

**Choice without Equity:**  
**Charter School Segregation and the**  
**Need for Civil Rights Standards**



**By**  
**Erica Frankenberg, Genevieve Siegel-Hawley, and Jia Wang**

**Foreword by Gary Orfield**

**January 2010**

**The Civil Rights Project**



*Proyecto Derechos Civiles*

*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

For information regarding this report, contact:

The Civil Rights Project/*Proyecto Derechos Civiles*  
UCLA Graduate School of Education & Information Studies  
8370 Math Sciences, Box 951521  
Los Angeles, California 90095-1521  
(ph) 310-267-5562  
(fax) 310-206-6293  
[www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)

This report should be cited as:

Frankenberg, E., Siegel-Hawley, G., Wang, J. (2010). *Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu).

Cover art: generously provided by Bernard J. Kleina

**Table of Contents**

Acknowledgments..... iv  
Foreword..... 1  
Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards..... 7  
    Student Outcomes in Charter Schools: Strong Evidence of Segregation, Mixed Achievement  
    and Attainment Results..... 9  
    Data and Methods ..... 18  
    The Charter School Enrollment ..... 21  
    What Types of Schools Do Charter Students Attend? Examining Racial Segregation..... 37  
    Do Charter Schools Equitably Serve Students from Different Socioeconomic Backgrounds? 62  
    Conclusion and Recommendations..... 80  
    Bibliography ..... 86  
    Appendix A: Supplemental Tables ..... 93  
    Appendix B: State Charter School Legislation Regarding Transportation..... 113  
    Appendix C: State Charter School Legislation Regarding ELL Students ..... 121

### **Acknowledgments**

The authors are appreciative of the assistance from Civil Rights Project staff in the completion of this report. They include Kyra Young and Gil Cujcuj. We appreciate the feedback on earlier drafts from Gary Orfield, Laurie Russman, and Dan Losen. Carolyn Peelle provided editorial assistance. In addition, we benefited from Jacqueline Dan's legal research into state-level charter school legislation.

Finally, we are grateful to the Ford Foundation and the Open Society Institute for their support of the Civil Rights Project's Initiative on School Integration.

## Foreword

The charter school movement has been a major political success, but it has been a civil rights failure. As the country continues moving steadily toward greater segregation and inequality of education for students of color in schools with lower achievement and graduation rates, the rapid growth of charter schools has been expanding a sector that is even more segregated than the public schools. The Civil Rights Project has been issuing annual reports on the spread of segregation in public schools and its impact on educational opportunity for 14 years. We know that choice programs can either offer quality educational options with racially and economically diverse schooling to children who otherwise have few opportunities, or choice programs can actually increase stratification and inequality depending on how they are designed. The charter effort, which has largely ignored the segregation issue, has been justified by claims about superior educational performance, which simply are not sustained by the research. Though there are some remarkable and diverse charter schools, most are neither. The lessons of what is needed to make choice work have usually been ignored in charter school policy. Magnet schools are the striking example of and offer a great deal of experience in how to create educationally successful and integrated choice options.

Our November 2009 report, *Equity Overlooked: Charter Schools and Civil Rights Policy*,<sup>1</sup> showed a critical lack of basic civil rights policy in state charter legislation. Our 2008 report on magnet schools showed that a significant share of magnet school programs has a clear policy favoring integration and that those with such policies had better outcomes.<sup>2</sup> It is surprising that a new administration expressing a commitment to civil rights has given so much priority to expanding charters and has not seriously focused so far on insuring that they embrace civil rights policies or on the better educational experience of magnet schools in combining choice and integration. The Obama Administration's intense pressure on financially desperate states to expand charters, or lose urgently needed federal funds, should not further intensify segregation, especially for African American students. Since the great majority of states have very small fractions of students in charter schools now and have not chosen to expand them substantially, this federal pressure must be accompanied by unambiguous accountability and civil rights standards. I'm sure that a President who benefited from integrated schools and colleges and is a proud follower of Martin Luther King would not want to use federal funds to further accelerate resegregation of students of color or perpetuate inferior schools for those same students.

Across the country, desegregation opportunities for black students reached their peak about two decades ago, around the same time the achievement gap reached its narrowest point. This reversal, especially losing much of the remarkable achievement of integration in the South, makes it particularly distressing that charter schools enroll a disproportionate share of black students and expose them to the highest level of segregation. Almost a third end up in apartheid schools with zero to one percent white classmates, the very kind of schools that decades of civil rights struggles fought to abolish in the South. Many have no policies for transporting students from their segregated neighborhoods. There are large concentrations of charter schools in some of the nation's most hypersegregated metropolitan areas, including Chicago and Detroit, and they

---

<sup>1</sup> Frankenberg, E., & Siegel-Hawley, G. (2009). *Equity overlooked: Charter schools and civil rights policy*. Los Angeles: Civil Rights Project/ Proyecto Derechos Civiles.

<sup>2</sup> Frankenberg, E., & Siegel-Hawley, G. (2008). *The forgotten choice: Rethinking magnet schools in a changing landscape*. Los Angeles: Civil Rights Project/ Proyecto Derechos Civiles.

too often create the illusion of real choice without providing the slightest challenge to the color and class lines that usually define educational opportunity. In fact, they offer even more extreme race and class separation without evidence of providing higher quality schooling. Charter school proponents include many teachers and educators who believe in integrated education and who, I believe, would respond to a civil rights and educational equity challenge from the Obama Administration.

