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ABSTRACT

Issues related to educational equity and charter schools are discussed, and evidence is presented from a national study of equity in charter schools. Three standards of equity are discussed, and the equity provisions of state charter legislation are reviewed. To supplement existing studies of charter school demography, researchers at New York University's Institute for Education and Social Policy began to collect demographic data on charter schools. The database for this study included 801 charter schools. Data from these schools indicate that 70% of all charter schools are not distinct from their surrounding districts in the percentage of white students. In 31% of all charter schools, more than two-thirds of students are students of color, and only 47% of these schools are indistinct from their district averages. Overall, data suggest that charter schools may be proliferating at both the low and high ends of the race/ethnicity and affluence/poverty continuums. Data from this study cannot show that charter schools are exacerbating racial isolation or creating more isolation by social class, but some state-level case studies suggest that this is the case. Fieldwork suggests that some charter schools may well have developed educational programs that draw a range of students, and some may be providing high quality educational opportunities to low income students of color. However, state studies suggest that charter schools serving low-income children of color are less likely to provide an academic curriculum and are generally not as rich in resources as charter schools serving white, middle-class students. Some equity issues, particularly those associated with outcomes of education, remain unresolved for charter schools. (Contains 4 figures, 1 table, and 52 references.) (SLD)

AN EXAMINATION OF

CHARTER SCHOOL EQUITY

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AN EXAMINATION OF CHARTER SCHOOL EQUITY

Carol Ascher and Nathalis Wamba[1]

I. BACKGROUND: DEREGULATION AND EQUITY

After several decades of contentious government interventions aimed at desegregating public schools, equalizing funding between school systems, and standardizing instructional offerings, support for government regulation on behalf of educational equality has waned in the education community—if not in our wider society. In an increasingly diverse and divided country, charter schools have entered the national policy arena, promising increased educational achievement and greater equality through freedom from bureaucracy. In addition, the creation of new schools shaped to meet the needs of differing families and communities is to assist in a rebirth of civil society.

For charter advocates and other supporters of market reform, desegregation, efforts to equalize funding, and the enforcement of a common curriculum have created "formally organized, complex, compliance-oriented" school systems that are neither equal nor free from regulation (Hill, 1999, p.

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[1] This analysis was conducted with support from the Annie E. Casey Foundation, the Carnegie Corporation, and the Rockefeller Foundation. Like most scholarly analyses, this is the product of a growing knowledge base shared by our entire charter school research team. Robin Jacobowitz initiated our document collection, and Yolanda McBride was responsible for setting up our demographic database. In addition, we thank Dana Lockwood and Dinya

145). Challenging the traditional view of equality as best delivered by highly regulated public school systems, charter schools—often along with vouchers—are proposed as ways to give low-income children of color "the same opportunities to choose" their own school that have always been available to affluent white families. In a country said to have been awakened to a "plurality of authenticities" (Finn, et al, 2000, p. 69), the ability of families to choose a school "public, private or religious—that reflects their own values" is proposed as a lever for both increasing parental satisfaction and improving schools for all children (Viteretti, 1999, p. 211). As a charter school advocate recently argued, "If, in the process of improving education for disadvantaged children, we were to compromise precious freedoms protected by the First Amendment or undermine civil society, we would have achieved a hollow victory" (Viteretti, 2000, p. 15).

Where government mandates were once sought to ensure racial balance, many charter advocates have relocated equity in choice, and school choice for communities of color is being called an essential but "unfinished task of the civil rights movement" (Holt, 2000). A few market enthusiasts have even claimed that choice will desegregate schools, as *all* families simply seek the best schools regardless of their racial composition (Reinhard and Lee, 1992).

Phenix, who conducted the demographic analyses, and Norm Fruchter, Director of the Institute, who has been a critical friend throughout our work.

Not surprisingly, given the diversity in educational provision promised by charter schools, the most recent national study of charter schools suggests that 64 percent of all newly created charter schools were founded primarily to realize an alternative educational vision, and 26 percent to serve a special student population. Among pre-existing public schools that converted to charter status, 43 percent were founded primarily to realize an alternate educational vision, 11 percent to serve a special student population, and 34.5 percent to gain autonomy or flexibility (RPP International, 2000).

But what are the implications of choice and variations in both educational visions and student populations for equity? To answer this question, we begin by offering three standards of equity. Following this, we summarize equity provisions in state charter legislation. We then review research suggesting who may be choosing to send their children to charter schools and why, as well as a variety of studies, including our own, on charter school demography. Finally, we discuss the challenges that charter schools pose to our traditional standards of equity.

II. Three Standards of Equity

In the years since *Brown*, our country has developed three standards for equity. The first, which came directly from the 1954 desegregation case, judges educational equity by whether there is a balanced distribution of students by race and socioeconomic within and across schools. Since choice

has represented an important departure from assigned schools, the first generation of research on charter schools has focused on racial balance.

The second equity standard arose out of an understanding that a key reason for desegregation was important not just for the racial balance it brought. Instead, as the *Brown* court found, separate was not equal, because schools serving white students tended to be better funded and resourced than schools serving students of color. The standard judges educational equity by whether there is an equal distribution of resources within and across schools. In the past decades as schools have become resegregated, this standard has been important to fiscal equity suits and other challenges to inequities in educational provision—for example, access to algebra or foreign languages—across schools and districts that influence student achievement. Charter schools receive greater autonomy than public schools over educational processes, and deregulate teacher certification and other educational resources assumed by many to influence the opportunity to learn. Nevertheless, it is important to ask whether and how this second standard, which we call the opportunity to learn, is being met in charter schools.

Finally, the third—and by far the most stringent—equity standard asks that the distribution of student outcomes be unrelated to race/ethnicity or social class background. The standard assumes that not all students want the same educational paths or can reach the same academic goals, but it also assumes that schools are responsible for breaking the traditional relationship

between both race/ethnicity and socioeconomic status and educational achievement. Although this may be the most difficult standard to reach, it is particularly fitting to the charter movement, which seeks freedom from the regulation of inputs and processes in exchange for performance-based accountability.

III. Provisions in Charter Legislation Related to Equity

As of 1999-2000, thirty-six states and the District of Columbia have passed charter legislation enabling charter school reform. State legislation covers a range of important issues, including who may "charter" schools and the number of charter schools allowed; the funding and range of waivers—from state teacher certification requirements to union work rules—granted to charter schools; whether schools can use funding for facilities and other capital expenses; and how student achievement will be measured and charters renewed or, if necessary, revoked.

Although the charter movement has been strongly influenced by the free-market ideology of the wider choice movement, charter school legislation across the nation has also reflected regulative compromises with those concerned that the market alone may not provide equal protection for all students. All charter school legislation prohibits "discrimination in the selection of students." As of 1998, twenty-one states also specify that charter school students with disabilities are subject to existing state and federal laws. Thirteen states require charter schools to reflect the racial balance of

the district in which the charter school is located. Seven states require charter schools to admit all eligible students and use an "equitable selection process such as lottery" in case of excess demand. In four states, legislation gives preference to charter schools serving at-risk students (RPP International, 1998b). However, in no state does charter law provide an incentive for creating racially diverse schools (Wells, Holme, Lopez and Cooper, 2000).

On the other side, three legislative provisions may also indirectly impact the demography of charter schools, and in turn the educational resources available to students in the schools. First, ten states currently allow private nonsectarian schools to convert directly to charter status, and three additional states allow the conversion of private schools under certain conditions. In areas where private schools serve different students than public schools, allowing private school conversions can impact the student populations served by charter schools.

