

# THE BATTLE OVER CHARTER SCHOOLS

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There is, today, a battle zone in urban education. A group of us are waging our part of the battle through a charter school in Newark, New Jersey.

The central core of the battle is for the lives of kids. The composition of our school is similar to many in Newark, with 75% of the students so poor that they qualify for the federally subsidized meal program. In addition, they are 97% African American and 3% Latino. These students have had to grow up too quickly, faced with the challenges of life in a tough environment. To take just one example, we have anecdotally determined that more of our students live with neither biological parent than both parents. Some of our students have witnessed shooting incidents firsthand, and many have friends and relatives who are involved with gangs, drugs, and other destructive behaviors.

## A Comparative Perspective<sup>1</sup>

Before explaining how our charter school is enabling our students to live successful lives, below is an explanation of the uniqueness of the American education establishment in an international context, and the role that charter schools play in the United States.

To understand American education, we must see how unusual it really is. It might come as a surprise that, in a country characterized by pluralism and competition, the public education system has historically operated as a near-monopoly. Since the mid-1800's, led by

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public schooling pioneer Horace Mann, America has been lulled by the “myth of the common school,” as Charles Glenn dubbed it. He wrote of the notion that only government funded and government run schools were capable of educating our children for productive, cooperative lives. As a result, over three quarters of American children attend the government school assigned to them based on their zip code.

Those familiar with education in South and East Asia are particularly well-equipped to see the peculiarity of the common school ideology. For instance, families in India have a wide array of choices, from government-funded and – run schools that dominate there, to government-funded schools operated privately, to unaided private schools. In Indonesia, where public schools are more exclusive, private schools exist for those who require other alternatives. But again, distinctions are blurred as the Indonesian government provides from 70% to 95% of public school funding, and from 7% to

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80% of private school funding, with great variations depending on the state. Pakistani participation in schools of choice is vibrant. Where public schools are poorly managed and teachers are often simply absent from school, 37% of the poorest families and 56% of the next higher income bracket, attend private schools out of sheer necessity.<sup>2</sup>

Creative adaptation is a premium in our rapidly changing world, and the flexible, mixed school systems of South and East Asia are leading the way. Standing in sharp contrast is the American bureaucratic system, where proceduralism reigns. It is my belief that charter schools can help transform the public education system in the United States to provide a wider array of education options to families, and to enable all public schools to re-focus on their core function of serving students.

### **Definition of Charter Schools**

Charter schools are independent public schools, with control over budgets, hiring and firing personnel, curriculum, and scheduling. As with public schools, all charter schools are different, with varying

philosophies, cultures, curricula, size, staffing patterns, and practices. They are held accountable for results, and therefore can be shut down if they fail to perform and if they do not attract sufficient numbers of students. They are schools of choice. By law, they should not create barriers to entry and by the spirit of the law, should attract all types of students. Many focus on, and attract, the most at risk students, many of whom are students who have not been served well by the current public school system. A “charter” is a contract, usually for four or five years, usually with the state, to operate a school within the parameters laid out in the charter application.

Nearly 3,000 charter schools have been launched since state legislatures began passing charter legislation in the 1990s. Charter schools are an educational innovation that moves states beyond reforming existing schools to creating something entirely new. Charter schools challenge traditional notions of what public education means, because they are given the freedom to innovate in ways that had previously been reserved for private schools.

The U.S. Charter Schools website, sponsored by WestEd, summarizes charter schools in the following way:

*Chartering allows schools to run independently of the traditional public school system and to tailor their programs to community needs. While not every new school is extraordinarily innovative and some school operations may mirror that of traditional public schools, policymakers, parents, and educators are looking at chartering as a way to increase educational choice and innovation within the public school system.*

Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools. The charter establishing each such school is a performance contract detailing the school’s mission, program, goals, students served, methods of assessment, and ways to measure success. The length of time for which charters are granted varies, but most are granted for 3-5 years. At the end of the term, the entity granting the charter may renew the school’s contract. Charter schools are accountable to their sponsor — usually a state or local school board — to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability.

