schools converting to charter status” (USDOE, [uscharterschools.org](http://uscharterschools.org), 2003: Benefits). As of 2002, most charter schools “were created as new schools – 80 percent, in fact – and were started by individuals or coalitions of people who decided that they have what it takes to establish and run a successful school.” The remaining 20 percent converted from public schools, or from private schools in some states, to charter school status (Cookson and Berger, 2002: 57).

Examples of grassroots charter schools vary from the KIPP (Knowledge is Power Program) Schools, which provide a strictly regimented education, with longer school days and rigorous accountability standards, to the Young Women’s Leadership Charter School of

Chicago, a controversial single-sex charter school that has recently gained praise from the Bush administration (Toppo, 2002).

For-profit firms often found charter schools or convert pre-existing public schools to charter status, aiming to improve failing schools or school districts while rewarding private investors at the same time. The largest and most experienced of the for-profit firms is Edison Schools, with 150 schools in 24 states and the District of Columbia. In the hopes of creating a profit for its investors, Edison implements its unique educational approach in all its classrooms. For example, Edison groups children from different classrooms by their ability to read and then rotates the groups among all the teachers, using its 90-minute-a-day reading curriculum, Success for All, which relies on testing every eight weeks. Edison also increases teaching training and preparation time, and encourages its teachers and administrators to use the company's language to reinforce good student behavior. In most cases, Edison institutes a longer school day and year, except in its Philadelphia schools where teachers were opposed to it and budgets were too tight (Winters, 2002).

Educational management organizations, also known as EMO's, are another type of entrepreneurial educational company, with Mosaica Education being one of the most prominent. Mosaica was founded in 1997 by a businessman who thought that the private sector could run public schools more efficiently than the government. As of fall 2001, Mosaica operated twenty-one public schools and public charter schools in eight states. Oftentimes, a school district asks the EMO to manage traditional public schools; other times the leadership of a charter school asks the EMO to operate their school both academically and administratively (Cookson and Berger, 2002: 10).

The Mosaica schools have a number of things in common. Academically, they focus on educating inner-city children through the Paragon Curriculum, which “draws its inspiration from the classical canon and integrates interdisciplinary study of art and culture – that will, without a doubt, educate children better than at nearby ‘regular’ public schools” (Cookson and Berger, 2002: 10). The curriculum is scripted, which many new teachers seem to like, but is often criticized for prohibiting teacher input and student inquiry. Administratively, Mosaica manages the schools’ budgets based on the same level of per-pupil spending as the nearby district schools, but “by making educational infrastructure more cost-effective in ways that public school districts cannot, the argument goes, there will be more money to spend on classroom enhancements that lead to increased student achievement, and also on profits to reward shareholders and institutional investors for taking a risk on the radical concept of privatizing public education” (Cookson and Berger, 2002: 10).

Employer-linked charter schools, of which there are more than one hundred across the nation, also fall under the category of entrepreneurial educators. The U.S. Department of Education’s Employer-Linked Charter School Web site defines them as “a special type of public charter school in which an employer organization or network joins with educational entrepreneurs in a collaborative partnership to develop and operate a workworld-informed educational program” (USDOE, Employer-linked charter school website, 2003).

In the fall of 1998, a group of businesspeople in Port Huron, Michigan founded The Academy for Plastics Manufacturing Technology, after plastics manufacturing companies in the area had long tried but failed to work with local public schools to create vocational programs that would attract qualified employees. With the full support of the local school district, the Academy opened as a public charter school centered on vocational education. Students continue

to take core subjects at their traditional public school, but also attend the Academy for the other half of the day, and oftentimes they also have part-time paid internships at local manufacturers (Cookson and Berger, 2002: 6-7). In this case, the charter school was able to accomplish a business partnership that the traditional public schools were unable to achieve for years, demonstrating how successful schools can be when given flexibility and room for innovation.

### *State-by-State Charter School Laws*

In addition to this broad array of founders and missions that result from charter schools' flexible and autonomous nature, the wide variety of charter laws in different states across the nation create vast differences within the charter school movement. Although the U.S. Department of Education actively promotes charter schools through grant programs, research and evaluation studies, and funding to the state and local levels, the federal government cannot require states to ratify charter legislation because control of public education is solidly under the jurisdiction of state government. As of the end of 2001, charter school legislation existed in thirty-seven states and the District of Columbia, with charter schools in operation in all but three of these locations (CER, Charter Law Scorecard..., 2001).

The Center for Education Reform, a non-profit national advocacy group that provides support and guidance for individuals and groups working to improve the nation's schools and a strong advocate for charter schools, annually ranks the nation's 38 state charter school laws. CER gives each state's law a letter grade and categorizes them as strong laws if they "foster the development of numerous and genuinely independent charter schools," and weak laws if they "provide infertile ground for advancing charter schools' growth" (CER, Charter Law Scorecard..., 2001). The 2001 analysis reported that the number of states scoring an "A" was down from nine the previous year to seven in 2001. According to CER President Jeanne Allen,

one of the biggest challenges to ranking states' laws is determining how it works in practice. She states, "Policymakers need to be aware; while their law may appear strong, if it is not clear about who is in charge, sets up obstacles to approval or allows unnecessary interference by school districts, numerous impediments will develop, discouraging applicants and the healthy development of existing schools" (CER, Charter Law Scorecard..., 2001). Allen's comments highlight the important point that the success of charter schools and their degree of autonomy depend heavily on state lawmakers, who have the power to give charter schools the flexibility they need to achieve the results that they promise.

### **Commonalities That Characterize the Reform Movement**

Despite a multitude of variations, some common qualities characterize a majority of charter schools across the nation. In addition to the foundational principles of autonomy and accountability, most charter schools can be characterized by some kind of educational innovation, including standardized curricula and programs in the arts and technology, small class and school size, high parental and community involvement, service to socioeconomically disadvantaged populations, and oftentimes considerable limitations on funding from federal, state, and local governments.

Charter school advocates consider these common qualities and their influence on student learning to be crucial to the movement, arguing that these differences distinguish charter schools from traditional public schools, potentially saving the movement as a whole from the risk of ending up the same as mainstream education, just separated. In her statement before the House of Representatives' Committee on Education and the Workforce, charter school leader Irene Sumida quoted educator and author Gilbert Hentschke as writing, "Charter schools are dissimilar in mission, type of students served, and instructional practices. At the same time, all embody

common elements, such as close connection between mission and everyday work, high expectations of students, parents and teachers, clear curriculum standards and individualized student assessment and attention, elements which we have long been seeking for all public schools” (Hentschke, 2000; *Hearing*, 2000: 20). The extent to which these common elements are achieved is a point of contention for many charter school advocates and critics, a topic that will be discussed at a later point in this report.

### *Curricular Innovation and Use of Technology in the Classroom*

According to the Department of Education’s January 2000 report, *The State of Charter Schools*, based on charter schools operating in the 1998-1999 school year, nearly two-thirds of newly created charter schools (as opposed to conversions from traditional public schools) “seek to realize an alternative vision of schooling” (USDOE, 2000: Executive Summary). This innovative vision can take many forms, such as the vocational training in the employer-linked charter schools, arts education, or other subject focuses, such as public policy at the Cesar Chavez Public Charter School, whose principal, Irasema Salcido, was recently awarded the “Use Your Life Award” from Oprah Winfrey’s Angel Network in February 2001 (DC Public Charter Schools Website, 2001: 1). Other charter schools, such as the Mosaica schools and the KIPP schools, use standardized principles of academic instruction, such as longer school days, to achieve their educational vision.

Specific educational philosophies are oftentimes the driving reason for a charter school’s founding. The Bronx Preparatory Charter School, for example, was founded in September 2000 by a young woman with an Ivy League education whose vision is based on the traditional principles of elite college preparatory schools, drawing much of its practices from Phillips Exeter Academy. Located in predominantly African-American and Latino Morrisania section of the

South Bronx, Bronx Prep holds the motto of “Preparation + Focus = Success” and “aims to weave the educational philosophies of Horace Mann, John Dewey, and Robert Hutchins into a blueprint for a new American education” (Cookson and Berger, 2002: 6).

Technology and the use of computers for instruction is another predominant characteristic of charter schools. Based on its findings, the Department of Education report concluded, “Most charter school classrooms were equipped with computers for instruction, student-computer ratios were low, and the majority of computers were capable of running advanced applications. These findings are similar to the findings reported last year, although this year there was a decrease in the percentage of schools reporting no classrooms with computers used for instruction”(USDOE, 2000: B. Basic Characteristics of Charter Schools: Computers for Instruction). The report’s findings include: “the estimated mean student to computer ratio in charter schools was 8.9 students per computer, which was slightly lower than the estimated average (10.0 students per computer) for all public schools in 1996-7; 96 percent of charter schools had classrooms equipped with computers; approximately two-thirds of these charter schools had computers available for instruction in more than three-quarters of their classrooms” (USDOE, 2000: B. Basic Characteristics of Charter Schools: Computers for Instruction).

In addition to the relatively extensive use of computers in a majority of charter schools, certain charter schools are based around the primary principle of use of technology in the classroom. The Minnesota New Country School, for example, provides one computer for every two students, and its students have created their own web page on the Internet. In addition to this heavy focus on technology, the faculty encourages students to learn outside the classroom, forming partnerships with local businesses to design practical projects and offer internships to students (Nathan, 1996: 35-37). Other charter schools rely heavily on use of computers to offer

alternative education experiences. The Excel Education Centers, which operate seven charter schools in rural communities in Arizona, offer morning, afternoon, and evening classes year-round to students, the majority of whom hold jobs outside of school. With a heavy focus on employment skills and preparation, the school uses “a computer-based curriculum that enables students to progress at their own pace, supported by specially trained generalist instructors” (Cookson and Berger, 2002: 9). The Choice 2000 Charter School is a distance-learning program that conducts all of its classes online. Its students “include those who are ill, those who have not done well in regular classrooms because of learning disabilities or hyperactivity, those who are fearful of the conditions in large public schools, and those who have ‘gotten in trouble’ at regular public schools” (Cookson and Berger, 2002: 7).

#### *Small Schools and Classes*

Another prominent, common element of many charter schools is their small size. According to the Department of Education report, “the median enrollment in all charter school sites is 137 students per school, whereas all public schools in the charter states had a median enrollment of about 475 students. This is similar to the median charter school size of 132 reported for 1998-9” (USDOE, 2000: Executive Summary). While 35 percent of all public schools enroll more than 600 students, only 8 percent of charter schools reach that number. Only 1 percent of charter schools enrolled more than 1,000 students, as opposed to 11 percent of all public schools (USDOE, 2000: B. Basic Characteristics of Charter Schools: School Size). In addition, “the median student to teacher ratio for charter schools, 16 students per teacher, was slightly lower than the ratio for all public schools – 17.2” (USDOE, 2000: Executive Summary).