In the Southwest, which includes five of the eight states in which Latino students have traditionally been concentrated and the great center of Mexican immigration, the record of charter schools is particularly disappointing. The states of the Southwest were found by the Supreme Court in 1973 to have a history of discrimination against Latinos that paralleled the discrimination against blacks in the South.<sup>3</sup> The region has experienced very sharp increases in segregation of Latino students since the 1970s, and it is usually segregation by both race and poverty, and sometimes by language as well. This triple segregation is educationally devastating in most cases. Students often have few choices of schooling that offers a better chance to graduate, be ready for college, and be prepared to learn, live and work in an extremely diverse society.

In this region, however, Latinos are actually substantially underrepresented in the charter school population, and it appears little attention is being given in charter schools to those needing the most help: the millions of English language learners who grow up in Spanish speaking homes and whose English is not strong enough for regular educational progress. Little attention is given to the legal responsibility of these schools to accept and provide appropriate instruction for English language learners. Many schools fail to even report how many such students they enroll, and the available statistics suggest that these students are severely underrepresented.

A worrisome pattern in the Southwest and in some localities elsewhere, such as North Carolina, is the overrepresentation of whites in charter schools. The West has 55% nonwhite students in its public schools region-wide. It would be very damaging to invest public money in schools that finance white flight from regular public schools and take with the departing white students, state and federal funding badly needed for the students left behind in even more segregated regular public schools. The fact that a number of these “white flight” schools do not report any students on free lunch suggests that they may be segregated by both race and class. During the civil rights era, it was held to be illegal to create new school districts that intensified segregation. Regardless of whether it would also be held to be illegal to create new separate segregated entities now, it is certainly shoddy educational and civil rights policy.

A particularly disturbing aspect documented in this report is that there has been a very severe failure to collect essential basic data about charter schools. I was very surprised to learn that many schools report no free lunch students, meaning that they either fail to offer free lunch and thus effectively exclude poor kids, or do not feel that it is necessary to report these statistics. Yet research shows a very deep relationship between concentrated poverty and inferior educational opportunities and outcomes.

In a nation where one-fifth of all children are born into homes where the parents don't speak English (the vast majority Spanish-speaking), and a tenth of all students are classified as English language learners (ELL) students, basic equity as well as federal civil rights law requires that charter schools welcome and provide needed educational services for this large group of students. There is a shocking lack of basic data on enrollment of ELL students in charter schools, even in the state with by far the largest ELL population, California. Where data is

---

<sup>3</sup> *Keyes v. School District No. 1, Denver, Colorado*, 1973.

available, it appears that ELL students are seriously underrepresented. If that is true, it is essential to examine whether or not charters are fulfilling their legal and educational obligations to this very important group of students who experience extremely high dropout rates. The government should act immediately to require this data at the school level from all charter schools, and should investigate evidence of the causes of severe under-representation.

There are fine charter schools and some are richly diverse. I have former students who have created wonderful schools and many who have taught in them. There are also, however, many charters that are neither successful nor diverse and offer false hope. I believe that in the long term, it would be better to convert those strong charter schools to relatively autonomous parts of public school systems, since charters often have trouble in management, finance, and succession of leadership. In any case, we should keep and reward such schools. State and federal agencies supporting charters should learn the lessons of those charter schools that attain diversity and turn them into requirements for other charters. Federal civil rights officials and education officials should work to develop minimum civil rights standards and make them part of charter school funding. When funding is offered for schools of choice, magnet and pilot schools should always be fully eligible to compete in addition to charter schools. If there is evidence that schools are being planned to create racially exclusive educational institutions that would obviously violate federal civil rights law, these schools should be investigated and challenged by civil rights agencies.

The charter movement has developed largely during periods in which civil rights has been given very low priority in federal and state policy. The Obama Administration has, of course, had a great deal to cope with in its first year. As it moves to frame long-term education policy, however, this issue cannot be avoided. The charter movement has flourished in a period of retreat on civil rights. As the vision of a successfully integrated society with real opportunities for historically excluded groups of students to enter the mainstream is revived, so could this become a defining characteristic of charter schools. Federal policy should make this a condition for charter assistance and support help for all charters to become what the best ones already are.

The theory of charters is that they can offer something unique because they are autonomous and can be creative in offering distinctive and excellent educational programs. It is very strange that the Obama Administration has not embraced a larger and older movement, the magnet school movement, which already does this and has a much better civil rights stance. Pilot schools that operate with great autonomy but stay within public school systems have also had considerable success in Boston and elsewhere. Previous administrations may have believed that charter schools were superior just because they were not part of traditional public school systems. There is no evidence for that proposition, but well implemented choice schools do offer important possibilities. I believe that the Administration and Congress should give each of these forms of choice equal and fair treatment in federal funding competition and that each should be expected to meet the same civil rights and accountability standards. Many parents trapped in weak schools want a choice. We need to make certain that the choices are good ones, that they are fairly available to all, and that they provide, as much as possible, real paths into the mainstream of American society.

Gary Orfield  
January 2010

## Executive Summary

Seven years after the Civil Rights Project first documented extensive patterns of charter school segregation, the charter sector continues to stratify students by race, class and possibly language. This study is released at a time of mounting federal pressure to expand charter schools, despite on-going and accumulating evidence of charter school segregation.