They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents who choose them, and the public that funds them.

The intention of most charter school legislation is to:

- > Increase opportunities for learning and access to quality education for all students.
- > Create choice for parents and students within the public school system.
- > Provide a system of accountability for results in public education.
- > Encourage innovative teaching practices.
- > Create new professional opportunities for teachers.
- > Encourage community and parent involvement in public education.
- > Leverage improved public education broadly.<sup>3</sup>

### **Race and charter schools**

Evidence shows that charter schools serve a higher proportion of racial minorities. This is likely due to the fact that charter schools are often founded in the areas where traditional public schools are not serving families well. Indeed, many charter schools have explicit missions to serve the students who are in the greatest need. This has led in some cases to charter schools not reflecting a racial mix, but rather

<b>Basic National Statistics<sup>4</sup></b>
<i>Total number of charter laws:</i> 42 (41 states and the District of Columbia, excluding Puerto Rico)
<i>Total number of states with schools in operation:</i> 37, excluding Puerto Rico
<i>Total number of schools in operation:</i> 2,695
<i>Total number of students enrolled:</i> almost 685,000 <sup>5</sup>
<i>States with the most charter schools in operation:</i> Arizona (464), California (428), Florida (227), Texas (221), and Michigan (196)

reflecting their mission to serve particular communities. National statistics demonstrate that charter schools serve a higher relative proportion of educationally disadvantaged students, as defined by their designation as low-income, racial minority, non-parent or one-parent guardians, and parents' education levels.<sup>6</sup>

Analyzing charter schools as a part of the broader debate about integration versus segregation poses some interesting challenges. The charter school phenomenon is viewed by some as problematic because it could ultimately lead to schools being more segregated. However, the positive side of this reality is that underserved communities are potentially strengthened disproportionately, through a greater focus on serving them.

As the desegregation movement has demonstrated, through programs such as busing, integration in and of itself does not necessar-

ily lead to equity in education.<sup>7</sup> Charter schools are a component of a reinterpretation of civil rights, one that holds that it is more important to serve students well with high quality educational alternatives than to integrate students regardless of quality. In addition, choice has proven to be empowering for communities that have been inherently oppressed by a dearth of quality educational options.

Ideally, public schools could be both integrated and of high quality. However, until we have arrived at that point, providing students with the foundation of a good education is our greatest hope for an equitable society.

### **Changing Mentality & Perception**

One example of a high quality educational alternative in an underserved community is

TEAM Academy Charter School, a KIPP<sup>8</sup> (Knowledge is Power Program) School, in Newark, New Jersey. TEAM Academy epitomizes the spirit and intent of charter schools. Middle school students attend TEAM Academy for approximately seventy percent more time than their counterparts attending traditional public schools. The vast majority of this time is spent on teaching and learning, with the recognition that the students are coming to us well below grade level. Thus far the unbelievable hard work and dedication of the school's teachers and staff people have paid off. In its second year of operation, the students' test score gains were truly stunning. For instance, after two years of attending TEAM Academy, students' scores went from the 21st to the 72nd national percentile in reading. In math, the students went from the 31st percentile to the 90th percentile.<sup>9</sup> These gains are even more impressive because teachers spend very little time on test sophistication.

One of the key components of TEAM Academy is not just to provide a solid education, but to also change students' perceptions and ways of thinking. Educators have worked to shift the students' conception of what constitutes success, what can be deemed as "cool," and most importantly, the sort of futures that they can feasibly face. For example, educators have sought to convince students that they will attend college and go on to lead successful lives. Teachers work tirelessly to make school engaging and fun, so that the kids want to be there, thus reducing the chances of them succumbing to peer

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pressure to disconnect from school. Kids and teachers often stay at the school until well into the evening, working on homework, teaching African dance, practicing a song for a performance, among other activities.

