

A HISTORY OF CHARTER SCHOOL LEGISLATION IN COLORADO February 28, 2019

Part 3: A conversation with Ember Reichgott Junge, Peggy Kerns, and Alex Medler

Ember Reichgott Junge: [00:00:00](#)

Hello. And welcome to the pioneering charter school story of Colorado. This is being taped live at the Colorado Charter Schools conference here in Denver on February 28 of 2019. We are delighted to capture this story for the National Charter School Founders Library. That Library was launched just a year ago to capture the stories of chartering in the pioneering states; we started with Minnesota which passed the first charter school law in 1991. And we're here now in Colorado which had the third charter school law in 1993. But all of these states were very much connected in the beginning. My name is Ember Reichgott Junge and I am the author of the first charter school law in Minnesota and the nation and I had the pleasure of working with both of our colleagues here today, Alex Medler and Representative Peggy Kerns. I want to also thank two folks here. The National Charter Schools Institute launched this project of the Library and I want to thank particularly Dr. James Goenner who is the CEO of the Institute. Also we want to thank the Colorado League of Charter Schools which has collaborated with us in this particular taping. We are taping tonight the story from Representative Peggy Kerns who is the House author--the Democratic House author--of the charter school bill in 1993. Alex Medler was with the Education Commission of the States. Earlier this morning we taped the interview of Governor Bill Owens who was the Senate author of the charter school bill in 1993. And finally we've had a conversation between Peggy and myself about how Minnesota and Colorado came together and the similarities in our work together. So with that we will take some Q and A at the end. I'm going to turn it over and have our (panelists) introduce themselves, so why don't you start. Alex is the moderator.

Alex Medler: [00:02:10](#)

Hi my name is Alex Medler. I was working at the Education Commission of the States when Colorado passed its first charter school law. I'd been there only about a year and a half. I came to Colorado in '92 and the first thing my boss did was hand me the bill that Ember Reichgott Junge passed in Minnesota and said we want you to be the person tracking charter schools for us. You have to learn what they are. Read this bill. And pretty quickly California and Colorado were in the mix of debating bills and so I was the person at ECS that knew charter school policy. And I had the pleasure of working with Peggy and a bunch of other people that we'll get to as they crafted their first bill. How about you Peggy?

Peggy Kerns: [00:02:51](#) I'm Peggy Kerns and I was in the legislature from 1988 to 97, and worked with Alex on not only charter schools but some other things too. And he was young. He was young. But full of wisdom because he very definitely helped craft our bill which was accomplished by a bipartisan very eclectic team of people. It was very diversified from different organizations which we'll talk about. To me that was the strength of our legislation and which is why on the first try, we got it passed. So looking forward to our conversation.

Alex Medler: [00:03:31](#) Well let's back up. Before it passed can you tell us a little bit about what happened the year before and the previous efforts to have something like a charter school bill passed.

Peggy Kerns: [00:03:40](#) Well, it was an interesting time not only in Colorado but across the nation. Education reform was what people were talking about. And it came across as all sorts of varieties of reform. In Colorado and in many states we had standards and testing that passed also the same year 1993. We also revised our teacher licensing law. We allowed schools of choice where a student could go to any school in the district and then a few years later any school outside the district if there was room. So the groundwork was laid for charter schools as options that parents would have to educate their children. Not just the traditional one size fits all approach but being able to have some responsibility to make some choices on what is best for their children.

Alex Medler: [00:04:39](#) And was that something that was a Republican thing or a Democratic thing or was everybody working on it?

Peggy Kerns: [00:04:43](#) Well initially it was definitely a Democratic thing. I got interested because Bill Clinton was running for president and talked about it in one of the debates—he talked about charter schools and that's the first time I heard it. Roy Romer was governor and he was very much... Oh no I have to go back because actually it started in Colorado with Dick Lamm when he was governor even before Clinton who talked about options in education to improve the system and charters and other things. And there's a funny story about him. If any of you are familiar with Dick Lamm you know he's kind of... a great cerebral guy. Not long on detail but man he had the ideas. He spoke in front of a conference with the education community and just ripped them up and down (that education) was failing and not serving the needs of the kids. He got into a lot of trouble on that one. But he planted the seed. And then Romer became governor and became a national figure in the standards and testing field and

was a very strong proponent of charter schools and anti vouchers.

Alex Medler: [00:06:02](#) And Colorado had a voucher debate and a legislative or ballot measure before, right?

Peggy Kerns: [00:06:07](#) The voters turned it down twice. And the second time it failed, I remember Mike Coffman who went on to become a congressman came over to me-- I was in the House at the same time he was. And he said I am not voting for vouchers because we (can) now have charter schools.

Alex Medler: [00:06:28](#) And for the Democrats was that an active strategy? If we can get our charter schools in place we will put these voucher proposals to bed and work with them.

Peggy Kerns: [00:06:36](#) I don't think it was in contrast to them. Ember, it might be different in Minnesota. She was a Democrat sponsor in Minnesota and it was a partisan bill. And then Gary, Senator Gary Hart in California also was the Democrat leading it. So it became... It started out as a Democratic issue but spilled over very quickly and it would not have passed in Colorado if it had not been a bipartisan bill.

Alex Medler: [00:07:08](#) I think back about the opponents and it was interesting on the Republican side, there were some very strong sort of rural interests or talk about local control saying, "well this is bad for local control." And there were some progressive Democrats who were very afraid, making the kind of arguments we still hear today. "Oh this is just going to serve the privileged and elite kids and it would be creaming." How did those play out as you remember it in terms of the debates?

Peggy Kerns: [00:07:35](#) Well, Romer had a big conference in December of 1992 and brought in national experts on charter schools. And that piqued everybody's interest and a lot of people were there from the education community and elsewhere and legislators. The education community was initially concerned about it because they felt it took power away from the schools, the district, the administrators, and from the teachers, and we had a hard time explaining. And we (said) over and over again that charter schools are public schools. And operate with public money. But even the newspapers got it wrong during that time. It's just we had a hard time. You know drilling that into people's minds.

