

EDUCATION WEEK

Volume XI, Number 17 · January 15, 1992

'Supply Side' Reform or Voucher? Charter-School Concept Takes Hold

By Lynn Olson

Advocates bill it as a way to introduce diversity and autonomy into public education. Critics call it a subsidy for private schools.

But one thing is clear: Few people are neutral about a new Minnesota law that encourages licensed teachers to start and run their own independent public schools under contract or "charter" with a local school board.

The first such charter school was approved by the state board of education last month and could open as early as this fall. More than a dozen other proposals are under discussion as well. (*See Education Week, Nov. 27, 1991.*)

Sponsors argue that, by breaking school boards' monopoly on starting up and running public schools, the new law will be a "supply side" reform that will expand educational choices for students and free teachers from oppressive rules and regulations.

But the concept has been adamantly opposed by members of Minnesota's education establishment, who view it as a backdoor attempt to introduce private-school vouchers.

"It's generating more discussion sooner than I had expected," said State Representative Becky Kelso, one of the law's sponsors. "And it's every bit as controversial as I had feared."

While it continues to spur debate in Minnesota, the charter-schools idea also is spreading to other parts of the nation. Law-

Continued on Page 22

makers in at least six states and a handful of school districts are either exploring or plan to introduce charter proposals this year. U.S. Senator Dave Durenberger of Minnesota, meanwhile, is seeking federal funding for such schools as part of a pending education bill.

Redefining Public Education

Under the Minnesota law, any licensed teacher can ask a local school board to authorize a charter, subject to approval by the state board of education.

The law requires such schools to meet certain basic principles that characterize public education. For example, they cannot screen students, have a religious affiliation, charge tuition, or discriminate on the basis of race, religion, or disability.

Once the state board approves a proposal, the local school board must devise a contract that spells out the outcomes pupils in the school are to achieve.

Each school must have a board of directors, a majority of whose members are licensed teachers at the school. All staff members at the school and all parents of children enrolled there must be able to participate in the board's election.

In addition, lawmakers limited the number of charter schools to eight statewide and to no more than two per district.

But beyond those requirements, the law leaves charter schools essentially free from most rules and regulations that apply to public schools. Parents and students would be able to choose such schools instead of those operated by the district.

For each student, charter schools would receive a payment from the state equal to the average per-pupil expenditure statewide.

Proponents say the notion reflects a rethinking of the way in which Americans traditionally have defined and managed public education.

"Public education shouldn't be defined by who owns the building or who hires the teachers," argued Senator Durenberger in an opinion piece in *The Washington Post*. "It should be defined by outcomes, by the Constitution, by who must be accepted, by who can't be excluded, and by who pays the bills."

'Incentive To Improve'

As the result of a compromise in the legislature, the Minnesota law makes local school boards the only agency that can authorize charter schools. But, in its purest rendition, the charter concept would allow any public agency—from a state board of education to a hospital—to sponsor a charter school.

The idea first gained currency during the late 1980's, when Ray Budde, an education consultant in Massachusetts, published a slim volume entitled "Education by Charter."

In a 1988 speech at the National Press Club, Albert Shanker, president of the American Federation of Teachers, picked up on the idea.

Mr. Shanker argued that education reform was not moving "fast enough" and that groups of teachers should be granted charters to set up "totally autonomous" schools of choice, within existing school buildings, as a way to jump-start the reform movement.

"When you try to change everybody at the same time, you get tremendous amounts of resistance," he stated. "So we need to provide a poli-

cy mechanism to allow smaller groups of people to be able to do these things."

More recently, the idea has caught hold among proponents of school choice who want to increase the range of public-school options available to parents.

It also meshes with current educational thinking that emphasizes creating new "break the mold" schools and holding schools accountable for outcomes, not process.

"The point is not to cripple the public schools," explained Stephen C. Tracy, superintendent of the New Milford, Conn., school system and chairman of a task force that is scheduled to present a charter-schools proposal to the Connecticut legislature next month. "If anything, it's to provide an incentive for them to improve."

'A Bit of a Thorn'

So far, the Minnesota law has generated a surprising amount of grassroots activity from an unlikely array of interested parties.

They range from a private Montessori school in Winona to citizens in Meadowlands who are hoping to save a small rural elementary school, to a maverick teacher in Princeton, and to the St. Paul branch of the National Association for the Advancement of

(over)

Colored People, which is considering applying for a charter to create a program that would provide educational and social services to entire families.

The fact that the law offers no money for start-up costs has discouraged some potential contenders, however, and is the primary reason for Senator Durenberger's proposal to provide federal funding.

But many of those launching charter-school plans said the real appeal lies in breaking free from a system that that say chokes creativity.

"Right now, for many reasons, change within the system is real difficult," said Cynthia R. Stevens, an educational consultant who is putting together a proposal in the New Ulm school district, a community of some 15,000 people. "I think what this will allow is for some ideas to surface from outside the system and to get a strong hold."

"I don't see charter schools as the ultimate destroyer of public education," she added, "but maybe as a little bit of a thorn."

Similarly, Joan Riedl, a teacher at North Elementary School in Princeton who has created a multi-age alternative program within her district, said, "I've gone as far as I can with real change in the system."

"This charter-school idea is for teachers," added Ms. Riedl, who is currently working on a proposal. "Many teachers have a resigned attitude to the system."