Second, although 18 states allow for-profits to sponsor charter schools, virtually all states allow for-profits to act as subcontractors, providing school facilities, curriculum and instructional staff to the group receiving the charter (RPP International, 2000). In Michigan, where for-profit educational management companies run the vast majority of schools, Miron (2000) argues that the companies have tried to steer clear of high-cost students, and so

have homogenized student enrollment and shifted their charter schools from urban to suburban areas.

Third, in only six states does charter legislation guarantee all students transportation to their charter schools (Wells, et al, 2000). When transportation is not guaranteed by the state, it is sometimes offered by the district; more often the cost of transportation is either taken out of the school's own per/pupil revenue, or it is made a parental responsibility. As Rothstein has pointed out, "Because of the very high correlation between family support and student achievement, such requirements [as transportation] may themselves have an important creaming effect, excluding from charters those students most at risk of failure" (1998, p. 8). When transportation is taken out of the school's per-pupil allocation, it obviously constrains spending on instruction and other resources.

While state laws set the broader context for the implementation of charter schools, the effects of equity regulations and other provisions on charter school access and student composition have not been systematically analyzed. Our own ongoing ethnographic research suggests that charter schools abide by the letter, if not the spirit, of state equity provisions, while exercising considerable creativity in shaping their student bodies. There is also some evidence that states only rarely monitor charter schools for compliance in equity areas (Wells, 2000). This is probably because, given the current legal climate, enforcement by states might well be struck down in a

court (Levin, 1999). Finally, initial research on charter access suggests that there is no direct relationship between the existence of racial balance provisions and charter demography (Ascher, et al., 1998; Wells, et al, 2000).

IV. The Mechanisms of Choice

As a market reform, school choice has been central to the charter movement, setting in motion both accountability and equity functions. According to choice advocates, parents make rational choices about where to send their children based on the quality of a school's instruction and its programmatic focus (Rasell & Rothstein, 1993). From this perspective, parental decisions ensure that charter schools with interesting programs and high student performance survive, while those with uninteresting programs and low performance are forced to close. Market theory also assumes that information on schools can be made widely available so that *all* parents can make informed choices about both where to enroll their children and when, if necessary, to take their children out of a school. Both these assumptions have equity implications.

A. Parents as Choosers

Research on who participates in choice programs and how they select a school has been conducted in a range of contexts, including charter schools, magnet schools, inter-district choice plans, voucher programs, and private schools. In addition there are surveys about hypothetical educational choices

parents might make if they were given a choice system. Most studies focus on parents (rather than students) as decision makers; they analyze the reasons parents give for choosing—or not choosing—to send their child to a non-assigned school, where parents receive information on schools, and whether all parents have the same access to information.

An early influential analysis of choice by the Carnegie Corporation (1992) contested both the accountability and the equity assumptions of market theory. The Carnegie study found that, "many parents based their school choice decision on factors that have nothing to do with the quality of education," including day care availability, convenience, social factors, and the range and quality of interscholastic sports. Parents' information about their options was related to their socio-economic status, with high-income families obtaining more school information than lower-income families. In its critique of choice, the Carnegie study was viewed by many as anti-market reform. Much of the choice research since this time can be seen as extending the Carnegie study, and thus confirming or refuting the idea of parents as rational choosers and the likelihood that market reform can create school improvement for all students.

Accountability: Parents' Reasons for Choosing. Research on parental choice has generally focused on only those parents who choose, and has been further constricted by a format that asks responses to rate a series

of possible reasons for choosing a school, and so narrows possible answers. Although we therefore don't know *all* the reasons why those parents who choose a non-assigned school make their choices, the literature suggests that the quality of academic offerings plays an important role—as do other factors. Rubenstein, Hamar and Adelman (1992) surveyed parents during the first year of Minnesota's open enrollment option. While academic offerings were most often mentioned as the primary reason for transferring their child to a new school, other reasons included educational services, learning climate, and proximity. Martinez, Thomas and Kemerer (1994) asked parents participating in choice plans in five districts to rate their motives for choosing schools: parents overwhelmingly picked educational quality or learning climates as their number one reason.

Howell & Peterson (2000) asked voucher program parents in Dayton and Washington, D.C. to identify from a long list the three most important reasons for selecting their child's school. Respondents were also given the option of saying that their school "was the only choice available." Seventy-one percent of parents mentioned academic quality. Religious instruction played an important role in some parents' decision to send their child to a private school, as did school discipline and teacher quality. More than a fifth of parents included school safety, class size, and the curriculum.

Using an open format, Smrekar and Goldring (1999) asked parents in Cincinnatti and St. Louis what factors influenced their decision to send their

child to a non-assigned school. In addition to describing a mix of factors that might be classified as academic reputation, parents mentioned discipline; shared values; convenience (proximity to home, job or day care); and availability of special programs, smaller classes, or particular teaching style.

Parents in the Milwaukee Parental Choice Program were asked to rate the importance of various factors in their decision to participate in the voucher program. By order of importance, parents mentioned: educational quality in the chosen school; the teaching approach or style; discipline; class size; financial considerations; special programs; the location of the school; frustration with public schools; and the fact that other children in the family were already in the chosen school (Witte, 2000).

However, not all studies show academic quality—even in its widest meaning—as the primary concern for parents. Parents in inner-city and suburban Detroit were asked to rate the relative importance of seven school qualities that might hypothetically influence where they would send a child to school. Both groups rated safety first, followed by a school that shares "my values." School requirements and varied courses (proxies for academic quality) were listed next, followed by discipline and proximity (Lee, Groninger & Smith, 1996).

There is also a small body of research investigating whether parents choose schools for racial reasons, which, given the confluence of race and test scores, is not unrelated to perceived school quality. African American parents

in inner city St. Louis who chose suburban schools for their children were relatively unconcerned about which school they attended. So long as it was out in the white suburbs, it was assumed to be better than an all-black inner-city school (Wells, 1996). Based on two large data samples, Cotfelter (1976) argues that whites choose private schools when minorities constitute the majority of students in their child's public school. Lankford and Wykoff (2000) use census data to explore public-private school choice decisions; although white and minority parents are both influenced by "purchased inputs (what we might call opportunity to learn variables) in schools, white families also showed strong preferences to avoid minorities when choosing a private school. Similarly, using data from the National Education Longitudinal Sutudy, Fairlie (2000) found that both white and Hispanic students enroll in private schools in response to large concentrations of black students in their public schools. Not surprisingly, Horn and Miron (1999, p. 31) note that some charter schools in Michigan face "a public relations challenge" when they become tagged as targeting students of color.

Finally, several studies have investigated parental choice in the charter school context. Horn and Miron (1999) surveyed 981 parents in Michigan to find out why they enrolled their child in a charter school (known in the state as a public school academy "PSA"). Parents gave the following six factors their top rating, with a score of 5 representing most important: Good teachers and high quality instruction (4.32); Emphasis and philosophy

of this school (4.27); safety for my child (4.15); academic reputation of school (4.02); more emphasis on academic than extracurricular activities (3.79); promises made by charter school's spokespersons (3.59).

The most frequently mentioned reason for their choice offered by Washington, D.C. charter school parents (68%) was the school's academic quality. Over a third of the parents also cited religious instruction and school discipline. More than a quarter of parents reported class size, teacher quality, and school safety as critical to their choice of a school.