Our analysis of the 40 states, the District of Columbia, and several dozen metropolitan areas with large enrollments of charter school students reveals that charter schools are more racially isolated than traditional public schools in virtually every state and large metropolitan area in the nation. While examples of truly diverse charter schools exist, our data show that these schools are not reflective of broader charter trends.

Four major themes emerge from this analysis of federal data. First, while charter schools are increasing in number and size, charter school enrollment presently accounts for only 2.5% of all public school students. Despite federal pressure to increase charter schools--based on the notion that charter schools are superior to traditional public schools, in spite of no conclusive evidence in support of that claim--charter school enrollment remains concentrated in just five states.

Second, we show that charter schools, in many ways, have more extensive segregation than other public schools. Charter schools attract a higher percentage of black students than traditional public schools, in part because they tend to be located in urban areas. As a result, charter school enrollment patterns display high levels of minority segregation, trends that are particularly severe for black students.

While segregation for blacks among all public schools has been increasing for nearly two decades, black students in charter schools are far more likely than their traditional public school counterparts to be educated in intensely segregated settings. At the national level, seventy percent of black charter school students attend intensely segregated minority charter schools (which enroll 90-100% of students from under-represented minority backgrounds), or *twice* as many as the share of intensely segregated black students in traditional public schools. Some charter schools enrolled populations where 99% of the students were from under-represented minority backgrounds. Forty-three percent of black charter school students attended these extremely segregated minority schools, a percentage which was, by far, the highest of any other racial group, and nearly *three times* as high as black students in traditional public schools. Overall, nearly three out of four students in the typical black student's charter school are also black. This figure indicates extremely high levels of isolation, particularly given the fact that black students comprise less than one-third of charter students.

Black students are not the only racial group experiencing higher segregation in charter schools. Higher percentages of charter school students of every race attend predominantly minority schools (50-100% minority students) or racially isolated minority schools (90-100% minority students) than do their same-race peers in traditional public schools. Half of Latino charter school students, for example, attended racially isolated minority schools.

Third, charter school trends vary substantially across different regions of the country. Latinos are under-enrolled in charter schools in some Western states where they comprise the largest share of students. At the same time, a dozen states (including those with high concentrations of Latino students like Arizona and Texas) report that a majority of Latino charter students attend intensely segregated minority schools. Patterns in the West and in a few areas in



the South, the two most racially diverse regions of the country, also suggest that charters serve as havens for white flight from public schools. Finally, in the industrial Midwest, more students enroll in charter schools compared to other regions, and midwestern charter programs display high concentrations of black students.

Fourth, major gaps in multiple federal data sources make it difficult to answer basic, fundamental questions about the extent to which charter schools enroll and concentrate low-income students and English Language Learners (ELLs). Charter schools receive public funding and therefore should be equally available to all students regardless of background.

Approximately one in four charter schools does not report data on low-income students. Since eligibility for receiving free lunch is proof that families cannot afford to provide it, the lack of a free lunch program at school would impose a severe economic barrier to attending a charter school. There is a similar lack of information on ELLs. Federal data on charter schools in California, arguably the country's most significant gateway for immigrants, describe just *seven* ELL students attending its state charter programs. In general, state charter school legislation is less likely to contain requirements for enrolling ELL students than for racial balance or diversity standards. The glaring lack of data on each of these traditionally underserved groups makes it difficult to assess charter schools as an educational reform, or monitor their compliance with basic civil rights regulations and state charter school legislation.

We concentrate on state and metropolitan charter trends and not district level patterns since many charter schools can—and do—draw students from multiple school districts. In Arizona, for example, students attending charter schools within a single district boundary line were actually drawn from 21 different school districts (Gifford, Ogle, & Solomon, 1998). Thus, a comparison of similarly functioning charter schools to only one nearby district would be misleading. Even so, our findings of higher segregation in charter schools do not substantively differ from other analyses comparing charters to their surrounding district or nearest public school.

Decades of social science studies find important benefits associated with attending diverse schools, and, conversely, related educational harms in schools where poor and minority students are concentrated. In the recent State of the Union address, the President recognized the persistent link between segregated neighborhoods and schools, saying “In this country, the success of our children cannot depend more on where they live than their potential.”<sup>4</sup> Ironically, charter schools held an early promise of becoming *more* integrated than regular public schools because they were not constrained by racially isolating school district boundary lines. This report shows instead that charter schools make up a separate, segregated sector of our already deeply stratified public school system.

So, at the same time it continues to promote the growth of charter schools, the Obama administration should take immediate action to reduce the segregation in charter schools, working instead to achieve the integrative promise of charter schools. The Education Department should update its now archived guidance on civil rights regulations for charter schools, and strengthen it by including provisions known to have been successful in other programs like magnet schools, which combine school choice with high-quality diverse student bodies. New legislation is needed to ensure that we are collecting enough information about charter school students so that we can monitor student access and outcomes by race, class, and language ability. As ESEA is reauthorized, it should be amended to include students' socio-

---

<sup>4</sup> Remarks by the President in the State of the Union Address, January 27, 2010. Retrieved 1.28.10 at <http://www.whitehouse.gov/the-press-office/remarks-president-state-union-address>

*Choice without Equity*

Civil Rights Project/Proyecto Derechos Civiles

economic status as part of the annual evaluation of charter school enrollment. At the same time, more should be done to strengthen and promote magnet schools as another successful type of school choice, and to emphasize the ability of magnet and charter schools to draw students across boundary lines. States should also work to ensure that diversity considerations are part of the charter approval process, and exercise stronger oversight of existing charter schools.