Individuals establish charter schools for a variety of reasons. The founders generally fall into three groups: grassroots organizations of parents, teachers and community members; entrepreneurs; or existing schools converting to charter status. The founder and director of TEAM Academy Charter School, Ryan Hill, was motivated to start the school because of his experience as a teacher in a school in the Washington Heights section of New York City. He wanted to create an environment where teachers are able to teach without overly bureaucratic or pointless constraints, and where students are taught a true love of learning. Perhaps most importantly, he wanted to create a generation of students who know what it means to work hard, be nice, and go on to lead successful lives.

TEAM Academy shows that it is possible to attract and retain innovative and savvy people to work in the field of urban education. In addition, TEAM Academy demonstrates that by shifting how schools are operated, schools can be more focused on their core function, namely educating students.

The real secret to successful schools cannot simply be attributed to one particular component. Rather, I have come to realize through working with the extraordinary individuals at TEAM Academy that creating successful schools is only possible through hard work and a focus on results. That, coupled with a shared commitment to the mission of serving the students leads to schools that are on track to succeed. At TEAM Academy, the mission is focused on enabling students to lead successful lives, such as by their eventually going to good high schools and colleges. In order to achieve this, the teachers are relentless in accepting no excuses, recognizing that anything less is a disservice to the students and families who have entrusted their futures to us.

### **The current charter school debate**

A lot has been made of the American Federation of Teachers' (AFT) recent analysis of fourth grade 2003 National Assessment of

Educational Progress test scores, which compared charter school students to traditional public school students. After being prominently discussed in the *New York Times*, the analysis refreshed the debate as to whether charter schools are living up to their promise.

Clearly no one is well served when charter school supporters dismiss analyses of data with excuse-making, such as by explaining away poor test scores due to socioeconomic status and race. More to the point, the scores to which charter schools are being compared are so dismally low that it is disingenuous to tout them as a sign that traditional public schools are effective. For instance, researchers should not be celebrating the fact that four percent more blacks are on fourth grade level in math at traditional public schools than charter schools, when that level is a mere fifty-four percent. The key story in the data analysis is nothing new, so did not make the headlines: the socioeconomic disparity between students on grade level is shocking. For instance, among those traditional public school students who are eligible for the federally subsidized meal program, forty-five percent of fourth graders are on grade level in reading, whereas seventy-six percent of students who are not eligible are on grade level.<sup>10</sup>

However, the primary reason to challenge the AFT's analysis is that the data looks at a point in time of data and does not examine relative improvement of test scores. Charter schools are often founded in the areas where schools are most dismal and the families who they attract are often those who have not been well-served by the public school system. For example, as indicated above, national statistics show that charter schools serve a higher relative proportion of educationally disadvantaged students, as defined by their designation as low-income, racial minority, non-parent or one-parent guardians, and parents' education levels.<sup>11</sup>

While the headline of the recent *New York Times* article would lead readers to believe that charter schools are performing poorly, the same article referenced a study, which suggested that "tracking students over time might present findings more favorable to charter schools." In addition, another referenced study found that over time, students at charter schools "progress at faster rates than students in traditional public schools."<sup>12</sup> Further, Harvard Economist Caroline Minter Hoxby conducted an analysis of the data in response to the *New York Times* article. She compared the reading and mathematics

proficiency of charter school students in the United States to that of their fellow students in neighboring public schools. The charter schools were compared to the schools that their students would most likely otherwise attend, defined as the nearest regular public school and the nearest regular public school with a similar racial composition. The results showed greater proficiency for charter students in reading and math in both cases.<sup>13</sup>

It could also be argued that the AFT has a vested interest in the demise of charter schools because their very nature threatens the existence of entrenched centers of power in the public education system, such as themselves. Because charter schools are often not required to comply with stringent hiring and firing practices in accordance with teachers' unions, unions have recognized that charter schools are a threat to their very existence.