While the student to teacher ratio may not be significantly different, the smaller school size of charter school is certainly considerable and can be influential on student learning

in many cases. At the City Academy in St. Paul, Minnesota, which was the first charter school in the nation when it opened in 1992, the founders believe that the small size of the school is key to achieving student success. The students' ages at the school range from thirteen to twenty-one, with the only requirement for admission being that the students are not enrolled in any school at the time of their application to the City Academy, attracting students who have not done well in traditional public schools.

Although the school has a considerable waiting list, the founders and the board demand the school be kept small. As Milo Cutter, one of the school's founders, says, "More and more youngsters don't fit in large schools. We know it. Now we have to do something about it. Metal detectors and police probably won't help many students learn math. We need smaller schools where teachers know the students well and expect them to learn" (Nathan, 1996: 26). Violence has never been a problem at this school. As one student reported, "We know everyone here, and everyone knows what's going on. If there's a problem, students and the teachers make sure we talk it out. People listen to each other. And people aren't afraid" (as cited in Nathan, 1996: 26). Additionally, the school curriculum focuses heavily on each individual student's postsecondary goals, providing them with the skills and knowledge they will need in the future and offering them an opportunity whose results do not appear on the standardized test results.

Many charter schools use their flexibility to experiment with the grade level structure of their school and the age range of students they will educate. Given this option, a large number of charter schools choose to keep their students at the same school for more grades, thereby reducing the number of transitions the child must make and breaking with the traditional elementary, middle, and high school structure. According to the Department of Education study, "at least twice as many charter schools as compared to all public schools served students in K-8,

K-12, or ungraded grade spans” (USDOE, 2000: B. Basic Characteristics of Charter Schools: Grade Level Configuration). Many parents, teachers, and students prefer this deviation from traditional grade level configurations because it provides a consistent education and requires fewer adjustments to new schools for the students.

### *Parental and Community Involvement*

Charter school proponents cite high rates of parental involvement as a prominent positive characteristic that distinguishes them from traditional schools. School officials in the Douglas County district in Colorado allowed a group of parents who were dissatisfied with public schools in their area to found the Academy Charter School in September 1993. District officials reacted positively and supported the parents’ request because they believed in the importance of involving parents in education and providing them with choice among schools. Douglas County Assistant Superintendent Pat Grippe believes that “when families select schools they are more committed to them, and their students do better” (Nathan, 1996: 42). The Academy Charter School was selected as a Colorado School of Excellence by the state department of education and has received several foundation grants. Karen Woods, one of the original founders, states, “I’d like people to view us as a model parent-run school of choice” (as cited in Nathan, 1996: 44).

Charter schools have demonstrated substantial success at forming strong relationships with families, and they have also enjoyed very high rates of popularity among parents. Based on a 1997 Hudson Institute survey of nearly 5,000 charter school students, Chester Finn and his colleagues report high levels of satisfaction among parents of charter school students. According to the survey of these parents, “At least two-thirds say the charter school is better than their child’s previous school with respect to class size, school size, attention from teachers, quality of

instruction, and curriculum – compared to just 2-3 percent who believe the new school is worse” (Finn, Manno, and Vanourek, 2000: 85). The Department of Education study reports that the demand for charter schools remains high, with 7 of 10 charter schools reporting that they have a waiting list (USDOE, 2000: Executive Summary).

Charter schools have also made significant gains in forging valuable partnerships with local employers, businesses, foundations, and universities. Employers and businesses benefit from their investments in education with more qualified employees. Businesses and foundations that donate money also then have a stake in the success of the school, not only giving the school the funding to succeed but also applying the pressure of high expectations to spur improvements. Charter school partnerships with local colleges are also frequent and beneficial to students. In some cases, local colleges are involved in the founding of the charter school. The Isaac Elementary School District in Arizona joined with the Maricopa Community Colleges to address the near-50 percent dropout rate by opening a charter high school to that provides a “more personal high school experience for the district’s elementary school graduates” (CER, 2000: 8). This experience includes the requirement that teachers and administrators visit all district parents to involve them in the school, a policy from which any public school would benefit.

#### *Demographics of the Served Populations*

Since the beginning of the charter school movement, charter school critics and proponents have feared that charter schools would primarily serve the white, suburban students whose parents had the time, resources, and initiative to pull their child out of the traditional school system and send them to a charter school, or even to start their own charter school like the parents at the Academy Charter School. In fact, this result has not materialized. As the Department of Education study reported: “Overall, charter schools enrolled a larger percentage

of students of color than all public schools in the states with open charter schools. Over the last 3 years, the percentage of white students served by charter schools has slightly declined” (USDOE, 2000: C. Students of Charter Schools: Student Racial/Ethnic Composition). In the 1998-99 school year, charter schools enrolled an average percentage of 50 percent white students and 27 percent black students, while public schools in the 27 charter states enrolled an average percentage of 63 percent white students and 17 percent black students (USDOE, 2000: C. Students of Charter Schools: Student Racial/Ethnic Composition).

In addition to serving a racially diverse student population, the percentage of charter school students eligible for free or reduced-price lunch, a common measure of economic disadvantage, has increased over the past two years. Under the national government report, charter schools in 1998-9 served 39 percent of students eligible for free or reduced-price lunch, while all public schools served 37 percent. In some states, the difference is more drastic. In South Carolina, for example, a state with one of the worst public education systems in the country, 46.2 percent of students in the public schools are eligible for free or reduced-price lunch, while 94.5 percent of charter school students are eligible. While the percentages may be much closer in other areas, such as the District of Columbia (60 percent eligible students in public schools; 62.3 percent in charter schools), even close percentages certainly dispel the criticism that charter schools would be serving a more advantaged group of students than the student population at large. In fact, even though charter schools are supposed to enroll students on a first-come, first-served or random lottery basis, many states give preference to applications from charter schools that propose to target at-risk students.

Limited English proficient (LEP) students and students with disabilities are two other portions of the student population that often require increased attention and specialized

education. At 10 percent in the 1998-99 school year, the estimated percentage of LEP students in charter schools is about the same for all public schools in the 27 charter states. The reported percentage of students with disabilities, however, is slightly lower at charter schools (8 percent) than at all public schools in those states (11 percent) (USDOE, 2000: Executive Summary).

Clearly, charter school education to both these categories of students has not yet materialized in a significant way.

Nonetheless, the flexible nature of charter schools has already begun to encourage some innovation in these areas. For example, Bob DeBoer is an educator and author who has been working since 1987 with students who have some type of learning disability. He began implementing his specialized program that includes visual perception games and physical exercises in a Minneapolis public school, but felt restricted by the control of the local school board that was pressured by principals and other special educators who opposed his curriculum. In 1994, he was granted a charter and opened the New Visions School, finally achieving the autonomy that he felt was necessary to demonstrate what can be accomplished with special education students. Evaluations have shown that students who struggled in public schools are making substantial progress at New Visions, and the school has recently been honored with several foundation grants and a visit from the Clinton Administration's U.S. Secretary of Education, Richard Riley (Nathan, 1996: 48). Distance learning charter schools such as Choice 2000, as previously discussed, also offer alternative educational experiences to students who are unable to succeed in public schools, oftentimes because of physical disabilities.

#### *Resource Limitations*

As evident from the overwhelming percentage of charter school closures that occur because of financial problems, the primary and most common obstacle that charter schools face

is extremely limited public funding. Charter schools are funded in a similar way as traditional public schools, in that they receive a budget based on fixed per pupil expenditures (PPEs). However, charter schools usually receive lower dollar PPE amounts, a difference that “is generally attributable to the fact that charter schools, as stand-alone entities, do not use district services, services that are paid for through the regular per-pupil expenditures” (Cookson and Berger, 2002: 59). As a result, many charter schools do not have the operating funds to provide educational “extras” like after-school activities, sports, art, music and theater programs, and library and science facilities.

In New York City, charter school advocates report that so few charter schools have opened and some have closed because of the difficult school district. Currently, charter schools receive only about two-thirds of the operating funds that traditional public schools receive and hardly any money for capital projects, as Councilwoman Eva S. Moskowitz reports. Moskowitz says, “The whole idea of charter schools was to give them a level playing field and then see whether they would work better than traditional schools ... But the ethos has been, ‘Let’s make things as difficult as possible, and if we at the end of the day have to give them this money, we will do so’” (as cited in Goodnough, 2002). Moskowitz also reports that New York City charter schools received their federal Title I funding over a year later because “the schools system dragged its heels in determining a formula for distributing it” (as cited in Goodnough, 2002). Two of the six New York City schools that have converted from traditional to charter status since the state passed its charter law in 1998 have already converted back to regular status because of unanticipated drops in funding and “intense oversight by the state” (Cited in Goodnough, 2002). This problem, however, can be remedied given enough political support and action. Moskowitz calls on the new schools Chancellor, Joel I. Klein, to support charter schools more than his

predecessors by lobbying the State legislature to change the formula that determines the amount of funding charter schools receive.

Many charter schools compensate for limited district funding by seeking external funding, such as foundation grants, corporate support, community donations, and investment profits from for-profit firms like the EMO's. As previously discussed, these donations are beneficial because they give the charter schools the funds they need to provide their students with more resources and also because they create valuable partnerships with communities and businesses, who then become invested in the success of the school. This practice could also be extremely beneficial to traditional public schools in low-income areas that are chronically underfunded. The implications of public schools accepting private donations, however, are complex and problematic, as the risk of widening the gap between schools in advantaged versus disadvantaged communities would certainly increase. However, as will be discussed further later, the idea of public schools creating partnerships with community businesses and foundations unrelated to funding is something to consider.

In addition to the lower PPEs, many charter schools suffer because school districts typically do not provide the start-up funds that charter schools require in the first year of opening. However, the recent increase in federal support for charter schools has included grants to states for start up funding programs. The Department of Education study reports, "For schools that opened in 1998-99 school year, 39 percent cited start up funds as a limitation, down from 59 percent for schools that opened in 1997-98 school year. The reduction is likely to reflect support from the federal charter school start up funding program" (USDOE, 2000: Executive Summary). This program reflects the crucial and influential role the federal government has in supporting the expanding charter school movement.