Alex Medler: [00:08:24](#) I spent a lot of time for ECS going around and making sure people had those details down. And often it was interesting to

see what the national teachers unions would do at that point. I mean I still remember fairly positive exchanges with the NEA and AFT representatives who were willing to talk about the details and still had Al Shanker in mind when they were thinking about it.

Peggy Kerns: [00:08:45](#) Yeah but it came down to the state and local. Maybe not so much support, right?

Alex Medler: [00:08:51](#) I definitely saw that. Tell me a little bit about your personal motivation. So what was it you were hoping to achieve by doing all this.

Peggy Kerns: [00:08:58](#) Well in 1992 Senator Owens and a Representative from Loveland, John Erwin, introduced a bill that was called the Independent Education bill or something that allowed the state to actually charter schools and it was really controversial. But there were seven of us Democrats in the House that voted for it which helped it pass because it was a Republican sponsored bill, but they needed Democrats to get it to pass. And the reason that we voted for it was kind of to stir things up. We just felt the need for that. School districts are mandated by constitution and state law and all kinds of regulation. They educate all the children. And so obviously classes of 30 kids, they had a similar curriculum. And didn't allow room for much innovation. And we just thought that innovation and more parent and teacher control of what went on with the classroom was what education needed. So we voted for this terrible bill. And actually it was a bad bill in '92, thinking well, we'll just kind of move it along. Well it passed the House but it was killed really fast in the Senate and never saw the light of day again. So in '93 I became the House sponsor because John Erwin had unfortunately had a heart attack and died, or he would have been the bill's sponsor. But Barbara O'Brien and the Children's Campaign, one of those coalitions that you were talking about, (got involved).. It was a very powerful coalition because she energized parents to lobby and be involved.

Alex Medler: [00:10:43](#) And she'd already been active in the discussions over public school choice. And in early childhood education issues in the state for quite a while.

Peggy Kerns: [00:10:50](#) Yeah definitely definitely, definitely.

Alex Medler: [00:10:53](#) And who was convening people to get the bill together the second time. Where did that come from, first, and then (what) groups got involved?

Peggy Kerns: [00:11:00](#) Well the meeting that Romer had in December of '92 piqued people's interest. So then when I was asked to be the House sponsor because unfortunately Representative Erwin had died, I then thought well, you know you have all these people, all these groups, all these different ideas, and some of them are angry, really angry. And to me that anger meant fear. The fear of change that the dynamics in the public school system (were) going to change. And what did that mean. Because charter schools at that time there was a lot of trust. When you voted for charter schools every single thing was not settled. So there was some trust that it would work out OK. And the education community was not willing to kind of sit back and wait and see what would happen. So anyway, I got everybody involved and you were involved.

Alex Medler: [00:11:52](#) That's right. Those were good meetings. People talked about a lot of details early.

Peggy Kerns: [00:11:56](#) And we had a good drafter and we took everybody's ideas and put together legislation that was introduced in April of that year. It was fast tracked. But it was because we were determined to do it. We were determined to do it.

Alex Medler: [00:12:12](#) And so some of the people I remember involved in that early process include Barbara O'Brien herself of the Children's Campaign; I was there from the Education Commission of the States; and Romer staff was Bill Porter. He was really active and he had a big role to play and I think one of the interesting things I saw from Bill Porter and Governor Romer was actually an early connection to the standards-based reforms that they're making at the same time. So I remember a lot of discussion about the accountability that the charter schools would actually have. We didn't really have much detail on authorizing other than the fact that the districts would do it. We didn't know what that meant. But I do remember a lot of discussions early about connecting to (and) empowering teachers to do interesting things. And as a way to implement standards-based reforms and figure out how to hold schools accountable and let them be different. And then to follow on the previous year's recent victories on public school choice. There are a lot of themes there.

Peggy Kerns: [00:13:05](#) And I thought that the charters could have the potential to make a school district better, an individual school better, (and) that they would see innovation happening and see successes and give them some fresh ideas and not be stagnant. And I think that has happened and in many cases, sometimes school districts will not have that many charters because the schools

themselves have been responsive to parents and the needs of the children where maybe they weren't before.

Alex Medler: [00:13:39](#) I think we definitely see that in Colorado. We have a lot of responsiveness to schools with different themes and a focus. I come from Boulder, Colorado and we have three or four focus schools that would have been charters if they wanted to but they worked with the districts and said "Oh, we'll do a Montessori school and work with the district." So I think the impact that people were hoping would happen did eventually happen.

Peggy Kerns: [00:13:59](#) Well Aurora Public Schools - I represented Aurora and Cherry Creek-- but Aurora public schools were really anti-charters. I came and they came along dragging, kicking and screaming and just recently I read that they're opening up three new charter schools. One of them is very interesting and it's geared toward low-income children and they will have on-site meals, mental health care, (and) medical care for these children. So it's not just educating the mind. It's really looking at the whole child and what does the whole child need. Now a traditional public school would not be able to do that because they would have so many other children in the class that didn't need that sort of thing. So I think this is a wonderful idea.

Alex Medler: [00:14:46](#) We see just incredibly innovative things going on, I think, at this point in the state. One thing people probably don't think about as much now or appreciate in our current polarized environment is the role of the DLC, the New Democrats and Clinton. Can you talk a little bit as a legislator?