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Yet many unions vocalize support for charter schools, perhaps because they view them as a reality with which they must contend. The key difference in many of their statements with proponents of charter schools is the notion of local control.<sup>14</sup> While unions often

maintain that charter schools should remain under local control, others would argue that this defeats the purpose of charter schools. Indeed, a key rationale for charter schools is to be a tool to reinvigorate public school systems, by forcing them to compete for students over whom they previously had a monopoly. Caroline Hoxby has researched the area of school competition extensively and has determined that it benefits all schools. She has found that competition from charter schools in Michigan and Arizona, as well as competition spurred by Milwaukee's voucher program, compelled public schools to raise their productivity, as measured by students' achievement gains.<sup>15</sup>

As with traditional public schools, there are charter schools of all variations of quality. Some are extraordinary and dynamic institutions of learning, while others are mediocre at best. Therefore, although it is difficult to make generalizations about charter schools based on the data set used, we cannot entirely dismiss the AFT's test score analysis as politically motivated. Rather, it is important to recognize that charter schools have a ways to go in order to realize their

potential. The one structural element that distinguishes poorly performing charter schools from traditional public schools, however, is that they can and should be shut down if they are not effective. Approximately 80 charter schools have been shut down, whereas poorly performing traditional public schools can continue to operate indefinitely, regardless of performance.

In Massachusetts, charter schools grew slowly, which I would argue led to a relatively higher caliber of schools. We had an extremely rigorous and thorough review process and the growth of charter schools occurred slowly, primarily because we believed in quality over quantity. We recognized that even one poorly performing charter school lowers the standard for all charter schools, and therefore for all public schools. I would argue that the fact that many charter authorizers have prioritized sheer quantity of charter schools over quality schools, primarily due to their belief in the market-driven argument, has been detrimental to the charter school movement.

### **Policy recommendations**

Based on my experiences of both working as the Director for Charter School Development at the Massachusetts Department of Education, and now working at TEAM Academy, I have been able to witness the positive and negative sides of charter schools. These experiences have confirmed my belief that charter schools have enormous potential to create excellent educational opportunities for students, regardless of their backgrounds. However, I have come to realize that there are a number of policies that need to be changed or strengthened in order for charter schools to realize their potential as a tool for broader education reform and to most effectively serve students.

- 1) Do not burden charter schools with such a plethora of regulations that they cannot operate effectively and so that their mission of serving students gets clouded. In New Jersey, for instance, it requires vigilance to keep our focus squarely on the students because there are so many regulations with which to comply. It makes sense to have a high level of accountability for finances, particularly as related to enrolling students, and academic results for students. However, when charter schools are required to comply with all of the same reports, plans, and regulations as public schools, it defeats the purpose of enabling charter schools to be

centers of educational innovation.

- 2) Reduce barriers to entry for teachers and administrators to work in charter schools. There are many people who are not traditional education candidates and who may not want to take the traditional path through education schools, yet whose skills and energy could be well-suited to charter schools. When certification is required for charter school personnel to the same degree as for those in public schools, it reduces the likelihood that many capable individuals will seek to work in the field of education, where their skills are greatly needed.

Similarly, principals, superintendents and other education leaders should create work environments where entrepreneurial, innovative, and motivated individuals want to work. Many schools do not have cultures or positions that are attractive to such individuals. Creating such positions is only possible through re-envisioning how schools are structured and operate. Because of charter schools' ability to be more flexible, they are generally more conducive to attracting these sorts of individuals.