As this chapter has shown, charter schools provide American public education with a unique and valuable opportunity. In fact, opportunity and variety lie at the heart of the charter school movement, as is evident from the wide variety of kinds of schools, founders, and state charter laws. The founders of the charter school movement made lofty promises for this reform effort. The real test of the movement will be turning this potential into a reality. The next chapter will explore the extent to which the federal government has fostered that potential and sought to achieve the more effective and equitable education that the charter school movement founders envisioned.

## **CHAPTER FOUR**

### **CHARTER SCHOOLS AND THE FEDERAL GOVERNMENT: A NATIONAL AGENDA?**

As a result of their defining characteristic of autonomy and the resulting variations within the movement, as has been previously explored, charter schools inherently have the potential to offer a variety of promises and goals to a number of different constituencies. Many of these variations have already been discussed, and the issue of how to reconcile different justifications from advocates and critics in the debate over the charter school movement will be explored in further depth in the following chapter.

Before the full extent of these varying and controversial arguments in support of and in criticism of the movement are examined, it is important to consider the stance of the federal government on charter schools. The extent of the federal government's support of the movement, or lack thereof, its reasons for this stance, and its overall agenda for the movement are especially relevant, considering the intent of this report to weigh the potential and the reality of this reform effort on a national and systematic level. With their intrinsic flexibility and their legal status firmly grounded under state jurisdiction, a single national policy on this contentious reform movement seems impossible. For many, this inability to create a coherent movement, especially one that will effectively contribute to the original mission of American public education, is one of the downfalls of the charter school reform effort and school choice in general. Clearly, if there is ever going to be a realized national agenda for the charter school movement, the federal government, especially the Department of Education, will be the most likely candidate for the force with the most unifying potential. Consequently, an examination of

the federal government's agenda for the charter school movement is crucial to a comprehensive understanding of its potential contributions and threats to American public education.

### **The Federal Role in Education**

Although education in the United States is predominantly a state and local responsibility, the federal government over the past half-century has developed an increasingly influential role in this crucial national issue. The Soviet launch of the Sputnik sparked the passage of the first comprehensive federal education legislation, the National Defense Education Act, in an effort to ensure the United States educates individuals who are able to compete internationally in scientific and technical fields (USDOE, *Federal Role in Education*, 2002: 1). Since then, the U.S. government has incrementally increased its influence in education, as the realization of the significance of public education for American society and for the position of the U.S. in the international community has become more apparent.

The passage of landmark civil rights and anti-poverty laws in the 1960's and 1970's, such as Title IX of the Education Amendments of 1972 and Title I of the Elementary and Secondary Education Act of 1965, which supplied federal aid to disadvantaged students, led to the establishment of the social justice component of the mission of the Department of Education that would be established in 1980: to ensure equal access to education (USDOE, *Federal Role in Education*, 2002: 2). The second element of its mission is "to promote educational excellence throughout the Nation" (USDOE, *Federal Role in Education*, 2002: 2). According to its mission statement, the Department pursues its mission through playing "a leadership role in the ongoing national dialogue over how to improve the results of our education system for all students" and through "the administration of programs that cover every area of education..." (USDOE, *Federal Role in Education*, 2002: 2).

Although the mission of the federal government, especially through the Department of Education, assumes a massive responsibility, the federal contribution to the roughly \$650 billion spent nationwide on education at all levels each year is only about 9 percent. When the expenditures from other federal agencies, such as the Department of Health and Human Services through programs such as Head Start, are subtracted, the Department of Education is left with only about 6 percent of total education spending (USDOE, *Federal Role in Education*, 2002: 1). As a result of this limitation, the federal role in education has emerged as “a kind of ‘emergency response system,’ a means of filling gaps in state and local support for education when critical national needs arise” (USDOE, *Federal Role in Education*, 2002: 1).

In light of this mission and this responsibility, crucial questions arise about the role of the federal government in the charter school movement. Is the emergence of the charter school movement an indication that “critical national needs” have arisen, and hence, the federal government should make an emergency response of some kind? If so, how much of its limited leadership, programming, and funding should the federal government devote to this reform effort that has yet to prove its ability to ensure equal access and educational excellence? Does the federal government have the potential ability to create a coherent national policy on charter schools that could create a common goal for the movement consistent with the mission of public education? First, it is helpful to examine the history and the current status of the federal government in the movement before any judgments are made on these questions.

## **A New Kind of Educational Reform: The Federal Government Joins the Movement**

### *Social and Political Context*

Although clearly the charter school movement emerged at least partially out of dissatisfaction with public education, as many charter school parents can attest, the school choice

movement is also a function of the political and social context in which it evolved. Two of the most powerful political and social forces that have shaped the past few decades in which the charter school idea has developed are anti-government attitudes and a growing belief in markets and the private sector. Cookson and Berger express disillusionment with big government as one of the main reasons for the rise of the movement, stating, “We are living in a period in which there is a popular perception that government is part of the problem – not part of the solution. Nearly all political candidates campaign against the government – not for it” (Cookson and Berger, 2002: 115). This sentiment has been exhibited in the surging popularity of causes such as campaign finance reform and has certainly spilled over into public education, especially in the increasing prominence of school choice reforms.

Meanwhile, Americans have filled this void by putting their faith in markets and privatization, reflecting the conviction that “the private sector is more rational, more accountable, and more productive” and the larger belief system that the competition of capitalism will ensure the survival of the most efficient and successful product, whether that be a consumer good such as a computer or a school (Cookson and Berger, 2002: 117). Cookson and Berger consider this application of market principles to public education to be a threat to the democratic and social justice mission of public education, as they argue, “This increasing sense of creating private worlds can be seen in a politics of personal identity rather than in a politics of social issues or causes” (Cookson and Berger, 2002: 129). The authors cite political scientist Jean B. Elshtain as making a similar argument as Toqueville – that is, that “democratic institutions cannot bloom, flourish, and replenish themselves if their roots are cramped and shriveled by a society gone mad by consumerism and individualism” (Cookson and Berger, 2002: 131). This apparent tension between social justice and individual self-interest is fundamental to the debate

over charter schools, and will be discussed further in Chapter Five. While this individualistic threat to the common good is certainly a potential danger that charter schools can present, it is important to keep in mind that these two forces need not be entirely mutually exclusive in the context of public education. In fact, individual development is crucial to the common good, as it enables individuals to contribute to the society in which they live.

### *The Clinton Administration and the Political Popularity of the Charter School Concept*

Spurred by these two forces, by a gradual shift to the political right in the past few decades, and by panic over the ability of our nation to educate individuals who could compete with their international counterparts, the idea of the charter school soon became a favorite hot topic in federal politics. Before long, the Clinton administration picked it up as part of its “‘third way’ strategy of adopting elements of more conservative policy in order to capture mainstream support and appeal to more liberal Republicans” (Cookson and Berger, 2002: 46). President Clinton first proposed a federal role in the charter school movement in 1993 in his proposal for the Federal Charter School Program (FCSP), which was enacted in 1994 as Title X, Part C of the reauthorization of the Elementary and Secondary Education Act (ESEA). With an initial appropriation of \$5 million in the 1995 fiscal year, the FCSP funneled money through the states to provide start-up and technical funding for the creation of charter schools across the country (as reported in Cookson and Berger, 2002: 47). As the administration’s commitment to charter schools grew, the Department of Education funded an external four-year study of charter schools in 1996, created an informational Web site on charter schools, [www.uscharterschools.org](http://www.uscharterschools.org), and sponsored national conferences on the topic. In 1998, the FCSP was re-authorized under the Charter Schools Expansion Act, which was passed “to amend Title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools” (USDOE, *Charter*

*School Expansion Act, 1998*). Along with its passage, the federal appropriations for the FCSP grew to \$145 million by 2000.

One of the most immediate effects of the federal involvement in the charter school movement was that the acceptance of federal funds required charter schools to comply with all relevant federal regulations, especially civil rights legislation. In 2000, the Department of Education and the Department of Justice published a guide entitled, “Applying Federal Civil Rights Laws to Public Charter Schools,” to help charter school developers and operators “in their efforts to plan, develop, and deliver their important educational programs in a nondiscriminatory manner” (USDOE, *Applying...*, 2000: 2). The guide explains that charter schools may not discriminate on the basis of race, color, national origin, disability, or sex (only if the school is co-educational) in publicizing the school, recruiting students, and selecting students to admit.

The idea that charter schools would be elite academies catered to the most advantaged students was halted by this development, as the lower per pupil expenditures for charter schools are insufficient to support the heavy start-up and operational costs and necessarily require the use of federal and other funds, thereby requiring adherence to these policies. Furthermore, the guide allows charter school developers to “target additional recruitment efforts toward groups that you believe might otherwise have limited opportunities to participate in your program” (USDOE, *Applying...*, 2000: 5). In effect, this stipulation allows charter schools to target minority and disadvantaged students in their recruitment efforts and gives the charter school movement the opportunity to directly address the alleged racial, social, and economic disparities within American public education – an opportunity which many charter school advocates say is the purpose of the movement. Considering the fact that the federal government has made this significant gain in ensuring that public charter schools at least remain true to the equal access

mission of American public education, if not work harder to ensure its guarantee, it is interesting to consider what larger role the federal government could have in the charter school movement, an issue that will be returned to later.

In addition to the passage of several important pieces of federal legislation and gradual increases in federal funding for charter schools, the Clinton administration continued throughout the President's two terms to publicly express support for charter schools. In his January 19, 1999 State of the Union address, President Clinton declared to Americans that the state of the union was strong, but warned that the United States cannot realize the limitless promise of our future if "we allow the hum of our prosperity to lull us into complacency" (Clinton, 1999). In order to combat the threat of complacency in public education, Clinton advocated more parental choice in selection of public schools. He reported in the address, "When I became president, there was one independent, public charter school in all of America. With our support, on a bipartisan basis, today there are 1,100. My budget assures that early in the next century, there will be 3,000" (Clinton, 1999). Although this goal of 3,000 charter schools has yet to be achieved, Clinton's support for the movement certainly played a significant role in the drastic growth in charter school numbers in the 1990's.

Furthermore, Clinton's comments illustrate an important point about the bipartisan nature of the charter school idea in the political context. Certainly one of the main reasons for the political popularity of charter schools is that they are considered a middle of the road reform strategy. The charter school movement can be molded to promise the progressive changes and social reform that appeals to Democrats but also can be adapted to promote the individualism and market competition in which Republicans put their faith. Charter schools appease the call for school choice but also divert attention away from more conservative school choice options,

such as vouchers and tuition tax credits, which are often perceived as undemocratic for providing funding to private and religious schools. For many politicians and educators, charter schools are the perfect compromise and a “very expedient and cheap solution to a dangerous political situation” (Cookson and Berger, 2002: 118). Charter schools still offer the primary benefits of the voucher program – school choice and local control – while maintaining the basic tenets of public education: that it be free, non-sectarian, and nondiscriminatory.