Peggy Kerns: [00:15:02](#) I do have some show and tell. You know, it was like charter schools was the new best thing. Well this is the book that became my Bible: *Mandate for Change* is a series of essays put out when Bill Clinton was running for president about the (many) facets of government: welfare reform, transportation issues, economic issues. But there is a really good chapter in here. Looks like I read it in the shower. It's really dog-eared, (and) it was written by Ted Kolderie from Minnesota who became a really good friend of Embers. I had this thing underlined and the pages turned down and everything and it's all about educating America (with a) new compact for opportunity and citizenship. And it's a blueprint on how to set up and structure a charter school. And then we have a Democratic Leadership Council of which I was a member that wrote a Blueprint for Change about charter schools. Has a nice case study of Minnesota in here. And then ECS came up with a brochure. Alex, were you part of writing this?

Alex Medler: [00:16:22](#) That was a little after my time, but we had some other stuff in the early years. Actually one of the things ECS did which I don't think gets enough credit is from Louann Bierlein, a scholar who was reading the first charter school laws and she was the first person to rank them. Well, here's a weak law. Here's a strong law. And the Education Commission of the States was the first place to publish that and say "Hey, as you continue these debates here's what makes one (law) strong and what makes one weak." And we've evolved a lot. So the measures and the policy wonkism is pretty intense around the charter school but early it was ECS that did that.

Peggy Kerns: [00:16:56](#) There's the public policy and student Democratic group. And then Barbara O'Brien did an update a year later. That's another invaluable piece of information. So if you ever want to do your college thesis or your masters thesis on charter schools there's a lot to read.

Alex Medler: [00:17:11](#) A lot in the archives for sure. What kind of pushback did you get as a Democratic legislator doing this kind of stuff in 1993? Who was opposed and who was in your way?

Peggy Kerns: [00:17:25](#) Well my husband - I came from an education family. My daughter worked for Romer as an education specialist. She was a teacher and still is. My husband worked for the National Education Association. So he's kind of an unlikely (supporter) in one way because of the strong opposition from the education community. And I kind of like that, you know, going against (those types). But the other saying, and I think this is true probably for those of you involved in organizing charter schools now, a lot of us build on relationships. I was on city council and then in the legislature in my community. I knew both superintendents. I knew the school board members. So they didn't think I was out to get them. They just thought I was being misled. So when we entered into all of this there was an element of trust there that actually made things a little easier. That may not have happened if I didn't have the personal relationships of some of these people, but they just felt that this was attacking what they did. And this brings up another point about messaging. Roy Romer and Bill Winkler and Bill Porter of his staff were very much into what the message should be. It should not be that public schools are failing and our children are failing, so we need to throw everything out and start over. What it should be is we want to build on the strengths and introduce innovation and creativity. Let teachers be unleashed to be able to come up with good education ideas and let the parents be involved. That was a tool when we started framing it differently. It kind of got better. And plus the very fact that we let these

education groups be part of the process. Introduce amendments. And they actually supported the final bill.

- Alex Medler: [00:19:32](#) Which kind of groups did you have support the final bill in Colorado?
- Peggy Kerns: [00:19:35](#) Yeah. Just everybody. I don't think there was any group (opposed) that I remember at the very end which by this time was May 8. You know we're going to adjourn the next day. I think everybody was on board. Maybe some a little conditionally but I mean the parents were chomping at the bit because they, Jefferson County particularly, and some other schools did too, they had charters ready to go. They just want to know how to do it. They wanted to see what the law said.
- Alex Medler: [00:20:07](#) And who did - where did it start: in the House or the Senate?
- Peggy Kerns: [00:20:10](#) It started in the Senate.
- Alex Medler: [00:20:12](#) You were doing the second version in the house. Walk us through the process for going into a conference and getting (the bill to) pass each house.
- Peggy Kerns: [00:20:21](#) Well, I don't want to glaze everybody's eyes over. I'll give you the short version. Bill Owens wanted to introduce it (in the Senate) because the previous year, you know, he went down in flames on his independent charter (bill). Senator Al Meiklejohn from Jefferson County was chair of the Education Committee, and Al Meiklejohn was the education friend. He was the expert in the whole legislature on education. What he said went. Colorado Education Association supported him; the administrators, the school boards, they all were with him and he listened to them. He did not always agree a hundred percent but he had their ear. So he was a very powerful friend. Well he hated the charter school bill. So Bill Owens had to do something strategic and he let the Senate weaken the bill beyond what it should have been, because the bill that we ended up with in our committee for those weeks and weeks and weeks was a pretty good bill for a first time out. And that's what he introduced. By the time the bill passed the Senate to the House there was nothing. It was just a shell of a bill. But that's the only way he could get it out of the Senate. So then we in the House, the same team of Democrat and Republican legislators beefed it up. In Education Committee we put it back more into its original form and took some of the suggestions the Senate had which were good. The cap of the number of schools was always controversial. The amount of funding. How many schools should be allowed and all of that then was in the details.

Alex Medler: [00:22:15](#) Like a lot of states, Colorado started out with only 80 percent of the per pupil funding for the charter schools. That was a big thing to swallow. And (we) started out with a numerical cap. And those were things that like in lots of states became the legislative battles in the future years and were challenged for the first few schools but not really challenges.

Peggy Kerns: [00:22:37](#) And then the Colorado bill that limited the charter schools to a number-- I don't remember, but two or something in each congressional district. I mean each congressional district had to have two charter schools and no more. Like where did that idea come from? We got rid of that one. But we had a real battle in the House. It only passed the House by four votes, actually I needed three, and I got four but I had to go down as the paper said, I had to go get the big gun. You know who the big gun was? Romer. So I had to go get Romer because the bill was going to fail. And then he came up on the House floor which is absolutely against protocol. The governor you know. Separation of powers. The governor does not come up on the legislative floor.

Alex Medler: [00:23:29](#) Who let him in. Was that you?

Peggy Kerns: [00:23:31](#) No. Some guard at the door or something. No I met him at the door. I didn't realize it was against protocol but I had Republicans come over to me and said if we ever see him on the floor again I'm voting against this bill. I said OK OK. But then he met with the Democratic Caucus and also with the Democratic freshman class and really talked to them like their father. And said we have to pass this. We need this. This is a good bill and it's going to have a lot of changes. Some of the things need to be taken out. My staff is working with the bill's sponsors and if it's not a good bill, I'll veto it. So he was the reason it actually passed the House.