In answer to a questionnaire offering charter school parents possible reasons for having chosen a charter school, over half of all parents checked small size (53.0%); this was followed by higher standards (45.9%), educational philosophy (44.0%), greater opportunity for parent involvement (43.0%) and better teachers (41.9%). However, there were interesting variations by social class. While nearly 50 percent of the upper-income respondents agreed that they had chosen the charter school because its program was "closer to my philosophy," only 37.2 percent of all low-income parents gave this reason. Conversely, while 42 percent of all low-income parents rated the convenience of the charter school's location as important, only 13.4 percent of all upper-income respondents rated this reason as important (Finn, Manno and Vanourek, 2000).

Information Used by Parents to Choose Schools. Several studies have probed the kinds of information on which families rely in deciding that a

school is good. Parents in Cincinnati and St. Louis reported talking with teachers, friends and their own children in choosing a magnet school. They also mentioned school newsletters, informational meetings, radio, TV, newspapers, and school visits as sources of information (Smrekar and Goldring, 1999).

Based on an analysis of the Milwaukee choice plan, Witte (2000) argues that word of mouth, especially using trusted parents of other children as guides, is a common source of information for most families. Witte's annual survey of choice applicants has yielded consistent results over the years. The most prevalent source of information on choice for parents was friends and relatives (50.9%) percent). These word-of-mouth sources were almost double the frequency of other sources (newspapers (24.2%); television and radio (21.4%); and private schools (17.7%).

Even when low-income families desire school choice, however, they may not make their decisions based on the same amount or kind of information as families with greater economic resources. Smrekar and Golding (1999) found that high-income families tended to have access to, and to utilize, a wider array of resources than low-income parents when choosing a school. Those parents with the least access to resources were parents who were out of work, and had never graduated from high school or attended college.

However, Schneider and associates (1997), who investigated the role of information on school choice in New York City, suggest that as school choice becomes a shared concern amongst the members of the community, parents' access to information improves irrespective of their social class. She cites District 4 in Harlem, New York, where intradistrict choice has been available for more than twenty years and instructional structures are in place to disseminate and facilitate the flow of information among all parents.

Still, as Henig (1999, p. 78) argues, "Lacking clear objective indicators about what goes on in the classroom, parents reasonably enough may rely on aggregate test scores or the socioeconomic characteristics of those already attending the school as proxy indicators." And Bierlein (1993) has noted that "truth in advertising" becomes an important issue, particularly when schools are working to attract students in a competitive atmosphere.

Parents' Race and Socioeconomic Status and Participation in Choice. In recent years, polls and surveys have suggested a growing interest in school choice—and particularly vouchers—among low income families of color (Lee, Groninger & Smith, 1996). A study comparing attitudes toward the possibility of choice in Detroit and the surrounding suburbs found that "Families in districts characterized by low property wealth, high proportions of poor students, low mastery rates on the state tests, and low graduation rates are more likely to favor choice; families in districts characterized by

more positive values on these measures are more likely to oppose choice." (Lee, et al, 1996, p. 82).

Even when choice is confined to low-income families, those who choose to participate in the choice program tend to be more advantaged than those who do not. The Milwaukee voucher program was limited to low-income families, but Witte (2000) found that choosers tended to have smaller families and higher education levels than either low-income or average Milwaukee Public School parents. And, based on their work in Detroit, Lee, Groninger and Smith (1996, p. 86) argue that, since even within central Detroit those families with opinions about schools tend to have somewhat more education and income, "the children most likely to transfer to other districts would be from families headed by adults with relatively more education and higher incomes."

Similarly, Wells and Crain (1997) compared African American parents of students in St. Louis who chose to participate in an interdistrict transfer plan, with those who "chose not to choose" and so kept their children in segregated inner-city schools. Among their sample, more parents of students who remained in the city than of transfer students were unemployed, and not one of the city students' parents held a job that took him or her across the city-county color line. Similarly, Lissitz (1992, in Wells & Crain, 1997) found that parents of transfer students were more likely to have completed some years of college.

B. Students, School Districts, Social Service Agencies and the Courts as Choosers

Complicating the picture of choice in charter schools are other key actors involved in deciding whether students attend specific charter schools. We discuss how schools themselves act as choosers in the next section. Here we describe students as choosers, as well as the school districts, the social service agencies and courts that often decide for at-risk youth.

The analysis by Wells and Crain (1997, p. 32) of St. Louis' voluntary inter-district transfer plan has a particularly interesting finding on the issue of students as choosers. According to the authors, while transfer parents "pushed their children onto buses" heading for the suburbs, "City parents [whose children remained in segregated schools], in almost every case, absolved themselves of the school choice responsibility, leaving the decision entirely to their adolescent children." As Wells and Crain argue, when parents left the choice to their youngsters, these students followed the path of least resistance and attended familiar schools where they felt comfortable.

The Third Year Evaluation (1998-99) of Texas charter schools reports a somewhat similar division between the students who choose and those whose choices are made by their parents. While nearly half (45.6%) of the students of color attending charter schools serving at-risk students made the choice on their own, just a fifth (21.5%) of the Anglo students attending the academic charter schools had decided on their own. Yet only 9 percent of the students attending at-risk schools said the decision was made by the family without

their input, while 29.9 percent of the students in the academic charter schools were there solely because of their family's decision. Over three-quarters of both groups indicated that the most important reason for choosing a charter school was their belief that the school offered "classes that best fit the students' needs" (Barrett et al, 1999). However, the fact that Anglo students were in academically oriented charter schools and minority students in vocational programs would justify inquiring about the meaning of "classes that best fit the students' needs," as well as how well informed students and/or their parents are about the quality of school programs when making a school choice.

Many at-risk charter schools also have their students assigned to them by school districts, social service agencies and the courts, all of whom may be searching for safe and student-centered schools that are likely to have a positive impact on student behavior. Some districts have sponsored charter schools that function in much the same way as alternative schools did in the 1970s—as alternatives for troubled students. As Horn and Miron (1999, p. 32) note, in Michigan, "in some cases local public schools counsel/advise students with certain problems or those of a particular type to seek admission in a PSA" [charter school]. Our own field studies suggest that charter schools for at-risk students can operate as "last chance" schools; when students are referred to these schools, their other "choices" are dropping out or even incarceration (Ascher, et al, 1999).

C. Schools as Choosers

Within the context of state legislation, charter schools have a developed variety of recruitment and admission policies which influence who learns about the school, who applies, and who is accepted or rejected. Thus, schools are also involved in choice.

The first national study of charter schools used a telephone survey to ask charter school staff about their admissions processes. Nearly three-quarters of all respondents reported that applications had exceeded admissions, and so necessitated some policy of choice on their part. Of the schools with excess demand, 39 percent reported using a lottery or other random process to allocate admissions; 41 percent used a "first come first served" policy; and 10 percent used a combination. Just under 10 percent used some other process, including referral from the courts or social services (RPI International and the University of Minnesota, 1997).

As others have noted, a "first come first served" policy easily disadvantages those with less information or who receive the information later than others (Levin, 2000; Wells, et al, 2000). Moreover, since admissions are still dependent on who applies, random processes alone may not ensure racial balance in charter schools. A Clayton Foundation (1997) analysis of charter schools in Colorado found that, although 23 of the 24 charter schools surveyed used a lottery or other random process, or enrolled students on a first-come first-served basis, and a number served "at risk students," 68

percent of the schools served a lower ratio of students of color than the corresponding district average.