#### *Charter Schools in the Transition to the Next Administration*

As a result of the political expediency and middle of the road status of the charter school reform, the federal government’s support for the movement continued during the transition from a Democratic to a Republican administration. President Bush continues to support the movement, and charter schools play a significant role in his landmark education reform bill, the No Child Left Behind Act of 2001 (NCLB), as will be discussed next.

As President Bush simultaneously pushes for an increase in voucher programs, however, many Democrats and educators are calling on the administration to place its support in charter schools instead. For example, the U.S. Department of Education recently announced a plan to ask Congress to set aside \$75 million in federal money for a voucher program in the District of Columbia, despite a number of city education officials and 76 percent of D.C. voters stating opposition to private school vouchers (Strauss, 2003: 1). Congressional Delegate Eleanor Holmes Norton (D- D.C.), who has long opposed vouchers, questioned why the Department of Education did not continue to promote charter schools instead, asking, “Why would someone try to come in and take money that might go to charter schools and use it far less efficiently?” (as cited in Strauss, 2003: 2). As more conservative reforms such as vouchers threaten to gain

increased federal funding and support, the calls for charter schools among many liberal politicians and educators have become even louder.

### **Charter Schools under the Bush Administration and in the No Child Left Behind Act**

On January 8, 2002, President Bush signed into law the most sweeping reform of the Elementary and Secondary Education Act (ESEA) since its inception in 1965, a bill he described as “the cornerstone of my Administration” (USDOE, *NCLB Act, Executive Summary*, 2002). The No Child Left Behind Act of 2001, H.R. 1, is based on the President’s four basic education reform principles: “stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work” (USDOE, *Introduction: NCLB*, 2002). The first three goals practically define the charter school concept, and, not surprisingly, charter schools play a significant role in the new law. An examination of this role demonstrates how the current administration perceives the goal of charter schools, a stance that could differ somewhat from how many charter school advocates envision the purpose and the future of the movement.

#### *Why Does the No Child Left Behind Act Support Charter Schools?*

The political practicality of supporting charter schools has already been discussed, but the NCLB Act also takes a strong stand in support of charter schools because the charter school concept aligns closely with three of the bill’s stated main goals: accountability, flexibility, and parental choice. According to the Department of Education, however, charter schools seem to fall solely under the category of parental choice. In the No Child Left Behind fact sheet on charter schools, the Department of Education defines their challenge as the following: “To promote and encourage more parental options through charter schools” (USDOE, *The Facts About Supporting Charter Schools*, 2002).

With a proposed solution of providing information to parents and educators on successful charter schools, the fact sheet provides three main reasons for its support of charter schools: first, NCLB recognizes the accomplishments of the charter school movement as a result of the high standards, parental and community involvement, and greater freedom that are consistent with the President's entire education plan; second, since charter schools are free to innovate, they often "provide more effective programs and choice to underserved groups of students"; lastly, "charter schools are an important alternative in districts where schools are having a hard time improving academic achievement" (USDOE, *The Facts About Supporting Charter Schools*, 2002). Clearly, parental choice and providing effective, quality education to certain individuals and groups of students are the primary reasons for the federal government's support of charter schools, and hence its goals for the movement as a whole. The No Child Left Behind Act and the Bush administration are silent on what some charter advocates claim is the primary goal and reason of existence for the charter school movement: to serve as an experiment for a new system of education, like the one that Ted Kolderie predicted would withdraw the exclusive franchise in education and consequently spur innovations and improvements within the mainstream education.

#### *How Does the No Child Left Behind Act Support Charter Schools Directly?*

Charter schools are categorized in Title V of the NCLB Act, in the section entitled "Promoting Parental Choice and Innovative Programs." The Public Charter School Program, found under Part B, Subpart 1 of Title V, "provides financial assistance for the planning, design, or initial implementation of charter schools and to evaluate the effects of such schools" (USDOE, *The Achiever*, 2002: 3). Furthermore, "In awarding competitive grants, the U.S. Department of Education gives priority to states that demonstrate progress in increasing the

number of high-quality charter schools that are held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students” (USDOE, The Achiever, 2002: 3). These federal grants may be awarded to states through their state education agencies (SEAs) or, if a certain state chose not to apply or was denied a grant, individual charter schools may apply.

Additionally, the NCLB Act recognizes that many charter schools face huge financial burdens in obtaining educational facilities, especially since state and district allocations do not usually cover these considerable costs, and so it supplies funding to charter schools for this purpose in Part B, Subpart 2 of Title V. This program “helps charter schools with the costs of acquiring, constructing, and renovating facilities through innovative credit enhancement initiatives” (NCLB: Desktop Reference, 2003). Although the NCLB Act primarily supports charter schools through a limited number of competitive grants, the effects of the Act on charter schools do not end here.

#### *How Will the NCLB Act Affect Charter Schools Indirectly?*

The primary and most controversial provision of the NCLB Act for traditional public schools is its accountability standards. According to the new law, every public school will be required to meet “Adequate Yearly Progress (AYP),” toward a standardized testing goal, which is determined by each state. The law requires schools to raise the achievement levels of students, a function of testing scores, each year in each of five racial and ethnic subgroups, as well as among low-income students, students with limited English proficiency, and students with disabilities. A *Washington Post* article on widespread concern among educators and state education officials about the law reports, “Any deviation from steady improvement in any of the

subgroups for two consecutive years results in a school being called low-performing” (Fletcher, 2003: A8).

As a result of the subgroup divisions and the allegedly arbitrary requirement of increases in test scores every year despite other considerations, such as what the actual scores are, many educators claim that the school’s status will depend on the performance of just a handful of students and that the majority of the nation’s schools will be labeled low-performing (Fletcher, 2003: A8). According to a recent *New York Times* article, “In a recent interview, Sandy Kress, a lawyer who represented the White House in drafting the law and who now advises states on carrying it out, predicted that 50 to 90 percent of the schools in some states might be found inadequate” (Schemo, 2002: 2).

Charter schools enter the picture when the law dictates the consequences for these predicted huge numbers of low-performing and failing schools. According to a report by the Center for Education Reform on the consequences of the new ESEA for charter schools, “The NCLB Act says that when schools fail to meet AYP for two years or more, parents are permitted to choose another public school for their children to attend” (CER, *The New ESEA*, 2003: 5). Charter schools are included in the list of other public schools these children can choose to attend, and they will have to prepare for huge increases in demand. The “low-performing schools” must also offer students tutoring by private firms. Additionally, “If the schools do not improve after several years, they can be closed, reopened with new staff, or converted into charter schools” (Fletcher, 2002: A02). These federal regulations do not apply to charter schools because, by definition, they are *only* accountable to their authorizers, as defined by their state law, and not to the federal government (CER, *The New ESEA*, 2003: 2). Nonetheless, with top state education officials predicting that these “overly punitive and inflexible” federal regulations

will result in a “labeling of a majority of America’s 90,000 public schools as failing,” charter schools are preparing for an influx of students and the movement could get a huge boost (quotations from Dillon, 2003: 2).

Under the NCLB Act, the federal government’s plan for charter schools is to support them financially so they will perform as an outlet for regions of the nation where traditional public schools are failing their students and as an alternative educational option for parents and the students who attend these failing schools. Now that it has become apparent that an overwhelming majority of public schools will fall into this category, one wonders why the administration fails to address the fundamental question of why so many schools are failing in the first place and how charter schools can be used to address that question. Certainly, charter schools are at some level about providing choice to parents and students. But, left at this, charter schools will be able to help, at best, only those students who escape the very worst schools in the country. In this context, charter schools only serve the self-selecting separatists. At best, they abandon the rest of American public education, and, at worst, they divert much-needed funds from traditional public schools. According to the federal government’s goals for the charter school movement, this reform effort has diverted considerably from the promises of its founders to reform public education by acting as a models for a new kind of school.

Although these federal regulations do not live up to the founding reform goals of the movement, the original mission of the Act seems to mimic the fundamental charter school concept on a national level. The Executive Summary of the Act states, “One important goal of No Child Left Behind was to breathe new life into the ‘flexibility in exchange for accountability’ bargain with States first struck by President George H.W. Bush during his historic 1989 education summit ... the NCLB Act ... give[s] States and school districts unprecedented

flexibility in the use of Federal education funds in exchange for strong accountability for results” (USDOE, *NCLB Executive Summary*, 2002: 2). Under NCLB, the federal government provides for states the same framework of “autonomy in exchange for accountability” that states currently provide charter schools. So are states’ resistance to the bill and inability to live up to the bargain an indication of the failure of the fundamental charter school concept? First, it is important to note that the accountability standards, labeled as arbitrary by many, are one of the primary reasons that so much opposition to the Act has emerged. This result indicates an important lesson for the charter school movement that will be explored later: accountability standards must be determined in an accurate and meaningful way or the concept will fail. Nonetheless, the enactment of the charter school concept on a national level is an interesting concept, and, perhaps, if done properly, could be an effective way for the federal government to play an influential but flexible role in American public education.

### **Beyond the NCLB Act: The Potential Role of the Federal Government in the Charter School Movement**

With the current administration driving the role of the federal government in the movement down the narrow path of school choice, it is useful to ask: What could be an effective role for the federal government in making the charter school movement a model of reform for mainstream public education? With so many variations among charter school types and state charter schools laws, the federal government is the most plausible option for the creation of a kind of national agenda for the movement. Although currently that agenda is to promote charter schools as an alternative education choice, the federal government could potentially use the same methods it currently uses to promote an agenda of charter schools as models for mainstream

reform. These methods include setting goals, sponsoring conferences and research, making evaluations, and providing funding.

The current administration has pursued all of these venues to varying degrees. Goals for the movement have been set through such mediums as the Department of Education's Annual Report, which, in 2001, listed as one of its major goals: "To support the creation of a large number of high-quality charter schools and to evaluate their effects" (USDOE, *2001 Annual Report*). The report goes on to evaluate the progress of the goal according to certain indicators and targets, such as number of charter schools in operation. On June 19-22, 2002 the Department of Education sponsored the fourth annual Charter Schools National Conference in Milwaukee, Wisconsin to "strengthen charter schools through the exchange of ideas and by addressing shared concerns" (USDOE, *Paige Announces Fourth Annual Charter School Conference*, 2002: 1).

