

## **Introduction**

In 1988, the late Albert Shanker, then president of the AFT, introduced the notion of charter schools to the American public in a Press Cub speech in Washington, DC. Charter schools have received support across the political spectrum. Conservatives supported charter schools for a variety of reasons; they believed that:

- charters would hasten the advent of vouchers;
- a charter school policy could undermine the teachers' unions; and
- charter schools could advance conservative support for deregulation and allow the market to reign.

Many Democrats and liberals supported charters because they thought that:

- charters would stave off vouchers;
- charter schools would lead to democratic renewal at the local level and help strengthen the community; and
- charter schools allowed for greater teacher empowerment.

Both factions believed that charter school innovation and experimentation would lead to improved public schools--the liberals because they believed that the public schools would adopt the charter innovations, the conservatives because they believed the public schools would be moved by the power of competition and the demands of the marketplace.

Charter schools have a fairly short history, nationally and in California. Legislation was first enacted in Minnesota in 1991. Since then, 40 states, the District of Columbia and Puerto Rico have passed legislation that authorizes the granting of charters. By January 2003, there were more than 2,700 charter schools, serving over 684,000 students. In California about 166,000 students attend 480 charter schools. The federal government also enacted legislation that not only encourages states to create charters but also requires that states be accountable for these schools and that the schools receive their fair share of federal dollars. Under ESEA (2002) one of the sanctions for schools unable to reach their Adequate Yearly Progress (AYP) goals is conversion to a charter school.

The Charter School Act of 1992 (SB 1448) identified the following reasons for establishing charter schools: to improve student learning; to increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving; to encourage the use of different and innovative teaching methods; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and to hold the schools established under this act accountable for meeting measurable pupil outcomes; and provide the schools with a method to change from rule-based to performance based accountability systems.

Charter schools are exempt from many laws relating to specific education programs but are subject to state testing and accountability requirements. Because of this charter schools have greater fiscal and programmatic flexibility than regular public schools. This flexibility was intended to promote educational innovation and to expand students' educational options. Charters were intended

to generate competition and induce traditional public schools to make improvements.

In California for example, there have been attempts to reform and amend the charter law to meet concerns raised by charter schools. California's State Board of Education (SBE) has lifted the cap on the number of charter schools allowed under the initial legislation, without evidence of success of charter schools. (Originally charter school legislation was proposed to deflect the 1993 voucher initiative.) In 1992, CFT opposed Senator Hart's version of a charter bill, SB 1448, which became law, because it did not provide for collective bargaining, and supported Assemblywoman Eastin's version, which did. Subsequently in 1999 Assemblymember Carole Migden introduced AB 631 which provides that collective bargaining be available to charter school employees. AB 544 raised the yearly cap to 250 for the 1998-99 school year, with an increase of 100 per year thereafter, and required that every+ teacher in a charter school have a "certificate" granted by the CTC, as well as meeting minimum requirements for teaching. Assemblywoman Mazzoni carried legislation that provided for evaluation and assessment of charter schools. The number of charter schools allowed to operate in California is capped at 750, but may increase by 100 each year. SB 740 (2001) prevents charter operators from taking large administrative fees to run independent study programs, including home schooling. AB 1994 restricts the geographic boundaries within which charter schools and their satellites can operate. Proposition 39 (2000) required school districts to provide "reasonably equivalent" charter school facilities. AB 14 and Proposition 47 (2002) created a charter schools facilities program and approved sizable bond funding for those facilities.

### **Evaluating State Charter School Laws**

In 1996, AFT released a report on charter school legislation which compared the existing 26 laws using the criteria the AFT thinks are necessary for establishing charter schools likely to fulfill their promise of strengthening public schools--not advancing other ideological agendas. The AFT report identified the following criteria as essential in creating good charter school legislation:

- Charter schools must be based on high academic standards.
- Charter school students must take the same tests as other students in the state and district.
- Charter school employees should be covered by collective bargaining.
- Charter schools should hire certified teachers.
- Charter schools should have the approval of local districts.
- Charter schools should be required to make academic and financial information available to the public.
- Charter schools should be covered by rigorous, enforceable evaluation and accountability measures.
- Charter schools should submit the same reports that school districts are required to submit.
- Charter schools must meet the same performance standards other schools must meet.

In 2002 AFT issued *Do Charter Schools Measure Up? The Charter School Experiment After 10 Years*, the AFT Charter School Study. The answer to the question is that, as a whole charter schools are not measuring up although many individual charter schools do. Despite comparable funding, charter schools:

- Do *not* educate the same students as other public schools;
- Do *not* empower teachers in the way anticipated by charter school legislation;
- Do *not* direct more money to the classroom;
- Do *not* outperform other public schools;
- Do *not* serve as laboratories of innovation for other public schools; and
- Can have a *negative* impact on the education of students in other public schools.