To recruit students, charter schools use word of mouth, advertising to targeted groups, mailing to selected constituents, posting flyers in local communities, and advertising in local newspapers. Some charter schools send their representatives to attend meetings of potential parents or to make presentations about their schools (Wells, 2000). All these methods target particular students and their families at the expense of others. For example, in Michigan some charter schools have used marketing strategies to make themselves especially available and attractive to members of particular ethnic or racial group. In districts where most of the students are minorities, the target market has often been white students (Arsen, Plank, & Sykes, n.d.). Wells and associates (2000) argue that, exactly because word-of-mouth structures the group reached by recruitment, schools that want to gain a good reputation may use informal recruitment efforts as their primary route for publicizing information about themselves.

According to a recent national survey, 59 percent of all charter schools report primary control over admissions (RPP International, 2000). This sense of control is based on a more proactive strategy than word-of-mouth advertising and lotteries. Many charter schools also require pre-admission interviews with students, parents or guardians to determine if the students fit the philosophy and mission of the school. Many charter schools also ask

parents to sign contracts that specify their roles and tasks in relation to the school: reading to the child, going over homework, encouraging appropriate behavior and, most commonly, volunteering a specified number of hours a school year or participating in specific school activities. A study of California's charter schools found that 75 percent required parents to sign a contract upon enrolling their children—the percentage was higher (86%) for start-up charter schools, and somewhat lower (64%) for conversion charter schools (SRI, 1997).

A recent analysis of Michigan's charter schools reports that those run by educational management companies are creating their own selection mechanisms. These include selective advertising, pre-application interviews, parent contracts, as well as a sharply drawn portrait of the kind of students the schools want, and do not want. Since EMOs running these schools do not provide either transportation or hot lunches, low-income students and students without active parents are easily selected out (Miron, 2000).

Beyond these factors influencing recruitment and selection, a curricular focus can act as an informal but strong selection devise. For example, a school with an Afrocentic or Hispanic Culture focus will attract African-American or Latino students. Yet the inevitable selection from one racial/ethnic group as a result of interest-based programming has not been without tensions. In an example of the unusual alliances in the charter movement, the opening of predominantly black charter schools in North

Carolina erupted into legal conflict, with minority parents aligned with conservative organizations in the fight to keep the schools open, and members of the state legislature's Black Caucus aligned with the state teachers' union in calling for the closing of the schools (Dent, 1998).

Finally, some conversion charter schools have continued to function as neighborhood schools, simple admitting all students sent by their districts. And a number of charter schools have discovered—much to their chagrin—that their small size and student-centered instruction draws more troubled students then they anticipated (Ascher, et al., 1999; Horn & Miron, 1999).

IV. Charter School Demography

Over the past five years, the demographic characteristics of charter school students have been analyzed at both national and state levels, with the number of states and schools involved in the analysis growing each year. The earliest national study was conducted by the Hudson Institute (1997). Comparing student demography in charter schools to public schools, the Hudson Institute found charter school students demographically comparable to public school students. Given the fear at the time that charter schools might be used overwhelmingly by white students, this was an important finding.

The US Department of Education's Office of Educational Research and Improvement has sponsored four national studies of charter schools. The

first study was based on the 256 charter schools in existence in ten states in January 1996. It compared enrollment in these charter schools with the enrollment of all public schools in the ten states. (In 1996, California accounted for 60 percent of all charter school students and 40 percent of all public school students in the study.) The authors found that, while in Michigan, Minnesota and Massachusetts a higher proportion of students of color were enrolled in charter schools than in public schools, the average racial composition of charter schools in the other seven states was similar to their statewide public school averages. As judged by eligibility for free lunch, charter schools enrolled about the same proportion of low-income students as other public schools.[2] Nationally charter schools enrolled a lower percentage of the students who had received special education services in their former public school than did traditional public schools; exceptions were Minnesota and Wisconsin, where charter schools served higher percentages of students with disabilities than all public schools. Finally, charter schools served, on average, a lower percentage of limited-English proficient (LEP) students, compared to all public schools. Exceptions were Minnesota and Massachusetts, where charter schools enrolled a larger percentage of LEP

[2] It is important to note that analyses of poverty in charter school are based on estimates of free and reduced lunch eligibility, rather than those students receiving the lunch program. This is because charter schools often elect to avoid the bureaucratic entanglement of participating in the federal lunch program.

students than other public schools (RPP International and the University of Minnesota, 1997).

By the second-year national study, nearly 700 charter schools were operating in 23 states and the District of Columbia. Based on a sample of 317 charter schools, RPP International found that, "broadly speaking, charter schools mirror the racial distribution of students in all public schools." However, while charter schools in some states served a higher proportion of students of color than other public schools, in other states charter schools served a similar or somewhat higher proportion of white students (RPP International, 1998, p. 47). Since a number of predominantly white states have large urban districts that serve predominantly students of color, this study also compared the student composition of charter schools to the student composition of the public school districts in which the charter schools were located. While six out of ten charter schools were not "distinct" from their district (they varied within 20 percent) in race or poverty level, about three out of ten were much more likely to enroll students of color and low-income students than their surrounding district. The percentage of students with disabilities in charter schools was lower than in all public schools, but the percentage of LEP students was about the same as in other public schools.

The third national study of charter schools noted that 361 schools had opened in 1997-1998, bringing the total to 1,050 charter schools in 27 states and the District of Columbia. The report summarized several demographic

findings from 619 schools responding to a telephone survey. First, as in the previous year, white students represented 52 percent of all charter school enrollment—compared to 58 percent of all public school enrollment. Second, in Connecticut, Massachusetts, Michigan, Minnesota, North Carolina and Texas, charter schools served a much higher percentage of students of color than did public schools. Third, while 70 percent of all charter schools were similar (within 20 percent) in racial/ethnic composition to their surrounding districts, the remaining 30 percent was divided fairly evenly between those serving a higher—and lower—percentage of students of color than their surrounding districts. Fourth, the average percentage of low-income (free and reduced lunch) charter school students in 24 states was approximately the same as in public schools in these states. But in eight states, there were significantly more low-income students in charter schools than in the public schools, and in five states the percentage of low-income charter school students was at least 10 percent lower than in the public schools. Fifth, the population of LEP students had dropped from 12.7 to 10.1 percent from the previous year, as more charter schools were opened in states with lower concentrations of LEP students. Finally, the percentage of children with disabilities in charter schools remained at 8 percent, compared to 11 percent for all public schools (RPP International, 1999).

By the time of the most recent, fourth-year national study, there were 1,484 charter schools operating in 31 states and the District of Columbia.

(Including multiple branches of schools operating under the same charter, the total number of schools was 1,605.) Based on an analysis of charter schools in 27 states operating in 1998-99, the fourth-year study noted several interesting changes in charter school demography. First, the percentage of white students in charter schools had declined to about 48 percent. Second, the percentage of low-income charter students had grown, and charter schools were serving a slightly higher percentage of low-income students than all public schools (39% versus 37%). Third, the percentage of LEP students enrolled in charter schools remained at 10 percent, and the percentage of students with disabilities stayed at 8 percent.