- 3) Reduce barriers to forced exiting of bad teachers. By allowing poor teachers to remain in the profession without consequence, and even worse, with guaranteed pay raises, the standard is lowered for all teachers.
- 4) Teacher and administrative salaries should include the possibility of merit pay. Teachers should be paid well in general and should be rewarded based on their skills and achievements, whether that is through improved test scores or benefiting the school community in other ways. If schools choose to use (or are required to use) traditional salary steps, then merit bonuses should be used creatively and effectively to reward and retain the best people.
- 5) Schools should continue to be held accountable for results. While in reality it is hard to shut schools down given the pressure to keep them open once they have gained community investment, chartering authorities should be vigilant in making sure that charter schools focus on results in the form of improved student achievement. The fact that so many poor charter, as well as traditional, public schools are allowed to remain open and receive funding when they are not effective by numerous measures, lowers the standard for all public schools.
- 6) Level the playing field by supporting charter schools with facility financing and equitable funding. At TEAM Academy Charter School, for example, at the least we will need to spend approximately \$1.5 to purchase a facility, \$2.5 million to renovate it, as well as another \$10 million to build a

high school. All of these costs must come out of our operating budget as well as through creative financing and fund raising. This inevitably hurts our students, because those are funds that could otherwise be spent on areas of teaching and learning. This is coupled with the fact that charter schools are significantly underfunded. In Newark, New Jersey for example, charter schools receive approximately 90% of the per-pupil funding that the public schools receive and less than 60% of the funding that the district receives.

These recommendations are not limited to charter schools. Rather, I believe that if elements of charter schools are implemented in all public schools, the entire public education system would be well-served. For instance, if all schools had school-based budgeting (with the correct personnel to implement it), merit pay for teachers, and freedom to focus on education as opposed to regulations, all public schools would be able to focus their resources and energies in the most effective and efficient ways.

Because the stakes are so high for communities around the country, policymakers should do everything possible to support charter schools in a way that allows them to focus on their most important stakeholders, the students who attend the schools.



1. Thanks to Robert Nardo, Operations Manager at TEAM Academy Charter School, for contributing to this section.
2. Andrew Coulson, "How Markets Affect Quality: Testing a Theory of Market Education Against the International Evidence," In *Education Freedom in Urban America*, ed. By Salisbury and Lartigue. The Cato Institute: Washington, DC, 2004, pp. 251-311.
3. U.S. Charter Schools website, sponsored by WestEd, <http://www.uscharter-schools.org>
4. <http://www.uscharterschools.org>.
5. The National Charter School Directory 2003, Center for Education Reform (CER); For more detailed information on each state and the status of its charter school efforts, please see the State Profiles area of <http://www.uscharterschools.org>.
6. "Contexts of Elementary and Secondary Education," National Center for Education Statistics (NCES),

<http://nces.ed.gov/programs/coe/2004/section4/table.asp?tableID=73>

7. For example, see Clarence N. Stone ed., *Changing Urban Education*, University Press of Kansas, 1998.
8. For more information about KIPP, see the website, [www.kipp.org](http://www.kipp.org). For more information about TEAM Academy Charter School, see the website, [www.teamacademy.org](http://www.teamacademy.org).
9. National Percentile can be defined as: Percentage of students nationwide receiving a score equal to or below this student.
10. Diana Jean Schemo, "Charter Schools Trail in Results, U.S. Data Reveals," *The New York Times*, August 17, 2004.
11. "Contexts of Elementary and Secondary Education," National Center for Education Statistics (NCES), <http://nces.ed.gov/programs/coe/2004/section4/table.asp?tableID=73>
12. Schemo, August 17, 2004.
13. Caroline M. Hoxby, "A Straightforward Comparison of Charter Schools and Regular Public Schools in the United States," Harvard University and the National Bureau of Economic Research, September 2004, [http://post.economics.harvard.edu/faculty/hoxby/papers/charters\\_040909.pdf](http://post.economics.harvard.edu/faculty/hoxby/papers/charters_040909.pdf)
14. For example, see the National Education Association's website: <http://www.nea.org/charter/>. In reality, many in the field of education have noted that the AFT has been less obstructionist than the NEA (National Education Association) on charter schools, as well as other education reform issues.
15. Caroline Hoxby, "School Choice and School Productivity (Or, Could School Choice Be a Tide That Lifts All Boats?)," National Bureau of Economic Research, Working Paper, No. 8873, April 2002, <http://papers.nber.org/papers/w8873>