In Northfield, plans to launch a chartered middle school are being devised by a group of parents who founded a private elementary school eight years ago, when the district refused to consider their proposal for an alternative public school.

"We were sort of pained when we did it, because we were all sort of believers in public education," recalled Griff J. Wigley, one of the parents. "Here's a real opportunity for creating a school where we'd be assured of autonomy and yet it would be a public school."

Mr. Wigley and others contend that site-based management has failed to produce significant change in public schools, because the autonomy that schools gain is whittled

away over time.

Because charter schools have independent legal standing from the beginning, he said, that is less likely to occur.

"It's the most sweeping exemption from the whole book of rules that has ever been put into law," agreed Ted Kolderie, a senior associate with the Center for Policy Studies in Minneapolis and a leading proponent of the concept.

'Proceeding Cautiously'

But while some superintendents and school-board members said they are intrigued by the law, many are worried about the potential loss of dollars from their districts as students shift to charter schools.

Several also complained about requests to sponsor murky proposals that they do not believe can be implemented by next fall.

"We're not against the concept," said Ron M. Jandura, superintendent of the St. Cloud Public Schools, where Ms. Riedl has presented her plans. "It's just that we're proceeding very cautiously."

"I'm still idealistic enough to believe that we should be able to make things happen within the organization," he added. "You shouldn't have to leave the system to do something good for kids."

According to Representative Kelso, there's "no question" that local school systems stand to lose both pupils and the state allowance that goes with them under the new law.

"I think that's probably perceived by many people within the establishment as a lose-lose situation" she said. "Obviously, I don't agree with that assessment."

"It's good to see the educational establishment challenged," she added. "Plus, I believe that the opportunities being produced for students are good ones."

'A Political Compromise'

But the hostility of some board members toward the concept already has advocates worried.

There is an inherent conflict in asking school boards, which stand to lose from such proposals, to authorize charter schools, proponents suggest.

"That's sort of like putting the fox in charge of the chickens," noted Peggy O. Hunter, enrollment-options coordinator for the state department of education.

The original Minnesota bill would

have enabled the state board of education to grant charters directly to schools, circumventing school districts. But strong opposition from the two state teachers' unions and the Minnesota State School Boards Association killed that provision.

"It was a totally political compromise at the end," said Jon Schroeder, an education assistant to Senator Durenberger. "It was what put it over the top."

Ironically, the Minnesota Federation of Teachers, Mr. Shanker's state affiliate, remains the most vocal critic of the new law.

Rose A. Hermodson, the union's lobbyist, said that while Mr. Shanker "used the term" charter schools, "it may not be the same concept."

The union claims the law lacks sufficient collective-bargaining guarantees for teachers, puts existing public schools at a disadvantage by not extending deregulation to all schools, and fails to ensure adequate accountability.

According to Mr. Tracy of Connecticut, however, charter schools would actually be more accountable than traditional public schools.

"Because they exist on a charter," he said, "they stand to lose that charter if they violate its terms and conditions, whereas a state department of education is very reluctant to shut down a local school system or take it over."

The more immediate accountability is to parents, he added, who can choose not to send their children to the school.

But the bigger debate surrounding charter schools continues to be the question of what makes a public school public.

In Minnesota, the state board's decision last month to permit the first charter to go to the private Montessori school in Winona has thrown fuel on the fire.

Advocates argue that by agreeing to abide by the basic requirements for a charter school—including open admissions, no tuition, nondiscrimination, and the use of licensed teachers—the Bluffview Montessori School will essentially be reconfigured as a legitimate public school.

"It is, in fact, a new kind of public school," said Senator Ember D. Reichgott, "a new kind of delivery of public-education services."

But opponents portray the Winona example as a "modified voucher plan," and proof that the legislation

will open the door to further privatization of education.

In an interview, Mr. Shanker said he was not familiar with the specifics of the Minnesota law. But he added, "I would be concerned if the charter-schools notion became . . . a substitute for dealing with the issue of vouchers."

"This is not, in fact, the nose in the tent to the voucher system," retorted Ms. Reichgott. "Indeed, I see it as the alternative . . . that provides expansion of public-school choice without diverting dollars to private sectarian schools."

She said the difficulty of creating charter schools would result in relatively few of them over time, but that it would provide the spur to encourage existing public schools to change. She also predicted that many of the concerns now being raised about charter schools would fail to materialize.

The next request to create a charter school is scheduled to be considered by the state board this month.

A 'Natural Evolution'

Meanwhile, lawmakers in California, Connecticut, Florida, Massachusetts, Michigan, and Tennessee are either exploring or plan to introduce similar charter-schools proposals this year.

In Detroit, moreover, policymakers are continuing to explore the option of creating a charter-schools provision that would allow some private schools in the city to become public, according to David Olmstead, a member of the board of education.

The Detroit board is also pursuing a plan to enable 12 existing public schools to sign a contract with the school board that would enable them to take control of their own budgets, programs, and governance structure.

In Milwaukee, charter-schools proponents suffered a setback last month when school-board members voted 4 to 4 to reject a request from Superintendent Howard L. Fuller to include a charter-schools provision in a package of proposals to the state legislature. But observers said Wisconsin lawmakers may still consider a charter-schools measure this year.

Charter schools are "a very natural evolution in the choice movement," said Mr. Schroeder. "A very important corollary to the choice movement is the allowance of more choices. But we are not going to get more choices—substantially more—until we make it possible for new public schools to be created in ways that currently aren't possible in most states."