Then we had Conference Committee because obviously the Senate and House bills were different. So I went to the first meeting of the conference committee. And it happened... no it actually went to the Senate. Meiklejohn convened the Senate Education Committee and wanted to hear why the bill was like it was. So we sat down and it was the first day of the Rockies baseball season. They had just come to town and it was opening day before Eric Young hit his homerun. And so my husband came with me because we were all decked out in our garb and although we had season tickets he sat in the back of the room. He could not believe the conference committee. He had his baseball hat on and all of that. As soon as we sat down Al Meiklejohn took off on me. He said how in the world could you

have been the sponsor of this bill? You of all people! How did you let the House do these things and ruin this bill? Where were you coming from. And then he went on and on and on.

Alex Medler: [00:25:30](#) What happened with Senator Owens during all this.

Peggy Kerns: [00:25:33](#) Well, you know, under the table. Just be calm, be calm. So then after Senator Meiklejohn got it out of his system then I went point by point by point. That took a while. Took about a half hour or more; point by point by point is what we did. And at the end of it Senator Meiklejohn said, you know, the House did a good job. I understand why you did that and I agree with you. There's some things I don't like. We can talk about that. Generally you put the bill back into better shape. So according to Senator Owens, that was a big admission.

Alex Medler: [00:26:11](#) Quite a win on your part. That's great. And then was it hard to get it passed out of the conference committee?

Peggy Kerns: [00:26:17](#) Well the way the system works is two different bills, so it has to go to a conference committee of both the Senate and the House. Because Meiklejohn was on board I worked with Meiklejohn to change some things--the congressional district charter school thing was gone. Some things like that. The conference committee took several days to do it. My brother who was disabled (and) lived in Ohio had a heart attack and my parents were elderly so I needed to leave immediately. So Peggy Reeves, a Representative from Fort Collins and really sharp lady finished the conference committee and then the bill went back to both chambers. The Senate passed it right away. In the House it took a little longer. But she had good help from her colleagues who got up and spoke. And it ended up passing. The first time it passed 34 to 27 something; this time it passed 45 to whatever, I mean, overwhelmingly passed. So there was some good feeling of success. And they called me in Ohio.

Alex Medler: [00:27:34](#) And you ended up with Republicans and Democrats on board and both sides and both houses to get it done.

Peggy Kerns: [00:27:39](#) Yeah. Overwhelmingly. I want to bring up one thing though that applies maybe now. The urban legislators were very much against the bill except for one man--Senator Bob Martinez in the Senate. He understood something that the other urban legislators didn't. He saw the possibilities for charter schools helping at risk kids and poor schools in the Denver school district or whatever. He voted for the bill. He actually helped make the bill better. In the House it was not like that. But just a few years later everything flipped.

Alex Medler: [00:28:22](#) Well that's what I was going to say, once it passed it was Denver Public Schools (as) one of the places constitutionally challenging the measure which is ironic, right? They changed eventually to become the most aggressive authorizing district in the state.

Peggy Kerns: [00:28:33](#) Well Senator Regis Groff in the Senate was rather depraved, he raved and even got his picture in the paper. He was railing against charter schools. Well, about four years later his son Peter was the prime sponsor in the House of significant positive changes and was very much on board for charter schools.

Alex Medler: [00:28:53](#) And eventually Peter took his father's seat on the Senate. And continued to be one of the stronger champions in Colorado, actually serving for a while as Executive Director of the National Alliance for Public Charter Schools. So it's an interesting generational shift for sure.

But I also think one of the other interesting things is to look at all the different purposes people had. Frequently I hear in debates today what the real reason we did charter schools originally was, and usually they'll say to stimulate innovation in the regular schools or to serve at risk kids. And I looked up even the first four bills and all of them have ten or twelve purposes. Each of them had somebody who was in the legislature who was like, "No I need this purpose added." So I like to keep in mind how many different ideas people had motivating them in the first place.

Peggy Kerns: [00:29:38](#) I don't think it's that complex. We wanted to open up the public school system to teachers and parents to be creative and innovative, freed up of a lot of the regulation and rules, and allowed them to put in waivers to get rid of some of that. I don't think it's that complicated.

Alex Medler: [00:29:55](#) Well they weren't contradictory things so bad. But you would have also someone with the language we'll say, we want to make sure we're expanding professional opportunities for teachers and giving them more ways to be involved in schools. One of the other things that was big early was people talking about whole school reforms. And so people would talk about one of the purposes of charter schools (was to) let people implement quality school reforms like Expeditionary Learning or the Coalition of Essential Schools approach. Those things were talked about in Colorado but in other states as well. And then for other people it was really to put pressure on districts to change and to lead to some innovation taking place. And all those things were happening at the same time. I think it was Romer sort of behind the effort which is now in a lot of charter

school laws to say one of the purposes (was) to help implement standards-based reforms and raise standards for public schools which sort of reinforces the accountability side to it that we have now. So that's why I mean there's all these promises. They're the kind of things you all do together. But they're not. There never was one reason. That's one of my points.

Peggy Kerns:

[00:30:58](#)

One of the things that we missed that I missed in developing the bill was addressing teacher certification, which I'm very strongly for. I totally forgot it and nobody brought it up. And when it finally dawned on me that we had not put that in the bill we inserted it. But when you insert things they don't quite always end up like you want. Explain the waiver problem. That's interesting.