Contrary to fears that charter schools would primarily serve white students, charter schools were enrolling approximately 11 percent fewer white students than all public schools, and they were more likely to serve black students (24% versus 27%) and Hispanic students (21% versus 18%). However, the composition of students in charter schools varied greatly by state—as it does in all public schools. In 14 states, there were at least 5 percent more nonwhite students in charter schools than in all public schools. (In six states—Massachusetts, Michigan, Minnesota, New Jersey, Pennsylvania and Texas—charter schools enrolled at least 20 percent more nonwhite students than the states' public schools.) On the other hand, in four states charter schools enrolled at least 5 percent fewer nonwhite students than all public schools, and in California and Georgia, charter

schools enrolled at least 10 percent fewer nonwhite students than public schools.

V. THE IESP ANALYSIS OF CHARTER SCHOOLS AND THEIR DISTRICTS

Our charter school research team at New York University's Institute for Education and Social Policy was concerned that early national analyses of charter school demography made equity statements based on comparisons of charter schools with state and even national public school populations. Thus, in 1998, we began to collect our own demographic data.[3] Our IESP database includes 801 charter schools operating in 1997-98. Data on these 801 charter schools contain a variety of indicators. Most important for the following analysis are data on student ethnicity, as well as percent of students eligible for free or reduced lunch programs, percent English language learners (LEP), and percent receiving special education services. In addition, a linked IESP database includes comparative demographic data (student ethnicity, free or reduced-price lunch, etc.) for the 33 public school districts and the 26 states in which our 801 charter schools are located.

While we were beginning our own analysis, the RPP released its second-year report, which also compared charter schools and the geographic districts in which they were located. In fact, although more recent RPP

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[3] Like the RPP International, we relied heavily on telephone interviews. In addition, district and state-level data was often available on the internet.

reports have contained the summary information on student demography cited earlier, the second-year report is the only one to have presented a detailed analysis of the students served by charter schools. Unfortunately, districts themselves may represent averages of a number of schools that vary widely in their demography. Thus, the charter school versus district comparisons conducted by the RPP, as well as the analysis that follows, do not tell us where the charter schools stand within their districts' demographic range.

Below we replicate several of the RPP analyses to explore the demographic portrait of charter schools and their districts in 1996-97 (RPP) and a year later, in 1997-98 (IESP), as well as develop our own further analyses. Because of missing data, the following analysis is based on 535 charter schools in our own database and 349 schools in the RPP database.

Following RPP, we determine whether charter schools are distinct from their districts by measuring whether the population of white students is within 20 percent (greater or less than) of the average percent of white students in the district. While the RPP found 60 percent of all charter schools to be indistinct from their districts in the percentage of white students served in 1996-97, our data from a year later (1997-98) suggests that 70 percent of all charter schools are not distinct from their surrounding

districts in the percent of white students. (RPP International's third-year report also found 70 percent to be indistinct from their districts.)

However, we also sought to understand under what demographic conditions charter schools were most likely to look like their districts. We found that:

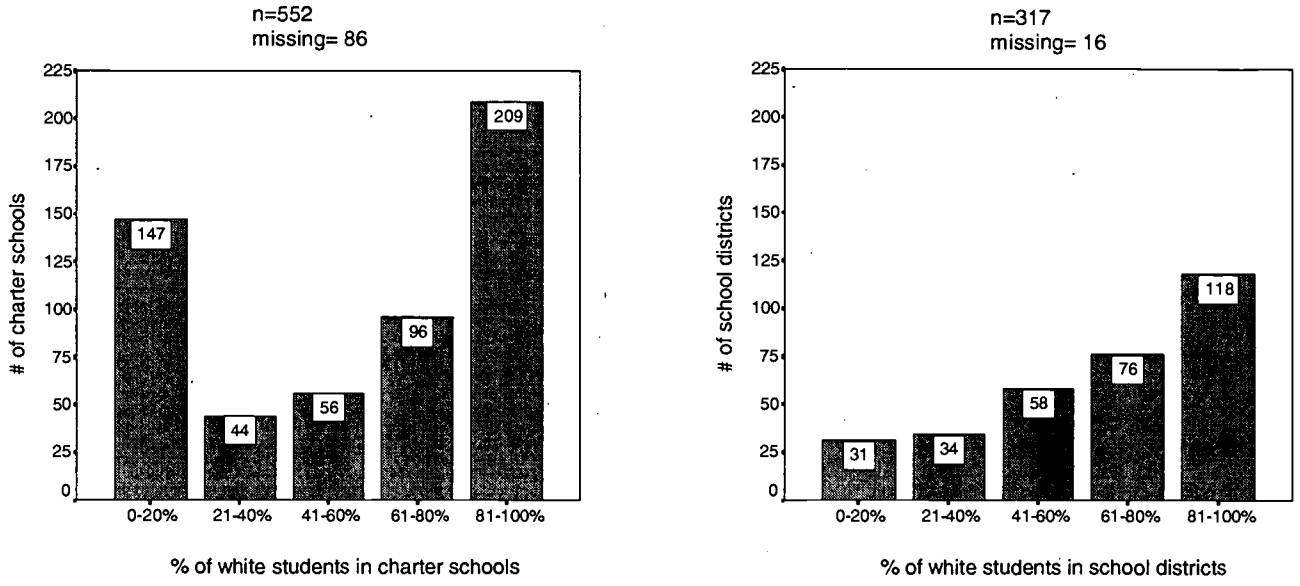
- In about half of the charter schools in our sample (52%), over two-thirds of the students are white; 83 percent of these predominantly white charter are indistinct from their district averages.

- However, in 31 percent of all charter schools, more than two-thirds of the students are students of color; only 47 percent of these schools serving predominantly students of color are indistinct from their district averages.

Thus, although most charter schools look like their districts, it is also clear that the higher the percentage of white students in the charter schools, the more likely charter schools are to be indistinct from their districts (within 20% of the district average of white students). On the other hand, nearly half of all charter schools with more than two-thirds students of color are distinct from their districts. That is, charter schools may be offering students of color a more segregated environment than their districts as a whole.

Below, we present IESP data to show some of this variation in charter schools and their surrounding districts.

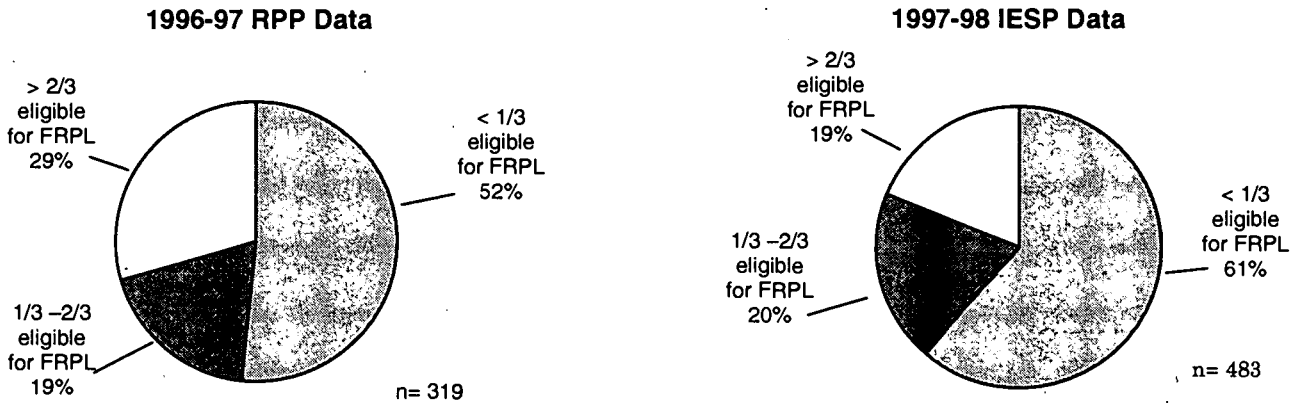
Concentration of White Students in Charter Schools and Related Public School Districts 1997-98 IESP Data



As the charter school bar graph above shows, the largest numbers of charter schools lie at the far ends of the spectrum, where white students constitute either 0-20 percent or 81-100 percent of the student population. By contrast, the district bar graph shows that there are more districts with higher percentages of white students. That is, although charter schools are more likely to be situated in predominantly white districts, nearly a quarter of the charter schools for which we have data serve 80 percent or more students of color.