The Department has also sponsored influential research, such as *The State of Charter Schools 2000 – Fourth Year Report, January 2000*. Many of the evaluations done by the federal government on charters schools are conducted through these studies as well as congressional hearings, especially in the U.S. House of Representatives Committee on Education and the Workforce, where educators and leaders involved in the charter movement report to federal politicians on the successes and failures of the movement. Finally, the amount of federal funding to the charter school movement has increased dramatically in recent years. On October 11, 2001, U.S. Secretary of Education Rod Paige announced that "an unprecedented \$182 million will go to help set up, develop and expand charter schools and to promote the exchange of information regarding what works to improve students performance among charter schools across the nation"

(USDOE News, 2001: 1). The passage of the NCLB Act marked another huge increase in federal funding for charter schools through competitive grants, as previously discussed.

Clearly, the framework for a coherent agenda for the charter school movement is in place. President Bush and his administration have already begun to mobilize it for the purpose of advancing their primary goal for the movement: to provide alternative educational options to the American public. But what about the promises of the founders of the movement to reform mainstream education and thereby advance social justice and American democracy through a more effective overall system of public education? The next chapter will explore the debate surrounding the charter school movement, including all the various justifications for and criticisms of the movement, in the hopes of further exploring the following question: If there is to be a unified national agenda for the charter school movement, what should it be?

**CHAPTER FIVE**  
**THE CONTROVERSIAL DEBATE:**  
**POTENTIAL BENEFITS AND RISKS OF CHARTER SCHOOLS**

As evident from current federal education policy, the charter school movement is a prominent concept and an important component of the political discourse on public education. However, as a result of the intense political debate that surrounds the issue of school choice and the variety of constituents to whom charter schools respond, federal policy lacks a single, coherent agenda for what the long-term goals of the movement should be. The same situation is essentially true of the national debate among charter school advocates and critics over the movement and its uncertain future. Just as the charter schools themselves represent a multitude of variations in form, the arguments for and against the charter school movement are equally varied and should be weighed not only against the opposite side but also within their own position. Two advocates, for example, can both support charter schools but for drastically different reasons, and these differences need to be accounted for in an effort to determine the long-term goals that this movement can and should pursue.

As the previous chapter determined, President Bush's administration strongly supports charter schools, as evidenced in recent federal legislation, for the primary purpose of providing expanded educational choice for parents. In contrast, however, many of the founders of the charter school movement and other advocates contend that the original objective of charter schools is to reform public education. While it may be possible for the movement to fulfill both goals, a considerable risk exists that a focus on the current administration's interest in promoting parental choice will ignore the more long-term and subtle goal of mainstream reform, making

charter schools havens for self-serving separatists rather than models of reform. This chapter will present the potential benefits and risks of the controversial concept of charter schools and the intense debate that surrounds the issue, keeping in mind the tension between these two different visions for the movement.

### **Possibilities and Problems in the Structure of the Charter School**

According to many charter school founders, administrators, and teachers, the inherent flexibility of the charter school structure attracted them to concept. Freedom from direct oversight by the government enables them to innovate with curriculum and pedagogical ideas, providing, for many, the opportunity to educate students in a more efficient and effective manner. Paul Vance, superintendent of D.C. public schools in a school district with one of the fastest-growing charter school systems in the nation, admits some of the advantages of charter schools, despite his wish that the public school system would be effective enough that charter schools did not have to exist. He says in a *Washington Post* article, “What I’ve heard about charters is that they don’t have to deal with insensitive bureaucracy. They have supplies and materials. They teach with few, if any, interruptions. They teach where no one loses sight of the main thing, which is teaching and learning. They aren’t bogged down with conflicting directives from central administration” (as cited in Fisher, 2001: 2).

Many argue that the flexibility in exchange for accountability structure is more efficient than direct government control, and they point to similar examples of this structure in other areas of contemporary life as proof. While the structure of today’s system of public education is still the same as it was in the 19<sup>th</sup> century when Horace Mann and his contemporaries founded the concept of the public school, other sectors of society have transformed dramatically in recent times. For example, in the corporate world,

... traditional bureaucratic structures and top-down management systems were being rendered obsolete by the heaving transition to the information age and the flexibility demanded by the global economy's fierce competitiveness ... Most of today's successful companies run according to a 'tight-loose' strategy: they are tightly controlled with respect to their goals and standards – the results they must achieve, and the information by which performance is tracked – but they are loose as to the means by which those results get produced (Finn, Manno, and Vanourek, 2000: 66-67).

As the authors further explain, this “tight-loose” management strategy has also begun to permeate the public sector, re-inventing the old government formula of attention to procedure over concern for outcomes. For example, “Wisconsin’s welfare program, a work-based system of public aid that contracts with public and private organizations to help low-income families become self-sufficient, is widely touted as a success” (Finn, Manno, and Vanourek, 2000: 68-69). Given the proven positive results of this revolutionary strategy in much of the private sector and in some of the public sector, the concept clearly has the potential for impressive achievements in public education as well. However, these possibilities must be weighed against a number of other factors that are unique to the field of education, as will be discussed throughout this chapter.

In addition to the potential for increased efficiency, many advocates praise the structure of the charter schools for encouraging innovation and unique curricular focuses. According to the Center for Education Reform’s 1998-1999 “Survey of Charter Schools,” the top curriculum and instructional focuses of charter schools are: 26 percent science, math, and technology, 24 percent core knowledge, 24 percent thematic instruction, 20 percent back to basics, and 16 percent college prep. A significant percentage of the schools also had an arts focus, at 11 percent (CER, *Charter Schools Today*, 2000: 115). While Cookson and Berger argue that none of these categories are educationally revolutionary, a school that focuses intensely on one of these educational principles certainly is a new idea, and the demand for these schools among

educators, parents, and students indicates a need for traditional public schools to return to some of these basic principles.

In addition, these statistics do not take into account some of the more specific instances of impressive innovation at individual charter schools. For example in D.C., “At Cesar Chavez High School for Public Policy on Florida Avenue NW, the focus is on constitutional issues and ‘what students might do to change the world’... they paint murals and produce radio shows. But they also study the Bill of Rights and engage in heated debate over how it applies to their own lives” (Fisher, 2001: 7). As will be discussed later, such specialized curricula also spark dispute over the democratic role of education – that is, whether specialization threatens the common body of knowledge that public education seeks to impart.

Charter school proponents also cite the typically smaller size of charter schools as one of their primary benefits, enabling the schools to provide students with more individualized attention. As the CER survey found, charter schools have an average enrollment of about 250 students, compared to an average of 710 students in traditional public schools (CER, *Charter Schools Today*, 2000: 114). Other statistics citing much of the same have already been recounted, as well as the reported higher rates of parental and community involvement at charter schools. As many reasonably argue, however, the increased rates of parental involvement are more likely anyway at a school where the parents took the time and initiative to pull their child out of a failing school and apply to a new one, creating a kind of self-selecting population of involved parents. Unless traditional public schools can find a way to replicate the high rates of parental involvement that charter schools enjoy, whether that means involving parents in the decision-making or coordinating concentrated outreach efforts, this reform effort could end up

just serving the portion of the population that has the initiative to seek out and choose charter schools.

Lastly, charter school supporters claim that the incentives-based system of charter schools logically will lead to higher rates of student achievement. In some cases, this result has already occurred, such as in the hugely successful and widely publicized KIPP schools. As previously mentioned, the KIPP schools are one of the most successful examples of grassroots charter schools, setting high expectations for its typically low-income students through rigorous accountability standards, long school days, strict discipline, and material rewards, such as field trips, for student success. The standardized testing results for the first KIPP school in Houston are remarkable. In its first year, the passing rate on Texas state tests for the fifth-graders at the Houston KIPP school jumped from 50 percent at the beginning of the school year to 98 percent at the end of the same year (Mathews, *Test Scores Are Up...*, 2002). Furthermore, “2001-2002 marked the fifth consecutive year KIPP Academy New York has been the highest performing public middle school in the Bronx in reading scores, math scores, and attendance. To date, the alumni of the two original KIPP schools have earned over \$18 million in scholarships to attend some of the best private high schools and boarding schools in the nation”(KIPP, 2002).

Clearly, in a number of individual cases, the charter school structure has been successful at increasing student achievement, and these anecdotes are encouraging. On a systematic level, however, the results are mixed and generalizations are impossible. No conclusive evidence exists to confirm that charter school students achieve higher levels on standardized tests. Most studies of charter schools offer localized and anecdotal evidence of success, which is not enough to satisfy many critics who point to the financial and emotional drain that charter schools have on the public school system. Nonetheless, the Center for Education Reform points to the growth of

research reporting positive results. Based on fifteen different studies, “Nearly every study demonstrates that – although the charter schools reviewed focused on ‘at-risk’ students who entered the school performing slightly below grade level – students’ progress was at or above the progress recorded by students in surrounding traditional public schools, demographically comparable schools, or the state average” (CER, *Six Common Criticisms*, 2003: 3). These results point to an important factor to consider when evaluating these schools. As Finn and his colleagues warn, “One should beware of the double standard that holds charter schools to a level of perfection while many district schools get away with educational malpractice because they are parts of ‘the system’” (Finn, Brunno, and Vanourek, 2000: 153). Nonetheless, in a system where accountability to test results is the *only* form of oversight the government has over the school, these results should not be taken lightly.

The accountability issue is certainly central to this topic, but it holds a much stronger position on the side of the debate that exposes the risks rather than the benefits of the charter school structure. The total reliance of the success of the charter concept on a factor that is controversial and highly difficult to measure presents a major problem for the legitimacy of the reform. Independent of the charter school movement, many educators and policymakers believe that standardized tests cannot accurately reflect the wide range of indicators that determine a student’s success, which is necessarily subjective and contextual. Additionally, the variety of tests used throughout the country prohibits any standardized assessment of student progress anyways.

In addition to this significant and common criticism and to the mixed results of charter school student achievement, many studies have found that the schools are not being held academically accountable to the terms of their charter, which presents a major threat to the

validity of the movement. Charter school advocates often respond to accusations of low student performance with the rebuttal that charter schools are more accountable than traditional schools because they are closed down when they do not produce results. As the Center for Education Reform argues, “Traditional public schools that consistently fail to meet goals (in those rare instances when they are set) are propped up and continue to do a disservice to the children attending them. Charter schools that consistently fail to meet goals (which are always set) are closed” (CER, *Six Common Criticisms*, 2003: 2). In theory, this situation is ideal and makes the charter school structure preferable to that of the traditional schools.