Indeed, we all must work to build a more inclusive sector of schools, one that magnifies and strengthens the role of choice in fostering integration and equality in American education.

## **Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards**

Charter schools vaulted into the education policy arena several decades ago. In 1990, not a single charter program appeared on the American educational landscape; twenty years later, their rapid ascension in political popularity coincided with growth in enrollment. In its first year in office, the Obama Administration has promoted charter schools as a central component of educational reform. In two major funding programs, with billions of dollars at stake, the Education Department will give priority to states and districts committed to quickly expanding the number of charter schools.<sup>5</sup> Further, the Administration's budget request for charter schools for fiscal year 2010 increased nearly 20% over the prior year's funding level.<sup>6</sup>

Despite rising interest, however, charter students represented only 2.5% of total public school enrollment in 2007-08.<sup>7</sup> Charter schools are most likely to comprise a significant portion of the market share in big cities like New York, Detroit, St. Louis, Washington, D.C. and New Orleans.<sup>8</sup> And as the growing ranks of charter school attendees swell to include a disproportionately high number of black students, troubling patterns of segregation emerge. Charter programs are more likely than traditional public schools to generate racially isolated learning environments for students of color, though in some communities they produce schools of white segregation. These charter trends motivate the analysis described in this report.

Segregation among any set of schools is detrimental. Fifty-five years after the landmark U.S. Supreme Court decision in *Brown v. Board of Education*, segregation remains durably linked to limited opportunities and a lack of preparation for students of all races to live and work in a diverse society. Minority segregated schools are persistently linked to a wide array of educational and life disadvantages (Linn & Welner, 2007). Students in segregated schools, charter or otherwise, are likely to have limited contact with more advantaged social networks (often linked to information about jobs and higher education) and fewer opportunities to prepare for living and working in a diverse society (Braddock, 2009). As a result, it is important to consider what kind of interracial exposure--or lack thereof--the growing sector of charter schools provides for students. This report explores the experiences of charter school students in terms of the racial, socioeconomic, and linguistic composition of their peers.

Concerns about racial isolation are largely absent from the charter school movement, which has instead recast access to school choice as a civil rights issue.<sup>9</sup> Charter school

---

<sup>5</sup> The Race to the Top is a competitive funding program for K-12 education that allocates points for states that raise or eliminate caps on establishing charter schools. A number of states moved to consider passing charter school legislation or raising their existing cap on charter schools in advance of the January 19, 2010 deadline for state applications for the first phase of Race to the Top funding (Dillon, 2010). Finally, as part of the Department of Education's \$3.5 billion funding program to Title 1 schools for school improvement, converting to charter schools is one of only four options available to schools in order to receive funding. For more information, see <http://www.ed.gov/news/pressreleases/2009/12/12032009a.html> (accessed on January 18, 2010).

<sup>6</sup> See Administration's budget request beginning at F-75 at <http://www.ed.gov/about/overview/budget/budget10/justifications/f-iandi.pdf> (accessed on January 18, 2010).

<sup>7</sup> 2007-08 is the last year for which data is currently available at the national level, and is what is used in this report.

<sup>8</sup> In fact, in New Orleans, where a major push from the Bush Administration to convert to charter schools occurred in the aftermath of Hurricane Katrina, 57% of students attend charter programs (National Alliance for Public Charter Schools, 2009). For more information on charter schools in New Orleans, see Gumus-Dawes & Luce, 2010.

<sup>9</sup> Although not as central to the discussion of charter schools, some have noted charters' non-reliance on established attendance zones--compared to public school zones that typically help link neighborhood segregation to school

proponents have traditionally been guided by a central tenet: charters will improve student outcomes (measured almost exclusively by academic achievement) through the introduction of free market competition in the public school system. Other supporters of the movement claim charter schools can serve as laboratories of innovation by operating as relatively autonomous public school environments (Chubb & Moe, 1991; Finn, 2006; Friedman, 1955;). And in terms of equity issues, the influx of educational choices provided by charter schools in some inner-city areas in particular has led some advocates to depict charters as part of the “unfinished civil rights movement,” giving parents an alternative to low-performing traditional public schools (Holt, 2000; Stulberg, 2008; Wamba & Asher, 2003).

This report seeks to reignite a discussion about how the growing charter school sector relates to persistent patterns of racial, economic and linguistic segregation in our nation’s public schools. We find expansive patterns of segregation in charter schools around the country--levels of minority segregation identical to that of our earlier analysis seven years ago (Frankenberg & Lee, 2003). A review of existing literature also finds, at best, mixed evidence regarding the claim that charters are associated with improved academic outcomes. On the other hand, there are some excellent, diverse and widely publicized charter schools. They are places of high academic achievement and social inclusion that conscientiously facilitate student body diversity through policy and outreach. While this report focuses on describing concerning patterns of segregation in the charter sector, charter schools remain relatively new, and with appropriate, comprehensive commitment to imbuing charter policy with civil rights protections and enforcement, greater numbers of high quality, diverse charter learning environments might be produced.<sup>10</sup> This report is not about whether we should have charter schools. It is about whether we can develop effective civil rights policies and whether we can assure fair competition between charters and other schools of choice, which often have less extreme segregation.