## **Are Charter Schools Meeting Expectations?**

### **Student Achievement**

Data collected about charter schools shows that school choice has not resulted in improved achievement in schools overall. Some schools do better at the expense of others doing worse. Research has not yet shown how charter schools affect the academic achievement of the large majority of students left in conventional public schools. Where charter students took district assessments charter school students performed at or below the level of other students in similar public schools. Little conclusive evidence of improved student achievement was found. Charter schools that convert from public schools perform about the same as conventional public schools. Charters that start from scratch have slightly higher test scores, and charters that provide independent study programs have lower test scores than classroom-based charter schools or traditional public schools. Elementary and high school students in charter schools have lower overall scores on standardized tests, but have made greater gains than other students.

The University of California, Los Angeles study of charter schools published in *Kappan* (December 1998) found charter school performance questionable. Researchers found little evidence of innovation in teaching or accountability for student outcomes. Charter schools were not found to be more efficient, but they were more privatized. Charter schools did not spur competition within districts because other schools saw charter schools as enjoying an unfair edge. Charter schools do not serve as models of innovation because of lack of communication between them and other district schools. For teaching innovations to be shared, the means for that sharing has to be institutionalized, and the process has to be identified. The UCLA research team posited that there needed to be more questions asked about equity and equal opportunities in charter schools.

Attendance accounting in charter schools is another area experiencing tightened regulations. In recent years, some charter schools that operated distance learning or home schooling programs were believed to be violating state attendance accounting requirements. Charter schools are now required to offer a specified minimum number of instructional minutes and to maintain written attendance records. They must also comply with state requirements for independent study if they offer it. Among other things, this means a school can enroll only students who live in the same or an adjacent county. No drop-out statistics are available at this time.

### **Funding**

From their inception, charter schools receive funding equal to the "base revenue limit" plus some state and federal categorical funds. Beginning with the 1999-2000 school year, California's charter schools could choose to receive their funding through their school district or directly from the state in the form of a block grant (AB 1115). Previously, their funding came through the local school

district, and the dollar amount given to charters varied according to negotiations with each district.

The block grant option combines both general-purpose money and a large proportion of categorical funds into a single per-pupil amount that varies by grade level.

Besides this basic block grant, charter schools are eligible for additional categorical programs for which they and their students qualify. Some of the largest programs include K-3 class size reduction, digital high school, and federal Title I programs.

The same legislation attempted to clarify the way charter schools receive Special Education funding. A charter school can either be considered a part of the school district and its Special Education Local Planning Area (SELPA), or it can declare itself an independent district or SELPA. In practice, charter school advocates say, the latter remains very difficult to do. Many charter programs do not provide equal access to students with disabilities. Some people believe that discrimination against special education students is unchecked in startup schools.

SB 267 allows new charter schools to apply directly to the CDE for a loan. These funds-up to \$250,000 - are only available to “start-up” charters, not conversion charter schools. Previously, school districts were the only entities that could apply for these loans, receiving up to \$50,000 on a charter school’s behalf. The state had set aside \$5 million for this purpose and much of it was untapped. Reportedly, many school districts were refusing to apply for the loans. Now any newly incorporated charter school can access these funds. The new loans must be repaid within five years, as opposed to the previous two-year deadline. The chartering agency is liable along with the charter school for repayment of the loan.

In the past, charter schools are not necessarily entitled to capital funding. While suggesting that they are more efficient because of lower district funding, charters frequently utilize private funds to support their mission. However, Proposition 39 addressed how charter schools may pay for facilities. It included a provision that puts a greater obligation on school districts to provide buildings or funding for buildings to the charter schools they sponsor.

### **Employee Quality and Rights**

A committed cadre of teachers staffed the first charter schools. Reportedly, there is enormous turnover of staff in the current charter schools. In Los Angeles, where teachers had to decide after five years of work at charters whether to continue and sever their ties with LA Unified and its contractual benefits, many returned to the district. Some effective charter schools have lost their core staff and have suffered a great deal of turnover, with its consequent disruption of programs.

Questions arise as to the nature and quality of mentoring, professional development and professional growth of teachers at charter schools. The Peer Assistance and Review legislation does not address charter schools.

AB 544 requires every teacher at a charter school to have a “California Commission on Teacher Credentialing (CCTC) certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold.” Approximately 30% of existing charter

schools do not require their teachers to hold state credentials, according to the CDE. This law does not require a full credential, but does have the effect of focusing attention on the nature and quality of charter school teachers' preparation, including whether teachers are teaching out of the subject areas of their own college educations. Unfortunately, the CCTC has concluded that assignment monitoring in charter schools is not subject to the same statutory provisions that govern non-charter schools.

AB 631 requires new and existing charter schools must declare whether their employees will be part of the collective bargaining unit in the charter school's sponsoring district. Charter employees who are part of the sponsoring district's employee union will be employed under the terms of the district's collective bargaining agreement. Charter employees who remain independent of the local district bargaining unit can organize and bargain as a separate unit under provisions of the state's educational employment relations law. Charter employees are not required to join a union and engage in collective bargaining, but they will have that right if they choose, as a group, to do so.

The provisions of the approved charter will continue to prevail in the employment of non-teaching personnel.