In practice, however, this has not proven to be the case. According to the Center for Education Reform, as of the end of 1999, only 39 charter schools had been closed, representing just 2.3% of the of the 1,713 schools that had opened their doors. According to each school’s reasons for closing as reported by CER, in 28 of the schools, there is no mention of academics or curriculum in its reasons for closing. The most common reasons include problems with management, finances, facilities, and enrollment. Six of the schools report academics, curriculum, or student achievement as one of many reasons for closure, while only five schools report these academic factors as the sole reason. These results can be interpreted in one of three ways: first, almost every single charter school in the country is doing a phenomenal job of educating their students; second, academic standards of accountability are not being thoroughly enforced; or third, it is too soon in the development of this movement to judge. The second interpretation poses a significant problem for the charter school concept.

In their study of seventeen California charter schools, Amy Stuart Wells and her colleagues found that these charter schools were more likely to be held fiscally responsible than academically accountable to increased student achievement (as cited in Cookson and Berger,

2002: 105). The National Education Association takes a hesitant position on charter schools because of the accountability dilemma, stating its support for “public charter schools that have the same standards of accountability and access as other public schools,” but also warning that “accountability proves to be elusive” (NEA, 2002). A *New York Times* article on the problems of certain charter schools in Arizona concludes, “... like a lot of 1990’s market miracles, the charter bubble has burst ... Regulation is so loose that the state charter board is often the last to know that a school is collapsing” (Winerip, 2003: 2).

The answer to this accountability dilemma, however, may not be to give up on the charter school idea. Instead, a number of researchers have proposed more sophisticated accountability systems. In her study of charter school accountability, Katrina Bulkley proposes “an ongoing relationship focused on accountability rather than one that enforces accountability at a single point – when the charter is up for renewal” (as cited in ECS, 2001). Her system would include a more active role for the authorizers in ensuring the academic accountability of the charter school. Finn and his colleagues also detail an elaborate checks and balances system, including routine and systematic disclosures of complete and accurate information at three levels: the individual school, the charter sponsor, and the state (Finn, Brunno, Vanourek, 2000: 141). Others argue that market forces will keep the schools accountable to their most important authorizers: the students and parents whom they serve. Nonetheless, the accountability bind creates serious and fundamental problems for the movement and requires increased attention and research for the charter school concept to be validated.

### **Creating Competition? The Effects of Charter Schools on the Mainstream School System**

Assume, for the sake of the debate, that every charter school in existence has proven beyond a doubt to achieve higher rates of student academic success than their traditional

counterparts. The question then becomes: Would charter schools in this situation be beneficial or harmful to the rest of our public education system? Essentially, regardless of whether they are able to educate their small portion of the nation's student population, how are charter schools affecting those students who are left behind in our public schools?

As many charter advocates will attest, charter schools provide competition for the district's public schools by making it necessary for them to reform and improve their schools in order to keep their students. Based on the success of the competition concept in other areas of contemporary life, especially in business, this argument also reflects some of the original reasons for the founding of the charter movement. As has been previously discussed, charter school movement founders such as Ted Kolderie argued, "an organization with an exclusive franchise is under little pressure to change" (Kolderie, 1990: 4). In its report on school choice in Michigan, the Mackinac Center for Public Policy quotes Albert Shanker on this topic, who says, "It's time to admit that public education operates like a planned economy, a bureaucratic system in which everybody's role is spelled out in advance and there are few incentives for innovation and productivity. It's no surprise that our school system doesn't improve: It more resembles the communist economy than our own market economy" (cited in Mackinac, 1999: 53). Given the previously discussed link between public education and social justice in a capitalist democracy, this old educational structure appears inappropriate and outdated.

In addition to this theoretical framework, charter school proponents also cite concrete examples of instances where charter schools have spurred positive changes in district schools, a phenomenon referred to as the "positive ripple effect" by the Center for Education Reform. In a significant number of instances, public schools react to the founding of charter schools in their district by mimicking some of the successful and desirable programs, methods, and innovations

that the charter schools employ. The Center for Education Reform reports a number of these examples. Some of the more impressive ones include:

- In Arizona, “Queen Creek School District began offering teacher training in phonics and additional phonics classroom instruction after losing about 30% of its students to the Benjamin Franklin Charter School, which focuses on traditional reading pedagogy” (CER, 2000: 8).
- Also in Arizona, the Flagstaff Unified School District began losing many students to new charter schools. In response, they created a new magnet middle school to compete with the two preparatory middle schools in town, an idea that had been debated for over a year but never materialized until the charter schools were founded. Also, the district created a “Pathway” program, which develops individualized curriculum paths for students in addition to required courses, based on the success of the charter schools with a similar program (CER, 2000: 8).
- In California, the superintendent of the San Carlos School District reports that the district has become more entrepreneurial since the founding of a charter school in the area, with all public schools now seeking grant money from local and regional foundations as the charter schools do (CER, 2000: 9).
- Also in California, charter school principal Yvonne Chan reported in a *60 Minutes* story about her school that public schools in the LA Unified School District typically took one year to buy computers for the classrooms. At her charter school, it took six days, and they did it for less money. Following the airing of the program, the school district revised its purchasing system (CER, 2000: 10).

- In Massachusetts, the City on a Hill Charter School has achieved impressive test scores and has a long waiting list. The U.S. Department of Education recently awarded the school a 2-year \$40,000 grant to initiate a mathematics collaboration between teachers at the charter school and teachers at local public schools to share classroom research and teaching methods (CER, 2000: 13).
- In New Jersey, an arts education nonprofit institute had been trying since 1989 to convince Camden School District to open a high school for the fine arts. For years the district refused, until New Jersey passed a charter school law in 1996 and the institute applied for a charter for an arts high school. The proposal was rejected, but Camden soon announced its plan to open a magnet high school for fine arts education (CER, 2000: 17).
- Both the Duluth, Minnesota and the Toledo, Ohio school districts have adopted for their public schools some of the successful aspects of the Edison charter school model, such as longer school day, upgraded technology, and special reading and math programs (CER, 2000: 17,20).

In addition to this anecdotal evidence, a study on the impact of charter schools on school districts commissioned by the U.S. Department of Education found “that every district in our sample reported impacts from charter schools and made changes in district operations, in the district educational system, or in both areas” (USDOE, *Challenge and Opportunity*, June 2001: Executive Summary). Among the 49 school districts in 5 states studied in the report, nearly half of district leaders reported “becoming more customer service oriented, increasing their marketing and public relations efforts, or increasing the frequency of communication with parents” (USDOE, *Challenge and Opportunity*, June 2001: Executive Summary). Additionally, “Most districts implemented new educational programs, made changes in educational structures in

district schools, and/or created new schools with programs that were similar to those in the local charter schools” (USDOE, *Challenge and Opportunity*, June 2001: Executive Summary).

Evidence such as this reveals the immense potential for mainstream reform inherent in the charter school concept. The true test of the movement will be in its ability to make examples such as these the norm and to affect public school districts in a concrete and broad-sweeping way. Many critics, however, argue that cases where this is happening are rare and that most public schools do not have the means to imitate what the charter schools have achieved.

Cookson and Berger, as well as many others, contend that, in practice, there is little exchange of ideas between charter schools and traditional schools. They conclude, “Charter school teachers and administrators are often too busy and too overworked to make an effort to share their programs and practices with others – especially with others who, in fact, work for the competition” (Cookson and Berger, 2002: 61). Given this situation, the question then becomes whether the charter school concept should be abandoned as inherently flawed in the feasibility of its goals, or whether the system should be modified and built up to promote increased exchange between schools. Cookson and Berger admit, “... in fairness that education successes are rarely replicated. Schools tend to be their own little kingdoms and seldom borrow from others” (Cookson and Berger, 2002: 107). Perhaps charter schools offer the best hope for changing this situation and improving all schools through the creation of a framework in which educators can exchange ideas on their successes and failures.

The argument that public schools do not have the means of imitating the successes of charter schools presents a more troubling and serious problem. A teacher at a charter school in D.C. was quoted in an article in *The Washington Post* as saying, “The advantage we have has to do with resources that the public schools do not have, and parents who find out about the charter

schools and do whatever they need to get their kids in. What about all the kids who don't have a family saying, "Go here'?" (as cited in Fisher, 2001: 1-2). This issue was central to *The Washington Post's* "Online Debate on the Merits of KIPP." In this debate, William Cala, superintendent of Fairport, New York schools, contends, "When it comes to legislative priorities, educating the poor has not been one. It simply costs too much. It's so much easier to pretend to care about the disadvantaged by supporting KIPP and other charters that siphon dwindling funds from crumbling, ill-funded, and devastated city schools" (Mathews, *Online Debate*, 2002: 2). In reply, Jay Mathews argues that the impressive results of charter schools like KIPP are just beginning to emerge and be publicized, and that they "give the debate something it has not had before, solid evidence of the effectiveness of more money, when used the right way" (Mathews, *Online Debate*, 2002: 3). Cala replies by reminding readers of the improbability of replicating the methods of schools like KIPP. He writes, "In this case, Jay, you are enamored with the glitz of a purported high test score and blinded to the damage that is left behind at the local public school where teachers don't have company-provided cell phones, corporate funding, or kids with parents who sign performance contracts" (Mathews, *Online Debate*, 2002: 3). This argument adds a new dimension to the consideration of the impact of charter school on the public schools. Not only is the extent of this impact unclear, but it is questionable whether, given the exposure, public schools will even have the resources and the intense parental support that charter schools have needed to achieve success. This reality of this situation is highly possible, and its ramifications for the ability of the charter school movement to reform the public education system are immense.

## **Charter Schools, Social Justice, and Democracy: Promoting Equal Opportunity?**

The intention of this report is not just to determine how well charter schools are educating their students, but, more importantly, whether the charter movement is beneficial to the social justice and democratic aims of public education. Therefore, this portion will operate under the same hypothetical assumption that charter schools have proven to increase the academic achievement of their students. Given that situation, the question remains whether charter schools are beneficial to American public education as a whole, with a number of substantial risks threatening that potential.

Many charter school advocates, especially the current presidential administration and many parents of charter school students, support charter schools because they provide parents and students in disadvantaged communities with the option of higher quality education than what the public schools in their area offer. An examination of the student populations served by charter schools has already proven this situation to be true. Ted Kolderie explains the equity issues involved in this situation:

Every state has had a choice plan since the Pierce decision in 1925. It is a simple plan: kids can go to any schools, anywhere – public or private – if their parents can pay the tuition or the cost of moving their place of residence. It is in use: lots of people choose. It works. It is inequitable: it discriminates against the poor. A family with a lot of money has a lot of choice. A family with little money has little choice (Kolderie, 1990: 6).

In this context, charter schools promote equal opportunity by serving the underserved portion of the population and extending school choice to poor as well as rich families.