Because ethnicity does not necessarily overlap with social class, we also sought to determine to what extent low-income students are being served by charter schools. As the left pie chart below indicates, the RPP found that in over half of all charter schools less than a third of the students are eligible for free or reduced-price lunch. In only 29 percent of all charter schools are over two-thirds of the students eligible for free or reduced-price lunch. By comparison, 1997-98 IESP data suggests a decreasing percentage of charter schools (from 29% to 19%) with more than two-thirds of the students eligible for free and reduced-price lunch.

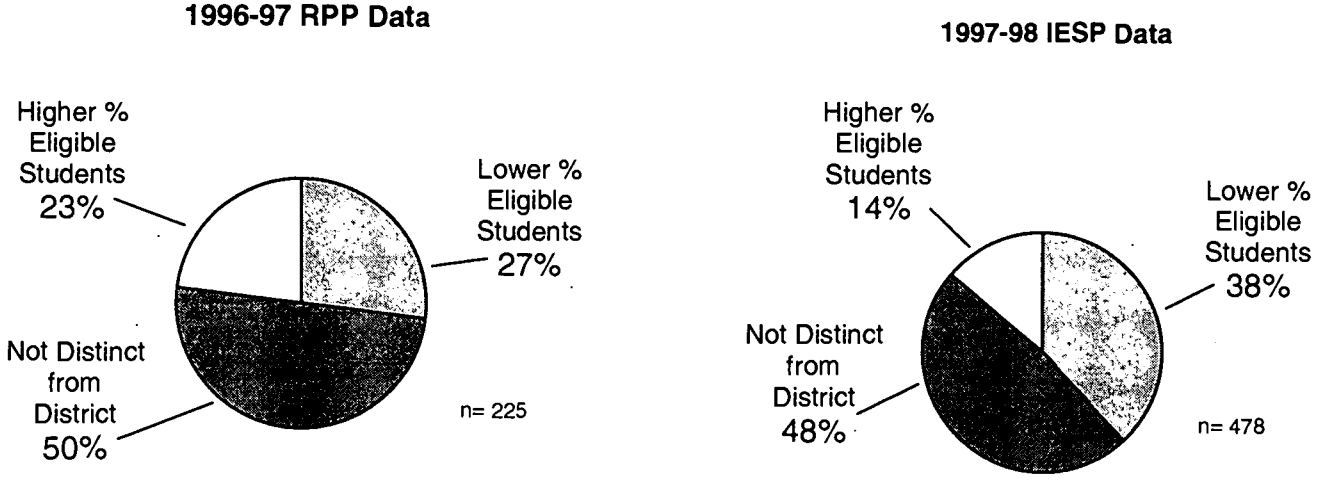
Estimated Concentration of Charter School Students Eligible for Free and Reduced-price Lunch



At the other end, the percentage of charter schools with less than a third of the students eligible for free and reduced-price lunch has grown from 52% to 61%.

How do these data compare to the districts in which the charter schools are geographically located? Below, we compare RPP International's analysis of the variance between charter schools and their districts (whether or not they differ by 20%) on free and reduced-price lunch eligibility with our own comparable analysis of IESP data. While the RPP analysis compares 1996-97 data for 225 schools to 1993-94 data for the surrounding districts, our analysis is based on 1997-98 data for both the schools and their districts.

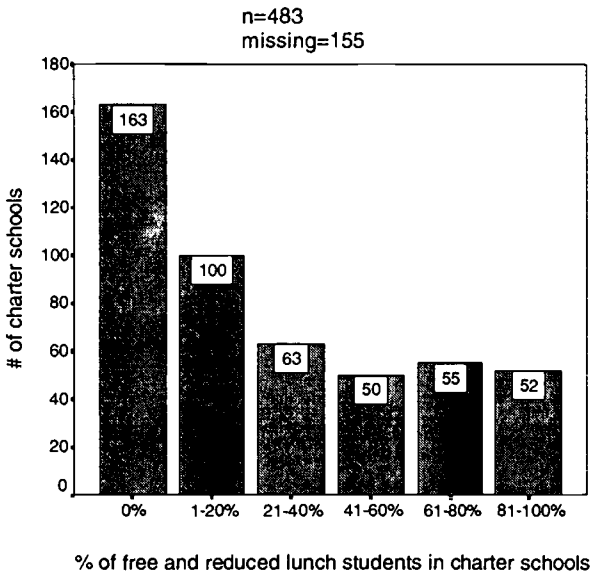
Estimated Percentages of Charter School Free Lunch Students Compared to the Surrounding Districts

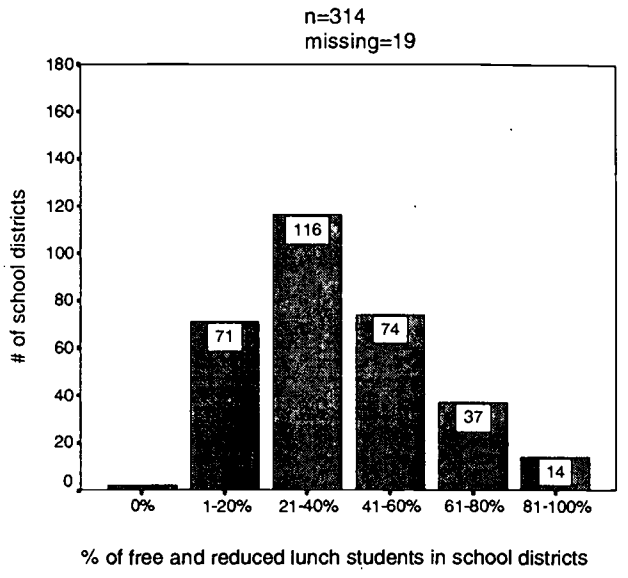


The IESP database suggests that nearly half of all charter schools (48%) have become indistinct from their districts in the percentage of students eligible for free and reduced-price lunches. However, the number of charter schools that show higher eligibility for free and reduced-price lunches than their districts has also decreased significantly, from 23 percent to 14 percent.

The two bar graphs below, both based on IESP data, further explain the differences between charter schools and their districts in the percentage of students eligible for free and reduced price lunch.

Charter Schools and their Districts
Free and Reduced-price Lunch





In this case, we have subdivided the first quintile to show that 163 or a third of all charter schools had ***no*** students eligible for free or reduced-price lunches. (We believe this high percentage may be due to the schools' reluctance to participating in the program, and so their disinterest in accurately calculating eligibility.) By comparison, only two districts had no students eligible for free and reduced-price lunches. At[2] the other end of the spectrum, 52 (10.7%) charter schools have over 80 percent of their students eligible for free and reduced-price lunch, compared to fourteen districts (4.5%) with over 80 percent of their student population eligible for free and reduced-price lunch.