The report is organized the following manner. We first examine existing literature regarding the racial, socioeconomic and linguistic isolation of students in charter schools, as well as *between* charter and traditional public schools. We also summarize what is known about educational outcomes associated with charter schools and students. While the focus of our empirical analysis is on the first dimension--understanding the demographic makeup and segregation of charter school students--we take up the issue of outcomes in an effort to address more broadly the impact of charters on public education. There are, naturally, other important research and policy questions regarding charter schools that are beyond the scope of the present study. The remainder of the report consists of the results from our analysis of charter school student composition and segregation by race, poverty and English language learner status (though data limitations restrict firm analyses of the latter two categories), followed by implications for education policy and concluding thoughts.

---

segregation--as a way charter schools could help combat racial isolation and promote inter-district learning opportunities (Eaton & Chirichigo, 2009).

<sup>10</sup> For more information on civil rights protections and charter schools, see a recently released Civil Rights Project brief, “*Equity overlooked: Charter schools and civil rights policy*,” available at <http://www.civilrightsproject.ucla.edu/research/deseg/equity-overlooked-report-2009.pdf>.

## **Student Outcomes in Charter Schools: Strong Evidence of Segregation, Mixed Achievement and Attainment Results**

We report every year on the patterns of segregation in regular public schools and the increased isolation for blacks and Latinos over the past two decades since the Supreme Court retreated on desegregation requirements. And, while less scholarly attention has focused on charter school segregation specifically, a consensus is emerging in the literature on this topic. Research overwhelmingly identifies many charter schools as segregated learning environments, regardless of whether this is being measured at the national, state or district level (Carnoy, et al., 2005; Finnigan, et al., 2004; Frankenberg & Lee, 2003; Garcia, 2007; Nelson, et al., 2000; Renzulli & Evans, 2006). These findings are in keeping with a broader literature about the potential pitfalls of school choice without civil rights protections. Evidence suggests the ability to access the educational marketplace is heavily dependent upon a number of factors, including the provision of transportation and extensive outreach to all communities (Frankenberg & Siegel-Hawley, 2009; Fuller, Elmore, & Orfield, 1996). Without appropriate measures to equalize information and mobility, studies show that utilization of educational options--including vouchers and private academies, in addition to charter schools--results in higher levels of segregation than if students attended assigned zone schools (Bifulco, Ladd, & Ross, 2009; see also Saporito & Sahoni, 2006).

Keeping these broader lessons about educational choice in mind, we review studies documenting the extent of racial segregation within charter schools and in comparison to traditional public schools. We also examine what is currently known about the extent to which low-income and English Language Learners are served by and isolated in charter schools.

### Racial Isolation

Several large federal studies provided early information on enrollment trends in charter schools. Four annual reports were conducted between 1996 and 2000, with two more released since 2000. Each of the six reports utilized the National Center for Education Statistics' Common Core of Data (one of the primary data sources used in our analysis) to document increasing charter student enrollment, along with trends in racial isolation. The 1999 federal analysis, for example, found that charter schools in six of the twenty-four states with charter schools at the time--Massachusetts, Connecticut, Michigan, Minnesota, North Carolina and Texas--served higher percentages of students of color than public schools in those states (Berman, et al., 1999). A year later, the 2000 report unequivocally declared, "In most states, the racial/ethnic distribution of charter schools did not mirror the distribution in all public schools" (Nelson, et al., 2000, p. 32). To illustrate: in 1997-98, black students made up nearly 34% of the population of charter schools in Texas, while public schools in the state were roughly 14% black (Nelson, et al., 2000). The last federal report in 2004, based on an analysis of three years of data, again found significant differences between traditional public schools and overall charter school enrollment of African American, Hispanic and white students. Additionally, the researchers noted that minority enrollment in charter schools continued to climb, making up nearly two-thirds of all charter school students in 2001-2002 (Finnigan, et al., 2004).

A similar study by the Harvard Civil Rights Project, conducted around the same time period, analyzed charter school enrollment and segregation at the state and national level based

on NCES data from 2000-2001. It corroborated the findings from the last federal evaluation and helped elaborate on racial isolation for black students in particular. Seventy percent of black charter school students in the country attended hyper-segregated minority schools in 2000-01 (compared to 34% of black students enrolled in traditional public schools)--places of learning where more than 90% of students were from underrepresented racial backgrounds (Frankenberg & Lee, 2003).

Supplementing these analyses that were broad in scope, a number of case studies focusing on charter schools in particular states or metro areas have documented increasing racial segregation associated with charter schools. A 2008 report on charters in the Twin Cities showed that charter schools have been associated with heightened racial and economic segregation in the metropolitan area. Within the Minneapolis-St. Paul metro region, the study found charters had a variety of different segregating effects. In some instances, minority segregation in charter schools was more extreme than nearby, already highly segregated, traditional public schools (Institute on Race and Poverty, 2008). In other cases the reverse scenario was true. Evidence of white isolation in some Twin Cities' charter schools was illuminated after comparing racial/ethnic enrollments at diverse public schools in close proximity to a white segregated charter school. Researchers discovered that many of these white segregated charters employed sorting mechanisms, including interviews, requirements for parent involvement, and disciplinary policies, to selectively enroll applicants (Institute on Race and Poverty, 2008).