This situation seems ideal and perfectly consistent with the social justice and democratic goals of public education, until one realizes that charter schools cannot and do not extend this school choice to all of the students who want it. Already, waiting lists for charter schools are too long. In this case, a troubling question emerges: What about the kids who are left behind?

Jonathan Kozol predicted this problem years ago when he wrote of school choice, "... 'choice' plans of the kind the White House has proposed threaten to compound the present fact of racial segregation with the added injury of caste discrimination, further isolating those who ... have been forever, as it seems, consigned to places *nobody* would choose if he had any choice at all" (Kozol, 1991: 63).

Not only will these students be left behind in schools that were previously inadequate, the mere existence of charter schools could mean that those schools will be *worse* off than they would have been if charter schools did not exist. As many critics argue, charter schools drain funds away from the traditional public schools. According to the Department of Education's report, "Nearly half of district leaders perceived that charter schools had negatively affected their budget and explained this impact by pointing to the reduced revenue from students who had transferred from district schools to charter schools" (USDOE, *Challenge and Opportunity*, June 2001: Executive Summary).

Advocates counter that the funding determined for charter schools is based on per-pupil-expenditures. Hypothetically, as Finn and his colleagues argue, "money follows children to the schools their families select. Public dollars are meant to be spent for the education of a particular student. They are not entitlements for school systems" (Finn, Brunno, and Vanourek, 2000: 152). The reality of the financial situation, however, is somewhat more complex. As Marc F. Bernstein explains,

This simplistic argument totally ignores the economic concept of marginal cost. It costs less to educate the 24<sup>th</sup> student in the class than the initial 5, 10, 15, or 20 ... if 10 students in each grade were to transfer to a charter school from a \$1,000-student public elementary school, the public school would lose approximately \$500,000. No teacher, custodian, or secretary salaries can be eliminated as a result of the reduction in the number of students. However, the public school would have \$500,000 less available to educate its remaining students ... There are but two choices – raise taxes or reduce

programming. Either choice has serious repercussions for public education (Bernstein, 1999: 229-230).

Clearly, the complex financial effects of charter schools on public schools are an influential consideration in weighing the costs and benefits of charter schools. While it is easy to get caught up in the impressive achievements some charter schools have made with their students, the detrimental effects of charter schools' existence on the students left behind in our public schools threatens our central mission to provide equal access to education to all children.

In addition to this practical consideration of the inability of charter schools to further equal access to education, many charter school opponents have theoretical problems with the charter schools in the challenge they present to American educational philosophy. They ask, "Are charters a rejection of the governing philosophy of American education – an admission that the idea of a single system molding useful citizens from all walks of life has failed?" (Fisher, 2001: 2). These critics argue that charter schools destroy Horace Mann's original intention for the public school – that is, that a common school create a common body of knowledge with a consistent philosophy to all children in this country. Along these lines, charter schools certainly present the substantial risk that some of our public schools will be narrowly drawn to cater to a special clientele. For many, such as the charter school founders and parents who may have been disenfranchised by the traditional school system, this new system provides an empowering and liberating opportunity. Bruce Fuller, however, warns of the risk of this new opportunity when he writes,

For if charter schools are essentially to serve the 'tribal' agendas of well-off white parents, faithful home schoolers, La Raza devotees, black nationalists, even Mormons and Muslims, then why would society continue to support the public purposes that hold together public education? ... And once we all win our own private places, like private clubs surrounded by high walls, who will be left behind to rely on public spaces? ... Thus a second paradox speaks to whether the very advocates of local empowerment and the

radical deconstruction of the modern state will unknowingly advance greater inequality (Fuller, 2000: 4).

This potential problem, however, relates closely to a larger, more controversial question about the kind of democracy we are seeking to advance through public education. As Fuller explains,

One reason the school's role is so perplexing is that 'democracy' is in the eye of the beholder. For many, democracy speaks mainly to the sacred freedom of the individual, including the advancing of both civil rights and one's unimpaired ability to conquer unfettered markets. For others, the key elements of democracy are linked to community aspirations: small-town participation in civic issues, or a cosmopolitan tolerance of pluralistic groups that unite around various public interests and public projects (Fuller, 2002: 8-9).

In this context, charter schools seem to advance both roles by providing the individual with the opportunity to fulfill community aspirations. However, we also must be aware of the potentially unforeseen costs of this promotion of individuality and pluralism to the social justice mission of public education, and admit the possibility that the interests of democracy and social justice could clash. Amy Stuart Wells and her colleagues use a significant portion of their report to explore the liberatory possibilities of charter schools for educators and parents who are essentially creating grassroots social movements through these schools. Eventually, however, they too warn of the long-term dangers of charter schools in the context of social equality. They write, "... because charter schools are part and parcel of a larger political push to roll back the welfare state and shrink government size and spending, they have come of age in an era when resources are less likely to be redistributed from wealthy to low-income communities. When we examine charter schools through this wider lens, the emancipatory potential of the reform seems feeble in comparison" (Wells, et al., 1999: 196). In this light, charter schools seem to be a political quick fix for complex social problems and severe inequalities that underlie our system of education and of governance.

## **Conclusion**

Considering these complex social problems, it is important to keep in mind that, while charter schools clearly do not provide a risk-free answer to the problems that plague our public education system, virtually no reform effort in any sector of society does. Just because charter schools cannot promise perfection does not mean they cannot benefit public education. Clearly, however, these benefits must be weighed against the risks. Certain prominent risks remain, the most serious of these being: the accountability dilemma, the possibility that public schools will be unable to imitate the successes of charter schools, the threat that charter schools are leaving the public schools financially worse off than if charters did not exist, and the possibility that charter schools do nothing to expand the equality of opportunity that social justice demands.

At the same time, given the incredible variations in successes and failures of charter schools, it might be more helpful at this early stage of the movement to evaluate individual schools, their methods, and their reasons for success or failure, rather than the movement as a whole. These are the lessons from which public schools should be able to benefit, if they are able to benefit at all. Only through increased dedication to this goal of the movement – that is, reforming mainstream education rather than serving only those students and families who are lucky enough to be offered the option of school choice – can we truly assess the value of the charter school concept in terms of its contributions to American democracy and social justice.

## **CHAPTER SIX**

### **CONCLUSION: ASSESSING THE CHARTER SCHOOL MOVEMENT - THE MAKING OF A MODEL FOR MAINSTREAM REFORM**

Conflicting thoughts and feelings about the charter school movement are typical and understandable. It is easy to be excited by the success stories of educational innovation and academic achievement, inspired by the potential of the charter concept, frustrated by examples of abuse and failure of the system, and consumed by the volatile politics and heated debate that surround this controversial new idea. The intent of this thesis was to distill some of these conflicting forces, evaluate the potential benefits and limitations of the movement, and examine charter schools in the context of what they can offer to the pursuit of social justice and American democracy through public education.

As determined by the unique structure of the charter school, the movement is defined by its flexible and postmodern nature. The characteristics of the individual schools vary almost as much as the multitude of different advocates and critics of the movement, as well as their various arguments and goals that produce the heated debate. Clearly, this is a movement with immense potential as well as serious limitations. The success of the movement will depend on harnessing this potential towards a particular goal that fits most aptly with our aims as a nation for public education. With our system of public education relying fundamentally on social justice and democracy, our purpose as a nation must be to provide equal opportunity for all. If education is going to work toward achieving this goal, then charter schools must do the same.

As they exist currently, charter schools are subject to whatever founding philosophy their founders, parents, and students prefer, presenting serious challenges to the coherence of the mission of public education. The secret of utilizing the powerful potential of this reform model will be through the creation of a common mission for the charter school movement. Every state

charter school law in the nation, and perhaps even a new, federal law, should ensure that each individual charter school is oriented towards the single, overarching goal of providing equal opportunity through public education in the quest for social justice and democracy. The means through which each charter school fulfills this goal will be up to the innovative and specialized methods of the local founders, parents, students, and community. Above all, as an educational reform model, charter schools should improve public education by expanding access, not just providing certain students with a way out of a failing system.

This inspiring potential for the charter school movement may not have been fulfilled yet in the brief amount of time they have existed. However, the size and intensity of the movement, with all its hopes and rhetoric, are testament to the need for these hopes to be fulfilled in all of our public schools. All of our schools need the reforms that charter schools promise; smaller class size, curricular innovation, and increased parental and community involvement should not be limited to charter schools. Instead, we need to find a way to translate the potential for success inherent in the charter school concept to success for all of our public schools. A charter school movement with a common mission rooted in social justice and democracy could be that answer.

## References

- Bernstein, Marc F., 1999. "Why I'm Wary of Charter Schools." *The School Administrator*. Reprinted in: *Taking Sides: Clashing Views on Controversial Educational Issues*. Twelfth Edition, 2003. James Wm. Noll, Editor. Guilford, CT: McGraw-Hill/Dushkin.
- Campbell, James W, 2003. *Change of Heart About Charters*. The Washington Post. March 16, 2003.
- The Center for Education Reform, November 9, 2001. *Charter Law Scorecard Ranks States*. [http://www.edreform.com/charter\\_schools/laws/](http://www.edreform.com/charter_schools/laws/) Accessed on 12/16/02.
- The Center for Education Reform, 2000. *Charter Schools Today: Changing the Face of American Education*. Washington, D.C.: CER.
- The Center for Education Reform, 2003. *The New ESEA: What It Means for Charter Schools*. <http://www.edreform.com/> Accessed on 12/16/02.
- The Center for Education Reform, 2003. *Charter Schools: Six Common Criticisms From Opponents ... And Proof That They Are Unfounded*. <http://www.edreform.com/> Accessed on 12/16/02.
- Clinton, William J., January 19, 1999. *State of the Union address*. Transcript found on: <http://www.cnn.com/ALLPOLITICS/stories/1999/01/19/sotu.transcript/> Accessed on 2/27/03.
- Cookson, Peter W., Jr. and Kristina Berger, 2002. *Expect Miracles: Charter Schools and the Politics of Hope and Despair*. Boulder, CO: Westview Press.
- DC Public Charter Schools Website, [www.dcpubliccharter.com](http://www.dcpubliccharter.com), 2001. *DC Public Charter School Board's Annual Report 2001*. <http://www.dcpubliccharter.com/report01.htm> Accessed on 11/8/02.
- Dillon, Sam, February 16, 2003. *Thousands of Schools May Run Afoul of New Law*. The New York Times. [http://www.nytimes.com/2003/02/16/education/16EDUC.html?pagewanted=print&positi  
o...](http://www.nytimes.com/2003/02/16/education/16EDUC.html?pagewanted=print&position=...) Accessed on 2/16/03.
- Education Commission of the States (ECS), November – December 2001. *The Progress of Education Reform: Charter Schools*. <http://www.ecs.org/clearinghouse/31/88/3188.htm> Accessed on 12/14/02.
- Finn, Chester E., Jr., Bruno V. Manno, and Gregg Vanourek, 2000. *Charter Schools in Action: Renewing Public Education*. Princeton, NJ: Princeton UP.
- Fisher, Marc, April 8, 2001. *To Each His Own*. The Washington Post. Page W18.