In short, our data suggest that charter schools may be proliferating at both the low and the high end of the race/ethnicity and affluence/poverty continuums. It is likely that some schools serving high percentages of students of color are responding to legislation that asks charter schools to serve at-risk students. We believe it is also likely that charter schools are serving more low-income students than the free and reduced-lunch eligibity data suggest. Though our data cannot show that charter schools are exacerbating racial isolation, or creating more isolation by social class among students, the state-level research described below suggests this to be the case.

VI. Cases Studies

Over the past several years, a number of states have conducted their own analyses of the students served by charter schools. Several make particularly interesting case studies, both because charter schools laws in these states grant high levels of autonomy (including the absence of equity previsions and the permission for private schools to convert to charter status), and because the investigations go beyond mere demography to look at the relationship between the students served and the instructional resources offered in the charter schools.

Arizona's charter legislation, passed in 1994, is still considered the most deregulated in the US, and is said to have created a "virtual voucher system." Arizona also has more charter schools than any other state—in 1999, 222 charter schools enrolled 815,388 students, or 4 percent of the total public school population in the state (RPP International, 2000). The law allows private schools to convert to charter status: 29 charter schools in Arizona were formerly private schools.

An analysis of charter schools in Arizona (Cobb and Glass, 1999) compared the ethnic compositions of 55 urban and 57 rural charter schools to their public school neighbors. Nearly half of the charter schools exhibited evidence of "substantial ethnic separation"—that is, segregation by race/ethnicity. Moreover, Arizona's charter schools were 20 percent higher in white enrollment than other public schools. Cobb and Glass conclude that, "The degree of ethnic separation in Arizona schools is large enough and consistent enough to warrant concern among education policymakers."(Cobb & Glass, 1999, p. 2).

As important, charter schools serving a majority of ethnic minority students tended to be either vocational secondary schools that do not lead to college or "schools of last resort" for students expelled from traditional public schools. Charter schools with college-bound curricula catered primarily to white students (Cobb & Glass, 1999).

California. Charter school legislation, which was passed in 1992 in California, has made local school districts the major grantors of charters. Although some charter advocates have feared that districts would be reluctant to grant charters, the state now hosts 149 charter schools, or nearly 10 percent of all charters in the U.S. The law states that the reform is to increase learning opportunities for all students, with a special emphasis on those students identified as low achievers, and every school's chartering document must describe the means by which the school will achieve racial/ethnic balance reflective of the sponsor district. However, research on California charter schools suggests that neither the state nor the districts are monitoring charter school for equity compliance (Wells, 2000; RPP International, 1998).

In 1997, just under half of all charter school students were white, compared to 40 percent of all public school students. Hispanics constituted 34 percent of all charter school students, compared to 40 percent in the public school system, and African American students constituted 9 percent in both types of schools. The authors believe that, "at least part of this discrepancy reflects patterns of residential segregation, as opposed to any efforts on the part of charter schools to be exclusionary" (SRI, 1997, p. II-13).

Wells (1999), who focused on 17 charter schools in ten California districts, found that in many conversion charter schools the student

populations remained the same as they had been when the schools were traditional public schools. However, in 10 of the 17 schools under study, at least one racial or ethnic group was over-or-under represented by 15 percent or more in comparison to their district racial make-up. As in the SRI study, white students were over-represented in charter schools (by 8 percent statewide), while Latino students were under-represented (by 6 percent statewide). Wells also found the same percentage of African-American students in the public schools and charter schools.

The SRI study (1997) notes that funneling money through the local school district caused funding discrepancies for charter school across and within school districts, and the amount of public funding received by charter schools varied greatly. Moreover, Wells (1999) found that schools in predominantly middle class and upper-middle-class communities (those serving higher proportion of white students) tended to have easier access to financial and in-kind resources due to their connections. Educators in charter schools serving predominantly poor students and students of color were often overwhelmed by the day-to-day demands of running a school and struggled to make connections to people and organizations with resources. Unfortunately, neither study analyzed the relationship between such traditional opportunity to learn factors as teacher credentials and the student population served by the charter schools.

Michigan. Charter school legislation in Michigan, which was passed in 1993, has enabled the creation of 124 "public school academies" in the state. The state law is among the most permissive in permitting: a diversity among organizers and sponsors (authorizers) of charter schools; the legal independence of charter schools; and the deregulation of collective bargaining requirements. Twenty-six of Michigan's charter schools were formerly nonsectarian private schools, and 63 schools are currently run by for-profit educational management companies. Although charter school legislation prohibits discrimination in admission, it does not include any provision for racial or ethnic balance (Mintrom & Plank, 2000; Public Sector Consultants /MAXIMUS, Inc., 1999).

Michigan has also adopted an open enrollment policy that allows students to transfer to charter schools and other public schools in neighboring school districts, as long as there is space (Mintrom & Plank, 2000; RPP International, 1998). A recent Michigan State University study focused on the impact of charter schools and open enrollment plans on schools and school districts (Arsen, Plank & Sykes, n.d.). The authors noted that, while a trend toward social separation in the public school systems in Michigan did not originate with school choice policies, the introduction of school choice policies may well accelerate this trend toward separation.

An evaluation of 55 Michigan charter schools—more than half of which are in Detroit—categorized them in three groups. General schools,

constituting 51 percent of the sample, offer a curriculum targeted to the general population of students. Ethnocentric schools, offering an ethnic-based curriculum, such as Armenian, African-American, or Hispanic, constitute 13 percent of all charter schools. Specialty schools, serving special populations of students such as youth returning from incarceration, dropouts, and mentally-impaired youth, constitute 36 percent of all charter schools. Because of the preponderance of Detroit schools in the study, the racial composition of the 55 charter schools was 69.3 percent African-American, compared to only 14 percent African-American in the general Michigan population (Public Sector Consultants/MAXIMUS, Inc., 1999).

Public Sector Consultants/MAXIMUS, Inc. reports that teachers in the charter schools investigated were younger and had less teaching experience than teachers in traditional public schools. The average salary for charter school teachers was lower ($ 29,178) than for teachers in traditional public schools (the statewide figure is $ 47,181). However, the average pupil-teacher ratio was slightly lower than the statewide average: 19.2/1 versus 21.8:1 in school year 1997-98. Finally, charter schools experienced serious disadvantages in revenue. In 1997-1998, the per pupil grant for the Dearborn School District, for example, was $ 7,556, but charter schools in the same district received $ 5,962 per pupil—about 21 percent less. The state average was $6,061 (Horn & Miron, 1999).

Given the divergence between the charter school enrollment and the demography of the entire state, differences between resources in charter schools and other public schools may also have a racial effect, with African American students being served by less resourced charter schools than white students in public schools.

Texas. In Texas, charter school legislation provides for the creation of a limited number of open-enrollment charter schools serving traditional students, and an unlimited number of charter schools serving 75 percent or more students classified as at-risk. In the 1998-99 academic year, 89 charter schools served a population of 17,616 students. Forty-three schools were classified as at-risk schools and forty as non-at-risk schools. Six schools did not provide the percentage of at-risk students served (Weiher, 1999).