Research conducted using mapping technology in New Jersey came to a similar conclusion: charter schools' attendance zone flexibility does not necessarily produce reduced levels of racial isolation. Looking at student demographics in New Jersey school districts, census tracts, and census block groups (i.e. neighborhoods), the study documented the highest levels of black segregation in neighborhoods immediately surrounding charter schools (d'Entremont & Gulosino, in press). This finding suggests that charter school site selection in the state typically occurs in or near minority segregated neighborhoods. The authors further conclude, based on evidence of neighborhood-level isolation, that studies comparing charter school enrollment to overall school district enrollment may be underestimating the severity of racial segregation (d'Entremont & Gulosino, in press).<sup>11</sup> The authors of the New Jersey study are not the first to express concerns regarding district-level analyses of charter school segregation. Other researchers note that many charter school enrollments are not necessarily associated with or drawn from a particular school district (Frankenberg & Lee, 2003; Garcia, 2007), rendering charter enrollment comparisons to district demographics problematic. In Arizona, for example, students attending charter schools within a single district boundary line were actually drawn from 21 different districts (Gifford, Ogle, & Solomon, 1998).

Research from a number of different states finds that while charter schools in certain areas have a higher percentage of white students than traditional public schools--fueling concerns that they may act as havens for "white flight" (Renzulli & Evans, 2005)--a far greater number of charter schools are more segregated for minority students than other public educational settings (Ni, 2007). An analysis of charter school attendees in Arizona tracked individual student movement from public schools to charters over four years. The study disaggregated charter school segregation by grade level, finding that elementary charter schools in the state tended to be slightly more segregated than charter high schools, mirroring patterns in traditional public

---

<sup>11</sup> In New Jersey, state legislation requires charter schools to seek, "to the maximum extent practicable," a racially and socioeconomically diverse cross-section of students (Frankenberg & Siegel-Hawley, 2009, p. 23).

schools (Garcia, 2007). Patterns of white isolation in some charters were uncovered, as well as high numbers of minority students in others (Garcia, 2007).

A different study using longitudinal student level data from California and Texas discovered that black students in both states were more likely to transfer into charter schools, and that their charter schools were more likely to be racially isolated than the school previously attended (Booker, Zimmer, & Buddin, 2005). In addition, another study from these two states, supplementing by an analysis of other sites, used similar research methods to track movement into charter schools in seven cities and states. The study determined that in five of the seven locales, the movement of black students to charter schools meant these students attended more segregated schools (Zimmer, et al., 2009; see also Bifulco & Ladd, 2007). In the remaining two locations, Chicago and Milwaukee, black students attended slightly less segregated charter schools than they would have if they remained in public schools, though both traditional school systems contained very low percentages of white students (Zimmer, et al., 2009). The study also found more mixed enrollment patterns for white and Latino students.

Prior research, then, strongly suggests that charter programs have not lived up to their initial promise of transcending the segregating effects of traditional district boundary lines. In fact, these studies indicate charters exacerbate already rampant American school segregation, particularly for black students.<sup>12</sup>

Some charter schools do a better job of integrating students than others. Several were spotlighted in a recent online Fordham Foundation article, including High Tech High (HTH) in San Diego, the Denver School of Science and Technology (DSST), and the Capital City Charter in D.C. (Petrilli, 2009). Each of these institutions enrolls a racially diverse student body, in addition to being recognized for innovative and excellent educational opportunities. All three employ some type of lottery to manage oversubscription. D.C.'s Capital City Charter School uses a simple random lottery, while the other two take extra steps to ensure diversity by employing a lottery weighted towards low-income children at DSST and a zip-code based lottery (recognizing San Diego's racially segregated housing patterns) at HTH (Petrilli, 2009). These schools serve as a reminder that current patterns of segregation in charter schools can--and should--be avoided with the help of carefully designed policies. Such policies would promote charter school enrollments that roughly reflect the demographics of the surrounding area, in addition to ensuring proper levels of within-school diversity.

### Economic and Linguistic Isolation

Evidence also indicates that charter schools are associated with heightened economic segregation, which research has often linked to weak schooling opportunity. Some states report charter schools serving disproportionate numbers of relatively affluent students who are *not* eligible for free or reduced priced lunches (FRL), while others report higher levels of FRL-eligible students (e.g., low-income students) in charters. Federal charter school reports documented a national trend of over-enrollment for students eligible for free or reduced priced

---

<sup>12</sup> At the same time, the *extent* to which charter schools further segregate students across different locations is still subject to debate. In the 2009 study of seven locales, for example, the authors noted that while substantial differences in the overall racial composition of charters and traditional public schools did exist, in many cases the differences for students moving from a traditional school to a charter were less than ten percentage points (Zimmer, et al., 2009). Generally speaking, one of the research challenges in measuring charter school segregation is determining a reference group of public schools.

lunches in charter schools. The last Department of Education report, based on data from 2001-02, found differences in the percentages of FRL-eligible students served by charter schools (43%) versus traditional public schools (38%) (Finnigan, et al., 2004). In addition, the percentage of low-income students served by charter schools increased fairly dramatically over the period of the federal reports, from 39% in 1998-99 to 43% in 2001-02 (Finnigan, et al., 2004). In other words, the federal evaluation found that nationally, charters were more likely to serve economically disadvantaged students and grew increasingly more likely to do so over time.