Charter schools have more uncredentialed teachers, pay their teachers less, have larger class sizes and obtain less federal funding for poor or special needs children than traditional public schools. Nearly half of charter school teachers lack a teaching credential (CTA study on charter school), compared with fewer than 9% in conventional public schools. Most charter teachers are still non-union. Charter classrooms are twenty percent more crowded than other public schools.

## **Diversity**

California law requires that the population of the charter school must reflect the population of the chartering district. However, there is evidence that this is not monitored or enforced. White students are overrepresented in charter schools, while Latino students are underrepresented. Within district comparisons of charter and public schools show that charter schools have a lower percentage of students eligible for the subsidized lunch program and a lower average of LEP students. Startup charter schools enroll far fewer special education students than conversion charters or public schools.

Charter schools are more segregated than regular public schools. Black students face high levels of racial isolation and are exposed to few white students.

Although charter schools seem to provide some families with increased educational choices, they also give the schools themselves greater latitude to choose which parents and students they will accept. About three-quarters of California's charter schools require parents to sign contracts stipulating what is expected of them and their children. The content varies, although almost half specify that parents must be involved at the school in various capacities for a certain number of hours per month or per year. Some charter schools also require students to sign contracts regarding appropriate behavior.

Charter schools' ability to shape their school communities by contracts and admissions requirements raises the specter of "Balkanization" of the public schools. Far from providing incentives for the public schools to improve by the shining example of innovative and effective

pedagogical approaches they provide, charter schools are perceived by public school educators as enjoying the unfair advantage of being able to select their student bodies.

### **Exemptions from Education Code**

The more than 480 charter schools in California operate outside many of the state's laws and regulations governing public education. How much each school does or does not comply with the Education Code varies enormously. Most charters have some sort of admissions criteria. Sometimes this designates which students have priority and which students seem to "fit" into the charter. Many charters require parents to sign contracts concerning parent involvement and child behavior. Districts do not usually provide transportation to charter schools. All of these factors tend to limit which students may attend or stay in a charter school.

The underlying rationale of charter schools assumes that problems with teaching and learning arise out of restrictions imposed by the Education Code. Research shows that student achievement depends primarily on the preparation of teachers, and secondarily on home factors over which schools have no control. Students and teachers at charter schools face the same challenges of what to teach and how to teach it that all schools face. Tinkering with the administrative details of schooling will not address these challenges.

### **Accountability**

Charter schools must participate in the statewide assessment program, STAR. They are ranked publicly according to the Academic Performance Index, as established by the Public Schools Accountability Act (SB 1X). In 2006, high school students who attend charter schools will also have to pass a High School Exit Exam (SB 2X) in order to graduate.

Implementing a school-specific system of accountability is difficult. Local school boards function as the accountability agent and tend to hold charter schools fiscally rather than academically accountable. They are sometimes put under political pressure to renew charters no matter what the student outcomes. Because of this, oversight should not be carried out by the chartering entity.

California's school boards are not doing a good job overseeing charter schools in their jurisdictions. A Fordham Institute study gave California an overall grade of D plus for charter oversight and ranked California 22 out of 23 states studied.

Charter high schools must go through one of two WASC processes if they want to be accredited.

### **Curriculum**

In that charter schools must participate in STAR, the instructional core of charter schools must resemble closely that of public schools. Some charter schools provide different emphases for students, such as technology, or arts, or a particular pedagogical approach, as in Montessori charter schools.

However, anecdotal evidence exists that some charter schools depart radically from anything resembling the curriculum of public schools. Charter school founders who wanted to create schools with a specific curricular focus were driven by widely varying views. Some were concerned that the public schools were not structured enough, while others thought that the public schools were too structured. Some believed that the public schools ignored the history and culture of certain oppressed minority groups, while others felt that the public schools over-emphasized multiculturalism.

Many charter school teachers express pride in their commitment to their new schools, which, they say, distinguish them from their counterparts in more traditional settings. Yet in terms of instructional practices - classroom organization, curriculum, pedagogy, and so on - data show that the majority of charter school teachers employ the same techniques they used before going to work at these schools. Thus, while charter school teachers may enjoy new relationships with colleagues and students, the instructional core remains similar to that in regular public school settings. Notable exceptions to this rule are the handful of small, start-up charters that have maintained an over-arching instructional focus.

### **Charter School Inventory**

The CFT has developed a charter school inventory to be available to districts. When a charter school comes before a school board, the school board shall require the proposers to complete the inventory and meet these criteria before the district considers the charter proposal.

1. What provisions of the Education Code prevent the charter school from achieving its goal as a regular public school?
2. What are the charter school's measurable goals as defined in the charter application?
3. How does the charter adhere to the requirements of the Charter School Act of 1992 and subsequent legislation?
4. How does the charter school demonstrate that its students meet state academic standards?
5. Are collective bargaining rights guaranteed?
6. Is professional development an ongoing part of the program?
7. How does the charter plan to meet the student diversity requirements of California and Federal law?