Because of the large number of charter schools serving at-risk students, Texas charter schools have higher percentages of students of color and lower percentage of Anglo students than the state's public school system. However, as the table below shows, disaggregating charter schools into at-risk schools and non-at-risk schools shows that non-at-risk charter schools also have much lower concentrations of students of color and slightly higher concentrations of Anglo students than both non-at risk charter schools and other Texas public schools.

Texas open-enrollment Charter schools student enrollment by race/ethnicity 1998-99 (percentages)

Ethnicity	Public Schools	All Charter Schools	At-risk Charter Schools.	Non-at-risk Charter Schools.
Af/Am	14	34.2	35.2	33.1
Anglo	45	21.5	13.8	29.6
Hispanic	38	42.5	50.2	34.4
Other	3	1.8		

Texas Open-Enrollment Charter Schools: Third Year Evaluation 1998-1999.

As important, Anglo students in Texas tend to be in academically oriented charter schools, while students of color are in charter schools with "at-risk" curriculum or vocational programs. At-risk charter schools also have a much higher proportion of non-certified teachers (62.3% versus 47.5%) and slightly higher proportion of non-degree teachers (11.7% versus 10.5%) than do non-at-risk schools. The teacher/student ratio is also much higher in at-risk charter schools than in non-at-risk charter schools—1: 24.9 versus 1: 17.8 (Weiher, 1999).

CHARTER SCHOOL EQUITY

State charter legislation across the US has enabled the development of charter schools operating under varied but generally minimal equity regulations. Charter advocates, and other choice proponents, have promised that choice itself will enhance education, and provide greater equity for all students. As Chubb and Moe (1997, p. 246) have recently argued, "Markets appear better suited than institutions of direct democratic control [bureaucracies] to promoting educational equality. Markets seem to

encourage the more equitable treatment of students within schools and the more equal distribution of quality across different schools." For some charter advocates, equity is defined simply as giving low-income students of color the same right to choose that has long been available to white middle-class students. However, as our analysis suggests, the very act of choosing is influenced by socio-economic status. Moreover, since charter schools both act as choosers, and appear to offer instructional programs differentiated by the targeted students, low-income students of color are unlikely to have access to the same education as white middle-class students.

Indeed, critics of charter schools and other choice programs have been most concerned about their capacity to deliver an equal educational opportunity to those students who have historically been poorly served by public schools. For these critics, the enforcement of law and mandates are the only way to ensure equity in a society that is highly stratified and that has a long history of institutional racism. While they agree that these government strategies have been relatively unsuccessful in bringing about either a desegregated system or schools with equal educational resources, they are also convinced that the market will be even less successful in providing equity.

One of the liabilities of educational reform in this country has been that, to gain a wide constituency for instituting any new policy, a range of inflated and often unsubstantiated promises must be devised "that can

command the support of a worried public and the commitment of the educators upon whom reform must rely" (Tyack and Cuban, 1995, p. 39). In the case of charter reform, the locus of policy-making has shifted toward the political center in an attempt to draw a compromise between conservatives and liberals. Although the images of the reform have been drawn from an idealized vision of how "free enterprise" operates, polls suggest that both educators and the public have remained somewhat concerned with equity. Thus the charter reform movement has promised to fulfill a wide range of educational goals, from improving academic outcomes to ensuring greater equity.

Nevertheless, in the shift to a market vision of equality, an important change has been made. Rather than similar schools delivered to heterogeneous populations of students, schools are now to be directed at particular clienteles, and equity is to be found in the match between student needs and the specific educational program provided. In *Charter Schools in Action*, Finn and his associates make an important pedagogical argument for developing such schools:

> Not all children acquire skills and knowledge in the same ways or at the same rates. Not all thrive in the same settings. Not all have the same interests and needs. The reason to encourage schools to be different is so that all youngsters, not just those who blossom under the "one best system," will have the kinds of education that enable them to learn (2000, p. 71).

This vision of a differentiated educational system might find support from some educators and cognitive theorists. Howard Gardner's concept of multiple intelligences suggests differentiated curriculum and pedagogy, as does the work of Shirley Brice Heath (1983) and Lisa Delpit (1995) on adapting teaching strategies to individual students' learning styles. As Lisa Delpit has written, "There are various styles of preaching. If the preacher's message is to be heard, however, it must relate to the cultural style of the constituencies being addressed" (1995, p. 137). Indeed, though the pedagogical argument has not yet been developed by charter school advocates, they could rightfully suggest that *only* when learning is differentially delivered will *all* students have an equal opportunity to learn.

But several serious questions arise from what might be considered a newly developing vision of equity as differentiation. First, is instruction in charter schools really being differentiated to suit the specific learning needs of individual students? Or are programs being developed to appeal to different clientele—Afrocentric or Native American curriculum—en masse? (A classroom of African-American or Native American students will include students who learn quite differently.) Or, more problematic, are educators and private management companies making pedagogical decisions that disadvantage "at risk" and other low-income and low-performing students? Early evidence from case studies of charter schools in several states suggests crude programmatic and curricula differentiation between schools serving

white middle-class students and low-income students of color. If this is not the "one best system," it is also not an education directed to helping each individual child "thrive" and "blossom."

Since choice has represented an important departure from assigned schools, the first generation of research on charter schools has focused on racial balance, the first standard of equity. As our paper shows, there is some evidence nationally that charter schools may further racial and economic isolation. On the other hand, as Miron (2000, p. 12) has concluded from his study of charter schools in three states, "Charter schools are extremely diverse (there are extremely good and poor charter schools)." Indeed, charter schools are so diverse that broad conclusions may obscure both good and bad news.

Our own fieldwork suggests that some charter schools may well have developed educational programs that draw a range of students, and so managed to desegregate without regulations and mandates. (These may be both educationally sound and low-quality schools.) Although we have more than two decades of experience with magnet schools, we still know relatively little about what types of curricula and instructional programs are most likely to generate desegregation. This would be very relevant information to the charter movement, which promises both differentiation and desegregation without the regulation for racial balance under which magnets operate.

Some charter schools may also be providing high quality educational opportunities to low-income children of color in segregated environments. If so, this would meet our second standard of equity. Unfortunately, the state studies we review suggest that charter schools serving low-income children of color are less likely to provide an academic curriculum, and are generally not as rich in educational resources, as charter schools serving white middle-class students. However, until now no systematic research has looked at the relationship between the opportunity to learn available and the race/ethnicity and socioeconomic class of the students in the school. As important, no study has tried to understand the relationship between the opportunity to learn available in a school and the school's ability to draw a diverse student body without the coercion of desegregation mandates. Indeed, our charter school research team is trying to think through how one would evaluate equality of educational opportunity under conditions of differentiated schooling, particularly when the charter movement deregulates resources such as teacher certification that have traditionally been linked to student achievement (Darling-Hammond, 1999).

The third equity standard, focused on outcomes, is particularly fitting to the charter movement, which seeks freedom from the regulation of inputs and processes in exchange for performance-based accountability. This standard assumes that not all students want the same educational paths or can reach the same academic goals, but it also assumes that schools are

responsible for breaking the traditional relationship between both race/ethnicity and socioeconomic status and educational achievement. Until now, it has been difficult to obtain any cross-school analysis of charter school achievement. Nevertheless, we can posit that by this third equity standard, the charter movement will have achieved educational equity when the race/ethnicity and the social class of the students served show no ability to predict achievement outcomes.

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