By contrast, a 2005 book, *Charter School Dust-Up*, examining existing research on national patterns in charter school enrollment and achievement, found that charter schools enroll, on average, *more* economically advantaged student populations (Carnoy, et al., 2005). In California, for example, 38% of charter middle school students were considered low income compared to 51% in traditional public schools (Carnoy, et al., 2005). The 2005 National Assessment of Educational Progress (NAEP) data also show that black students attending charter schools are slightly more privileged than their public school counterparts, along with a 2003 NAEP Pilot Study suggesting a similar pattern of wealth advantages for charter students of all races when compared with traditional public school students (Carnoy, et al., 2005; ED NAEP Pilot Study, 2003).

Though research differs on whether charters are schools of more or less economic privilege, and that these patterns may vary from state-to-state, data do suggest that charter programs are not enrolling a representative percentage of free and reduced lunch (FRL) price-eligible students (Finnegan, et al., 2004). An additional issue complicating our evaluation of these ambiguous findings relates to the general problems of availability and reliability of charter school FRL data, which we explore in a later section of this report.<sup>13</sup>

Though charter schools and other public schools are required by law to serve special education and English Learner students, there are serious questions about the extent to which they presently do so, according to a 2004 report (Finnegan, et al., 2004). A number of studies show that charter schools educate significantly fewer students with disabilities than regular public schools (Finnegan, et al., 2004; Nelson, et al., 2000; Welner & Howe, 2005), in part by employing “counseling” mechanisms during the charter admissions process to deter students who participate in Special Education programs.<sup>14</sup> And while English Language Learners appear to be served in similar proportions by charter and public schools at the national level (Finnegan, et al., 2004), some differences exist at the local level. In Massachusetts, a state with a large ELL population and comparatively restrictive language policies (in addition to being in the midst of a debate regarding the expansion of charter schools), recent reports suggest that charter schools are

---

<sup>13</sup> Free and reduced-priced lunch eligibility is the most commonly used measure of poverty in schools. There are, however, a number of issues that make such heavy reliance on FRL data troubling, including evidence suggesting that stigma-sensitive high school students are less likely to participate in the program (Pogash, 2008; Kurki, A., Boyle, A., and Aladjem, D. K., 2005). FRL-eligibility is also a dichotomous measure of poverty – a student is either above the poverty line or below it - prohibiting a nuanced grasp of the number of children at varying levels of poverty.

<sup>14</sup> Under federal law, Special Education students are entitled to a “free and appropriate public education” (FAPE). Public charter schools are therefore generally required to provide these services. Evidence suggesting charter schools are inappropriately screening Special Education students is, in effect, documentation of an illegal practice. Typically, if a traditional public school in a given district and state is obligated to provide special education services, a charter is as well. If a student needs more special education support and services than a regular public school would be expected to provide, the charter school would also not be obligated (though the district in which the student resides must still supply FAPE).



under-enrolling ELLs overall and serving few--if any--recent immigrant students who are just beginning to learn the English language (META, 2009).

By and large, research suggests that charter school enrollments differ substantially from traditional public schools. They isolate, on average, economically distinct (either more advantaged or less) students in white-segregated or minority-segregated schools that serve fewer students with disabilities. These patterns matter for many reasons, and studies examining the effectiveness of charter schools should be evaluated with the knowledge that charter programs are educating students that differ from traditional public school students in measurable, and perhaps immeasurable, ways. We turn now to examination of the evidence regarding student achievement and attainment in charter schools.

### Achievement and Educational Attainment in Charter Schools

Our discussion of the educational outcomes of students in charter schools is limited primarily to evaluating the academic achievement scores of students, due to the dearth of literature on virtually any other measure of students' academic or non-academic outcomes. This is, of course, a very narrow evaluation of the extent to which schools are achieving the broader goals we have for public schools and the students they educate. Much more extensive examination of the educational experiences of charter school students is essential.

Conclusions drawn from the literature on student achievement in charter schools are considerably murkier than those related to segregation. Broad discrepancies in state charter laws, achievement tests and metrics make large-scale analyses or comparisons of outcomes difficult. A charter school in one state may operate and select students under very different regulations and incentives than a charter school in another state. Many achievement studies deal with a specific locale, resulting in a more nuanced understanding of that geographic area, but one that is not necessarily generalizable to understanding the larger relationship between charter schools and improved student outcomes. A second issue in the achievement literature emerges due to selection bias, or the concern that students who self-select into charter or choice programs are not a random sample of all public school students. In other words, charter school attendees are not comparable to their public school peers in a basic but difficult-to-measure way by dint of the initiative demonstrated by interest in exploring educational alternatives and undergoing what could be an extended process to enroll in a charter school.<sup>15</sup> The collection of studies described here attempts to account for this built-in bias in various ways, particularly by using achievement data from charter school lotteries and comparing students who attended the charter program to those who applied but did not gain entry. It should be noted, however, that achievement information for students who were not admitted to charter schools can be difficult to acquire. And apart from difficulties in comparing the achievement of students entering a charter program to those staying in a traditional public school, differential attrition rates also make it hard to ascertain the actual impact of charter school attendance on student achievement (META, 2009).<sup>16</sup>

---

<sup>15</sup> Evidence suggests, for example, that KIPP academies (a well-known set of charter programs) recruit disadvantaged students who are known for being more highly motivated (Carnoy, et al., 2005; Tough, 2008). Some charter programs--including KIPP--also require a commitment of parent involvement (i.e. signing a contract) that prohibits the enrollment of some students.