- <http://.../wp-dyn?pagename=article&node=&contentId=A35561-2001Apr4&notFound=tru> Accessed on 10/18/02.
- Fletcher, Michael A., November 27, 2002. *New Education Rules Criticized*. The Washington Post. National News. Page A02. <http://www.washingtonpost.com/ac2/wp-dyn/A43585-2002Nov26?language=printer> Accessed on 11/27/02.
- Fletcher, Michael A., January 2, 2003. *States Worry New Law Sets Up Schools To Fail*. The Washington Post. National News. Pages A1, A8, A9.
- Fuller, Bruce, ed, 2000. *Inside Charter Schools: The Paradox of Radical Decentralization*. Cambridge, MA: Harvard UP.
- Goodnough, Abby, October 17, 2002. *Chancellor Speaks Up for Charter Schools*. The New York Times. <http://www.nytimes.com/2002/10/17/nyregion/17SCHO.html> Accessed on 10/18/02.
- Hentschke, Gilbert, 2000. *Innovation for Excellence in Education: The California Charter School Story*. Soon to be published remarks from Preface. As quoted by Irene Sumida at *Charter Schools: Successes and Challenges*, Hearing before the Committee on Education and the Workforce, House of Representatives, March 3, 2000.
- Hess, Frederick M., November 2002. *Making Sense of the "Public" in Public Education*. Washington, D.C.: Progressive Policy Institute. [www.ppionline.org](http://www.ppionline.org) Accessed on 2/26/03.
- Johnson, Darragh, November, 10, 2002. *A Classroom Crusade*. The Washington Post. Page W22. <http://www.washingtonpost.com/ac2/wp-dyn/A9133-2002Nov5?language=printer> Accessed on 11/13/02.
- KIPP (Knowledge is Power Program) Website, October 21, 2002. [www.kipp.org](http://www.kipp.org) *New KIPP Schools Show Impressive Improvement in Student Achievement*. "News & Events; Announcements." Accessed on 11/8/02.
- Kolderie, Ted, 1990. *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education*. Washington, DC: Public Policy Institute. <http://www.ppionline.org/ndol/print.cfm?contentid=1692>. Accessed on 2/26/03.
- Kozol, Jonathan, 1991. *Savage Inequalities: Children in America's Schools*. New York: Harper Perennial.
- Land, S.J., Philip S., 1994. *Catholic Social Teaching: As I Have Lived, Loathed, and Loved It*. Chicago, IL: Loyola University Press.
- Lewin, Tamar, 2002. *The Education Election*. The New York Times. November 10, 2002.

- The Mackinac Center for Public Policy, July 1999. *School Choice in Michigan: A Primer for Freedom in Education*.
- Mason-King, Pam, 2003. "Horace Mann." <http://www.nd.edu/~rbarger/www7/mann.html>  
Accessed on 1/30/03.
- Mathews, Jay, October 29, 2002. *Online Debate on the Merits of KIPP*.  
[www.washingtonpost.com/ac2/wp-dyn/A35001-2002Oct29?language=printer](http://www.washingtonpost.com/ac2/wp-dyn/A35001-2002Oct29?language=printer) Accessed  
on 11/01/02.
- Mathews, Jay, October 21, 2002. *Test Scores Are Up at KIPP Schools*. The Washington  
Post.com. Page B04. [www.washingtonpost.com/ac2/wp-dyn/A57170-  
2002Oct20?language=printer](http://www.washingtonpost.com/ac2/wp-dyn/A57170-2002Oct20?language=printer) Accessed on 11/01/02.
- Nathan, Joe, 1996. *Charter Schools: Creating Hope and Opportunity for American Education*.  
San Francisco: Jossey-Bass Publishers.
- National Conference of Catholic Bishops, November 1986. *Economic Justice For All: Pastoral  
Letter on Catholic Social Teaching and the U.S. Economy*. Washington, D.C.
- National Education Association, 2002. *Charter Schools*. <http://www.nea.org/charter/index.html>  
Accessed on 9/9/02.
- Novak, Michael, 1982. *The Spirit of Democratic Capitalism*. New York: Simon & Schuster  
Publication.
- Schemo, Diana Jean, November 27, 2002. *New Federal Rule Tightens Demands on Failing  
Schools*. The New York Times.  
<http://www.nytimes.com/2002/11/27/education/27EDUC.html?pagewanted=print&positio>  
o... Accessed on 11/27/02.
- Strauss, Valerie, February 8, 2003. *President to Push Vouchers for D.C.: Bush Moving Ahead  
Despite City Opposition*. The Washington Post. Page B01.  
<http://www.washingtonpost.com/ac2/wp-dyn/A42459-2003Feb7?language=printer>  
Accessed on 2/15/03.
- Thomas B. Fordham Foundation. *Charter Schools: Introduction*.  
<http://www.edexcellence.net/topics/charters/html> Accessed on 9/09/02.
- Toppo, Greg, September 16, 2002. *Bush Administration Seeks More Single-Sex Schools*.  
Salon.com. Washington, AP, as posted on National Council of Women's Organizations;  
News. [www.womensorganizations.org/news/samesex.htm](http://www.womensorganizations.org/news/samesex.htm) Accessed on 9/20/02.
- United States Department of Education, No Child Left Behind, November 15, 2002. "Close-Up:  
No Child Left Behind, Supporting Public Charter Schools." *The Achiever*. Vol. 1, No. 5.

- United States Department of Education, 2001. *Annual Report 2001*. “Public Charter Schools Program.” <http://www.ed.gov/pubs/annualreport2001/293.html> Accessed on 01/03/03.
- United States Department of Education, Office of Civil Rights, May 2000. *Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers*. <http://www.ed.gov/offices/OCR/docs/charter.pdf>. Accessed on 2/27/03.
- United States Department of Education, June 2001. *Challenge and Opportunity: The Impact of Charter Schools on School Districts – Executive Summary*. <http://www.ed.gov/pubs/chartimpact/summary.html> Accessed on 12/14/02.
- United States Department of Education, October 22, 1998. *Charter School Expansion Act of 1998: Public Law 105-278*. [http://www.uscharterschools.org/pdf/fr/expansion\\_act.pdf](http://www.uscharterschools.org/pdf/fr/expansion_act.pdf) Accessed on 2/27/03.
- United States Department of Education, National Center for Education Statistics, 2000. *The Condition of Education 2000*. Washington, D.C.: U.S. Government Printing Office. <http://nces.ed.gov//programs/coe/> Accessed on 3/7/03.
- United States Department of Education, National Center for Education Statistics, 2002. *The Condition of Education 2002*. Washington, D.C.: U.S. Government Printing Office. <http://nces.ed.gov//programs/coe/> Accessed on 3/7/03.
- United States Department of Education, 2003. *Employer-Linked Charter School Website*. <http://www.employercharterschools.com/faqs.htm> Accessed on 11/8/02.
- United States Department of Education, 2002. *The Facts About ... Supporting Charter Schools*. [www.NoChildLeftBehind.gov](http://www.NoChildLeftBehind.gov) Accessed on 9/8/02.
- United States Department of Education, 2002. *The Federal Role in Education*. <http://www.ed.gov/offices/OUS/fedrole.html> Accessed on March 16, 2002.
- United States Department of Education, 2002. *Introduction: No Child Left Behind*. <http://www.nclb.gov/next/overview/index.html> Accessed on 9/8/02.
- United States Department of Education, National Commission on Excellence in Education, 1983. *A Nation At Risk*. Washington, D.C.: U.S. Government Printing Office. <http://www.ed.gov/pubs/NatAtRisk/risk.html> Accessed on 2/26/03.
- United States Department of Education, 2002. *The No Child Left Behind Act of 2001: Executive Summary*. <http://www.ed.gov/offices/OESE/esea/exec-summ.html> Accessed on 3/16/02.
- United States Department of Education, 2003. *No Child Left Behind: A Desktop Reference*. Sections V-B-1 and V-B-2. <http://www.ed.gov/offices/OESE/reference/5b2.html> Accessed on 2/27/02.

- United States Department of Education, 2003. [www.uscharterschools.org](http://www.uscharterschools.org) *Overview of Charter Schools*. [http://www.uscharterschools.org/lpt/uscs\\_docs/58](http://www.uscharterschools.org/lpt/uscs_docs/58) Accessed on 10/18/02.
- United States Department of Education, June 17, 2002. *Paige Announces Fourth Annual Charter Schools Conference*. <http://www.ed.gov/PressReleases/06-2002/06172002.html>. Accessed on 01/03/03.
- United States Department of Education, May 1997. *A Study of Charter Schools: First Year Report*. <http://www.ed.gov/pubs/charter/execsum.html> Accessed on 12/16/02.
- United States Department of Education, 2000. *The State of Charter Schools 2000 – Fourth Year Report, January 2000*. [www.ed.gov/pubs/charter4thyear/es.html](http://www.ed.gov/pubs/charter4thyear/es.html) Accessed on 12/14/02.
- United States Department of Education News, October 11, 2001. *Paige Announces \$182 Million in Support for Charter Schools*. <http://www.ed.gov/PressReleases/10-2001/10112001a.html> Accessed on 01/03/03.
- Wells, Amy Stuart, Alejandra Lopez, Janelle Scott, and Jennifer Jellison Holme, UCLA Graduate School of Education and Information Studies, Summer 1999. *Charter Schools as Postmodern Paradox: Rethinking Social Stratification in an Age of Deregulated School Choice*. Harvard Educational Review. Vol. 69. No. 2. Pages 172-204.
- Winerip, Michael, March 5, 2003. *When It Goes Wrong at a Charter School*. The New York Times. <http://www.nytimes.com/2003/03/05/education/05EDUC.html?pagewanted=print&position...> Accessed on 3/5/03.
- Winters, Rebecca, October 21, 2002. *The Philadelphia Experiment*. Time Magazine.
- Zelman, Superintendent of Public Instruction of Ohio, et al. v. Simmons-Harris et al, United States Supreme Court, 2002. Decided June 27, 2002. FindLaw: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=00-1751> Accessed on 2/18/03.