Alex Medler:

[00:31:24](#)

So one of the things in Colorado that's interesting was that we didn't have a blanket waiver. Some states would say, "Here's most of the education code and all of it (is waived) except for the small section." Colorado's approach generally was you were allowed to apply for waivers for everything individually at the school level. And eventually that evolved into automatic waiver so people could pretty easily say I want the waiver from teacher certification and it would happen automatically. Over time we've gone back and forth about that but we didn't ever have a blanket waiver like Arizona had in its law. And I think the intention was that there would be discussions by the people proposing the school and the school district and the school would say here's why I need this regulation waived. And here's what we'll do instead. So early on we had an approach that was more about deliberation.

One of the charter schools' primary waivers they went to right away, was to apply for waivers to teacher certification and principal licensure and principal evaluation. So they almost all did it. Which as you went around to different states was a pretty key point. The other issue is participation in our retirement system. So one of the other issues that's often brought up early on was whether or not the charter school teachers would be counted in the state retirement system. I remember an interesting story at the Education Commission of the States. My boss was Rex Brown who actually ended up founding one of Colorado's first charter schools, P.S. 1, and he was a big believer in broad big ideas. He is actually one of the other champions of ECS for charter schools and a friend of his was Al Shanker. And I still remember when after your bill passed, about (the) same time, Rex Brown put out a book about urban education reform and invited Shanker to town. So as the ECS analyst who worked on charter schools I got a chance to

talk to Al Shanker right away. I said Al, "What do you think about this bill in Minnesota?". And his first response was "Well, I don't think they got it quite right. I'm really not comfortable with the way it's handling teacher pensions." So right away those conflicts were up.

Peggy Kerns: [00:33:33](#) Tell me why teacher certification would be waived. That school districts would waive the fact that you don't have to have a certified teacher in the classroom.

Alex Medler: [00:33:45](#) As part of the early debates one of the proposals that was generally put forward was the opportunities to bring in people with different experience. And so the classic example you would have from the charter proponents and in the early charter schools was figure out a way to have someone with expertise in engineering teach middle school engineering class. To figure out a way to have a lobbyist who's worked in the capital teach the government civics class. And that if someone has a great deal of expertise and knowledge in their field, then the public schools ought to be able to be responsive and play a role. I think it also had to do with getting innovation happening. You still had issues around reciprocity across states having more young people in the schools.

Peggy Kerns: [00:34:32](#) The other controversy was the fact that charter schools would skim children away from schools and the way Colorado works the money follows the student. So if the students switch schools or school districts the money follows that child which leaves the original school with less money. And that has been a major thing. Now if there's a growing district growing by leaps and bounds, that's not as big a problem. But for a more stagnant district, when you take children away from the classroom you still need the science teacher (and the) English teacher (and) all of that but there may be fewer children in that classroom. And so the school gets less money.

Alex Medler: [00:35:18](#) Well then, (as) the first schools came on, pretty quickly people went back and lifted the caps and also went back in legislation and increased the funding gradually over time. I would also add the Colorado League of Charter Schools was pretty much founded at the same time as the bill passed. A young lawyer at the D.C. law school, Jim Griffin, was in those meetings as the bill was being drafted even as he was still a law school student. So he became a lawyer just about the same time the bill passed and he founded the Colorado League of Charter Schools out of those same discussions, which is still (leading) as a 25 year old

organization. They were right away going back to the legislature, (saying) 80% of the money is not enough. This is not viable. And this cap is silly. We want (no) more of it.

The initial schools were pretty interesting, especially for the districts that jumped right on it. The districts that jumped on it, (were) places like Jefferson County that were growing so fast that they couldn't build enough schools fast enough to fill their spots. And so when someone said "Hey, I'll build a charter school, I'll do it for a percent of the money and I'll take care of 400 kids," the districts were like, "Thank you please."

Peggy Kerns:

[00:36:32](#)

And in Jefferson County, what was happening at that time, the parents really were very active and the school district was not responsive to what they wanted and they wanted a school for at risk kids. And then Jefferson County let it be a school that wasn't a charter at that point. It was a law but then they wouldn't do anything else. It's like the education establishment in some cases dug in their heels rather than say you know, there might be some good ideas here. Cherry Creek did just the opposite. They have probably the fewest number of charter schools because they tend to make their schools responsive to what the parents want, and if there is a niche that's not being filled they will often do it. So sometimes it's just kind of being creative.

Alex Medler:

[00:37:22](#)

Well I still remember in terms of other stakeholders in the Colorado area, I think the first school that actually was approved was like the Clayton Foundation to do a school that included early childhood education, which was near and dear to the heart of Barbara O'Brien who worked on early childhood education. And when they were getting approved their big debate was how much money the Clayton Foundation would put into it. Since it was so underfunded with 80 percent they were able to get approved by saying we've got a foundation behind this, we're in early childhood education, and you trust us. That school (is) not necessarily working very well. The other school that got funded was Rex Brown's P.S. 1 and he had a neighbor of his and friend who were really frustrated that there weren't good schools in lower downtown where he was hoping that his brewpub would take off. And so Hickenlooper was involved in the founding group of PS1 with Rex Brown early. So the players that jumped on it were actually really huge civic leaders in the first few years. Interesting. Now those schools didn't necessarily end up being successful in the long run, but they had leaders primarily amongst the Democratic side from Denver involved early on.

Peggy Kerns:

[00:38:31](#)

I'm often asked what have been some of the positives and negatives. And the positives are things that we're talking about here. Certainly parent involvement and all of that. But the negatives I never envisioned and I felt that you didn't either were the for-profit schools. We knew there'd be for-profit involvement but for an organization that isn't even in Colorado to be formed and go around different states, come in and plop their curriculum right there for the charter school to use--it's so far afield. Developing a charter school by parents and teachers is a lot of hard work and dedication and understanding what population you want to serve and therefore what curriculum would serve them. But to have a cookie cutter curriculum come in from a company that's making a profit off of it (is) like what happened.

Alex Medler:

[00:39:35](#)

The first one that did that was Edison, but they were also active in other ways. At the same time early on, pretty much when you talked about for-profit charter schools, you talked about the Edison Company which was the first one and grew quite a bit and had a national presence and had a couple of schools in Colorado but not much. I'm always struck that the thing that took off actually was schools with a similar design. And as the schools started in the suburbs and growing, there was a dominant strand of Core Knowledge schools. So part of that was a response by communities who wanted the approach. And I wouldn't call it cookie cutter; I would call it implementing a whole school reform. We just had E.D. Hirsch here talking today (who) is the founder of the design. A lot of communities said, we want a school and they were thinking about it in some respects as a "back to basics" approach.

Sometimes it was a reaction to progressive reforms in the districts. I remember even up in Boulder that we were doing a middle school reform that changed the junior highs and middle schools. And people were really concerned that the math curriculum was being watered down. And so we instantly had people say "Hey, we need to do something like Core Knowledge; we need to do something that's more rigorous and back to basics." And that became the reaction to what the districts were trying to do in their reform. So it played out early that the district sometimes would dig in and say "No, no, no, we're going to do this progressive reform. How dare you valkanize our schools?" was the language they used in Boulder early. And eventually they ended up with Peak to Peak in Summit schools which are great charter schools with these different approaches and they lived side by side next to Horizon K-8 which is the most constructivist progressive school you'd ever see. And that diversity of models played out, some of

which were using a curriculum off the shelf literally from Core Knowledge and others where they're figuring it out every step of the way. So that tension was there but we never in Colorado had a lot of the for-profits come in or start from scratch like other states have dealt with. So if you'd gone to Ohio or Michigan they had dominant in early sector a lot of for-profits and we somehow avoided that even though it wasn't in the statute. Yeah. I don't know why.

Peggy Kerns:

[00:41:47](#)

The thing that started from day one and in fact in 1993 by the end of the year, (when) there were several charter schools and a lot pending, is that the organizers themselves--parents and teachers-- wanted the schools to succeed. They didn't want schools to fail. But they did want the bad schools to fail. They really were policing themselves to have the charter movement be one of quality and success. And that continues 25 years later today. Policing charter parents and teachers and the organizers policing each other, making sure that the system is strong and stable, is I think one of the strengths of the movement in Colorado at least. Now we have had charters fail and the school district pull their charter. That's not a failure of the charter school movement. To me that's a success. Because it means that these charters were not meeting the standards in the contract that they had with the school district.

Alex Medler:

[00:42:51](#)

There's one thing that's interesting that's unique to Colorado, in that we did not enact in the original law a requirement for using lotteries in admissions. Early on there was always the argument that these schools would pick and choose their kids and they will want to have the right to serve kids and so if we have a lottery that will be the way to go. Eventually it was one of the things the Education Commission of the States shared and said hey these states are dealing with that criticism by enacting a lottery. And when the feds eventually got involved with their funding that was a requirement. Interestingly enough Colorado is one of the few states in the union where our charter law still does not require lotteries and we started out with a lot of first come first serve lists and people would generate lists that went out years. So if you moved into these towns and say hey I want to apply to the charter school you would have had to have gotten on the list four years before. So we changed that mostly when schools wanted to get federal funding. But we have an artifact, being so early, that we don't have lotteries built into our law.

Peggy Kerns:

[00:43:50](#)

But if your brother or your sister go there then you have a leg up to get in.

Alex Medler: [00:43:55](#) Yes. Well you have those sorts of preferences even amongst the lotteries, so they'll often treat the family as the unit that's getting in. We also had preferences for the founding members. So if you go through all the work of creating the charter school it would totally make sense you want your kid to go. So we don't have those challenges and we only have a small number of schools that really want to stick to the first come first serve lists. If I would go back even 25 years later I might change the Colorado law and say it's time for us to mandate lotteries.

Peggy Kerns: [00:44:28](#) Well coming full circle back to the end of the story about the legislature. So we're on the House floor you know the thing is going to pass and I look up and there is Bill Owens who had run across the capital and was standing in the back of the House floor with a big grin on his face. He was so excited and happy and it made just everybody laugh. He was so he wasn't jumping up and down really but figuratively he was. But that was the kind of tension that was relieved by the bill passing. I think we've covered a lot. Anything we're missing before we see if anybody has any questions?

Ember Reichgott Junge: [00:45:10](#) I would like to just ask what are the lessons learned from 25 years ago that you would tell the policymakers of today.

Alex Medler: [00:45:19](#) I guess I would start with the bipartisanship--it was exciting back then. And sometimes it's sad today that we have become so polarized. And I honestly think there's an effort these days to make charter schools and ed reform be as polarized as gun control and abortion. And that's unfortunate because we just can't talk about the details and the next new idea won't get the kind of hearing that you worked on over all those meetings with all those stakeholders onto crafting Colorado because people won't get in the room together. And I think we lose a lot in what we can do that's innovative. And we also lose the ability to continue to evolve and improve it from year to year which is I think a key lesson. A lot of times these laws started out just like Colorado's with serious flaws whether it's 80 percent funding or really tiny scale, or no attention to what authorizers are supposed to do. And they've evolved over time and become better and stronger as a result. And I think that speaks to the Colorado spirit of stakeholders working together and bipartisanship.

Peggy Kerns: [00:46:26](#) Well and right there is the key and I would say that one thing we've learned. You have to have these coalitions. Can't just go off in a room with six people and develop a controversial bill. I mean you need to bring in the stakeholders people who oppose it. Everybody needs to be heard. And feel that they're heard.

And that's the way you develop the bill and that's not always done either. And that just contributes to the partisanship.

Ember Reichgott Junge: [00:46:58](#)

So what should we be doing to make sure that charter school families are not a victim of the increasing polarization.

Peggy Kerns: [00:47:05](#)

Well and the problem is that now you're identified with like for example when Clinton gave permission Democrats (were) very strongly for it. And then on the other spectrum you have President Trump. And if he's for it then this whole group isn't. And that is what you're talking about. And then you're criticized for being for charter schools just because the president is for it when it has nothing to do with that at all. It needs to be a localized thing. I don't know how you fight that but I don't like the turn that it's taken. My own daughter who teaches in Douglas County, an elementary school next door to the High School where she teaches is going to be closing because a charter school opened up and took most of the kids, so there's not enough students. And she was telling me about it. And she worked for Governor Romer and helped him with the charter school issue and she said I just see that happening in schools closing because these conservatives want to start a charter school and they are closing our neighborhood school. It's that kind of thing. And I really pushed back and I felt sad after I got off the phone with her and that's where she's coming from right now from a personal experience. Do you have any advice?

Alex Medler: [00:48:30](#)

I would add, having lived in Colorado through all this time and you know standing by soccer fields with our elementary school parents. I'm amazed how much school choice and charter schools are at one level accepted and totally normal. And so you would just say what school are you going to go to for middle school and it's part of living in Colorado now and it's very accepted and you'd say well I'm thinking of the charter or the neighborhood school and it's not a big deal. And then when you sort of turn to a political conversation, the same person whose kid had gone to the middle school that was a charter school would turn around say well I'm just not sure about these charters I'm not sure if collectively they're good for public education. And so the lack of connection to at the personal level where you're finding a school that fits your kid, and the choice and the match of the school to how your kid learns, and your sense of quality and reputation and whether that works, that choosing part is somehow separate from this political sense where I have an obligation as a Democrat to be offended by this is really quite strong. And I do think (there is) the ability of the opponents to characterize who they think started charter schools or that charter schools were created by hedge fund

managers and billionaires. Bill Gates was nowhere near this. This was 1992, right? And they did it in order to test schools and to drive out joy in education. The testing, when the charter school started, the only way to evaluate public schools were the Iowa Test of Basic Skills and S.A.T. There was no testing in assessments. These things grew up together. So the lies and the mischaracterizations and the history is really something people are getting away with today that is totally counter to what we lived for twenty five years.

Ember Reichgott Junge: [00:50:12](#)

Which is one of the reasons why we are doing this library so that we can capture the origins and the Why. And people can understand they were bipartisan and that they were not here to indict the public school system, but to support it and to cause it to be creative and innovative. All of those things are some of those purposes that you were talking about. Yes, Mr. Patterson.

Alex Medler: [00:50:37](#)

The question is what's the role for charter schools to address issues of social justice to close achievement gaps and to help underserved populations. And I would even say that was one of the things discussed earlier in the charter school debates as well. It was a hope and an expectation that they would help close achievement gaps and serve underserved populations. There were also early advocates who expected specialized schools. One of the first schools in the nation was a school for the deaf in Minnesota. So there was specialization. There was focus on urban and underserved populations. And there was a mission early to both create schools with high performance for low income kids and also to have charter schools serve as a form of integration and to lead to, you know, more kids going to school together with diverse backgrounds. All those things were talked about early and have played out. And they've played out differently from state to state. I do think the state context does matter dramatically. So when Denver's original position was hostile to charter schools for the first five years and charter schools were growing in Colorado Springs and Douglas and (Jefferson County), charter schools were more white and middle class than Colorado as a whole. That totally reversed when Denver got on board and said we want to do this. You go to other states you go to the District of Columbia. Half the schools are charters. Their record of performance is amazing. And it's been an incredible force for improving education for African-Americans in the capital. And you go to someplace else and it can be more affluent and middle class and people can still be having debates about how is this charter sector fulfilling the social justice component. Peggy what do you say about it.

Peggy Kerns: [00:52:12](#) Well. I agree with what you're saying and what is in my head is the innovation there of what you're saying. That a charter school could have that as an emphasis and give the children those kinds of experiences in the community or whatever. So I don't know if there is one that's based on social justice?

Alex Medler: [00:52:33](#) Like Democracy Prep is a great example. And they actually now have a school created in order to make civically engaged young people. And they have tremendous academic results but they're bragging—that just this last year that the students now if they contract them long enough, actually do vote more than students who haven't been to their schools. So that mission of social justice and civic engagement is working and the schools are doing amazing things. I'm inspired by in terms of social justice the schools that are working on things like through-and-to college and the ability of the charter schools to continue to improve. We have networks that first started out serving elementary and middle school kids and then said oh they're going to high schools and failing—we should figure out a high school. Then they created the high schools and realized they could get kids to graduate. But when they went to college they didn't have enough critical thinking skills. They go back and they retool their whole curriculum to make kids more robust in college. Then they realized the colleges were still failing them. So they put their counselors in the higher ed institutions. And then they tracked their data for three more years and figured out which higher ed institutions could actually serve students that they were graduating. And now they're getting rates of young kids of color completing four year degrees that are five and six times higher than would happen otherwise. So the hairs on the back of my neck raise for those sorts of achievements that are achieving social justice. Doing things that are some of the hardest stuff to do in public ed in America and see it all the way through. And then they used the charter and they use their network resources to pull it all off.

Peggy Kerns: [00:54:00](#) I did want to add one thing to what this gentleman said about the shift in how people perceive charters. I think that while I think that Ember's project is amazing and will help, I think the National Charter Schools Institute the League of Charter Schools need to own that problem. And do something to make sure that the publicity and all of that isn't around this far right group that's opening up this charter in Douglas County or Colorado Springs or something. I think that charter school advocates need to face the fact that the emphasis has shifted and it is not good for the movement. And I think they're saying it through letters to the editor, through writing op eds, by the publicity and somehow trying to shift that public perception. You know the

Independence Institute got involved in charter schools. And did a lot of good things in that their one staff person Pam Benigno wrote this history. But when that Democrat sees the Independence Institute now is involved in charter schools and actually has put money into analysis and surveys and to print a document, then that again gets in your head. So it's human nature. But I also think there's some responsibility from the charter school community and the organizations to face that head on and try to dispel that.

Alex Medler: [00:55:38](#)

I would add also that one of the things that I think important is to address the political liabilities but not because they are political liabilities. So in charter schools we have an example of a school that commits fraud or a school that doesn't serve kids with disabilities or is otherwise doing something inappropriate. And people are instinctively defensive because it's us versus them that makes it 100 times worse. And throughout the sector it's always been diverse. There's always been failure and success. There have been good people trying to do good things and good people failing and bad people trying to get away with stuff all at the same time. And I've worked my career since leaving ECS, whether at the U.S. Department of Education or the National Association of Charter School Authorizers or now a collaborative of the districts trying to improve authorizing, has been to problem solve and create the political space for the charters to succeed by being honest about what's not working. And I think that's what legislators do all the time. They find out what doesn't work in year one and they go back to the books and they rewrite the law. And the charter sector has to remain able to go back and fix things. And if we're being attacked that's hard.

Ember Reichgott Junge: [00:56:46](#)

And I would just add as a union-endorsed Democrat that I am always looking for ways that we can bring the charter and the district sectors together and learn from each other. Then you can see teacher empowerment being done within the districts using the same principles we can learn from one another.

Ms Boyd I'd like to recognize you. Excellent question. What is the impact on rural communities with chartering?

Peggy Kerns: [00:57:05](#)

Well here's our expert.

Alex Medler: [00:57:07](#)

So Colorado is actually one of the nation's leaders in terms of the number of rural charter schools that we have. There are some. California also has quite a few. But in Colorado people embraced it for different reasons. Sometimes it's as small as a one room schoolhouse in a place where people were concerned

the district would just have to shut school and the kids would be on the bus over a mountain pass. So we have that going on. But we also have changing rural communities. One of the early schools was in Crestone where a ton of progressive hippies had moved and mountaineers and moved into an old ranching town. And there was conflict over what the curriculum should be. And now you know the Crestone charter school is something like 25 years old. So early on we had rural charter schools in the state for multiple reasons. Sometimes it was to keep a public school in a community that otherwise the district wouldn't have been able to make it work. And so as a charter you were able to work with two staff people and 40 kids. Other places it's been an innovative thing communities need. One of my favorites is rural communities that got together and created a school for pregnant and parenting teens early. And it was an ability to collaborate across districts and counties and say hey we have a large area but we've still got these young women we need to serve better. And a charter school is a good way to do it.

Ember Reichgott Junge: [00:58:21](#)

So before we wind up, one last thing from each of you that maybe you didn't say today that you think is really important that you'd like viewers to know and this might be for years into the future. What do they need to know about the history the origins of chartering and how it might inform the future.

Alex Medler:

Let me talk first so that Peggy has the last word.

Peggy Kerns:

And gives me time to think.

Alex Medler:

[00:58:42](#)

I think it's really important to understand the opportunity that everybody envisioned that would happen with charter schools. And I think Peggy said it very well when she talked about the level of trust that would happen for somebody to give it a try. I think as we continue to do that over and over and reiterate over 25 years and keep going forward. I'm pretty sure 25 years from now there will be lots of charter schools in America and we'll still be having discussions about how much we should trust them to do things. But we'll continue to have experience and we shouldn't let our concerns and our efforts to fix things get in the way of the opportunity to keep growing and have new opportunities. In the meantime I think the communities need to deal with them as part of the whole system. And it's important to have a discussion when you add a new charter school and a community that is where their enrollment is flat and say well what might happen. We might have 500 kids go to the school, how would we as a community deal with that. And I think those are important discussions to have and not just always pretend that they're not related. So talk about what the community

needs to talk about, the role the charter schools could have, and keep some of that optimism that they might do something new and different and better while still asking questions about what the community wants and needs. Peggy.

Peggy Kerns:

[00:59:53](#)

I used to think that if anything negative was said about charter schools, it was like a stab in the heart. And I remember Jim Griffin coming to me. You had mentioned him as he was in law school and very active but he came to me during the debate on the bill and said this movement is full of disgruntled parents and disgruntled kids. I really laughed because he was a very strong charter school proponent. But what he was saying was there's all of this. Everybody's mad, you know. Both sides were mad and he kind of helped me see it differently. That, yeah, everybody's intense and they are fearful of change and they want change or they don't want change. And I think that I'm left today with the feeling that any disruption is probably good because anything that remains stagnant becomes like the traditional public school system that existed forever with the nine month calendar so the kids can go work in the fields or whatever. I mean charter schools should make some different things happen. And that is not going to happen unless there might be controversy. There might be people who get angry and are fearful but it needs to happen. So the very creativity and the the empowerment that people had to start these schools needs to continue to happen and not just sit back and say well we got our charter school and we're doing pretty good because that will not be long term success.

Ember Reichgott Junge: [01:01:44](#)

I hope you will join me in thanking our panelists: former Representative Peggy Kearns and Alex Medler, formerly of the Education Commission of the States, and two really strong pioneers of this movement in Colorado. And I also want to thank the National Charter Schools Institute in Michigan which is the organization that created this National Charter Schools Founders Library which we're so proud of. This will be an important part of that Library as well as the documents that both of you have contributed as well as Governor Owens and others from the Independence Institute. All of those documents will be part of the pioneering story of charter schools in Colorado and will be accessed on our website. We are thrilled to do this here at the Colorado League of Charter Schools conference here in February of 2019. We hope there will be many more oral histories coming up and many more partners to join us. If you'd like to be a part of our Institute and our Library please let us know. We're always looking for sponsors and others that can help to support this good work not only in Colorado but around the country. So thank you all for being

here. Thanks again to our panelists. And we appreciate very much the work you have done for kids in Colorado. Thank you.