<sup>16</sup> If a charter school pretests students and those in trouble return to public schools, those remaining would have higher scores but not because of something in the educational process of the charter schools.

In general, analyses that consider charter schools across the country tend to produce results suggesting that charter achievement lags behind traditional public school achievement, while state-level studies find more mixed results (Carnoy, et al., 2005; Finnegan, et al., 2004; Henig, 2008; Hoxby, 2004; IRP, 2008). Two recent studies from Stanford highlight this tension. The first compared charter school lottery “winners” (e.g., those who were offered admission and enrolled) and “losers” (those who did not enroll in charter schools) in New York City. The study found that eighth grade charter school students performed roughly twenty to thirty points higher than their public school counterparts on the state math and reading assessments. According to the analysis, the score differentials helped reduce the urban-suburban achievement gap in the New York metropolitan area by roughly two-thirds (Hoxby, et al., 2009). Further, the study concluded that charter school attendees were more likely to earn a Regents diploma, signifying success on the state high school exams, the longer they remained in a charter school setting.<sup>17</sup>

A second much larger 2009 study from the Center for Research on Education Outcomes (CREDO) at Stanford University detailed charter achievement in fifteen states and the District of Columbia. CREDO found decidedly mixed student achievement outcomes. Using a longitudinal sample of students from charter schools, in conjunction with statistically-crafted virtual demographic “twins” attending public schools, the CREDO study concluded that 17% of charter schools provide exceptional achievement results, while nearly half provide interchangeable results compared to public school students. Importantly, 37% of charter programs in the 16 state sample delivered achievement scores significantly *lower* than public school performance (CREDO, 2009). The researchers additionally noted that results fluctuated significantly across states.

The CREDO study is also one of the few that addresses the achievement of ELL students in charter schools. Researchers describe a largely positive set of findings for ELL charter students, with overall gains in both reading and math compared to their public school counterparts (CREDO, 2009). These heightened levels of charter achievement are present in states educating large numbers of ELLs, including California,<sup>18</sup> Arizona, New Mexico and Texas. Perhaps related to these encouraging outcomes, charter schools in both California and Arizona are among the few educational settings still hospitable to bilingual education. Restrictive language policies<sup>19</sup> prohibit most bilingual instruction in traditional public schools in California, Massachusetts, and Arizona, yet research consistently shows that high quality bilingual

---

<sup>17</sup> For more information regarding the recent controversy, see “Scholars Spar Over Research Methods Used to Evaluate Charters” at <http://www.edweek.org/login.html?source=http://www.edweek.org/ew/articles/2009/10/08/07credo.h29.html&destination=http://www.edweek.org/ew/articles/2009/10/08/07credo.h29.html&levelId=2100> and “Inside Charter School Research: The Beat(ing) Goes On” at [http://blogs.edweek.org/edweek/inside-school-research/2009/11/the\\_back-and-forth\\_on\\_charter.html?qs=charter+school+research+hoxby](http://blogs.edweek.org/edweek/inside-school-research/2009/11/the_back-and-forth_on_charter.html?qs=charter+school+research+hoxby). See also Reardon, S. F. (2009). Review of “How New York City’s Charter Schools Affect Achievement.” Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved 12.15.09 from <http://epicpolicy.org/thinktank/review-How-New-York-City-Charter>

<sup>18</sup> As noted in a later section of this report, NCES’ Common Core of Data reports that California only has seven ELL students in charters. This is clearly a questionable categorization and enumeration of the actual ELL charter enrollment in the state, and highlights the urgent need for better data collection.

<sup>19</sup> Restrictive language policies refer to state-mandated limitations on bilingual education instruction. In California, for example, Proposition 227 requires all public school instruction to be conducted in English, with few exceptions. In the interests of preserving innovation, charter schools are exempt from these state laws if the chartering document designates an emphasis on bilingual instruction.

education programs are associated with positive learning outcomes for English Language Learners (Gándara & Hopkins, 2009).

Importantly, both the CREDO and New York charter studies have not been immune to methodological critique. The authors traded a round of accusations regarding the misuse of methodological techniques, with other researchers weighing in as well. The rancorous nature of the dispute underscores the political and policy debates swirling around the effectiveness of charter programs.

Case studies, which by their nature emphasize different state and local level trends, produce a variety of findings on charter students' achievement. In Minnesota, the first state to pass charter school legislation in 1991, a recent report based on a statistical analysis of Twin Cities' elementary school achievement data found that:

Minnesota charter schools failed to deliver the promises made by charter school proponents. Despite nearly two decades of experience, charter schools in Minnesota still perform worse on average than comparable traditional public schools. Although a few charters perform well, most offer low income parents and parents of color an inferior choice--a choice between low-performing traditional public schools and charter schools that perform even worse. (University of Minnesota's Institute on Race & Poverty, 2008, p. 1)

According to the Institute on Race and Poverty's report, most charter schools in the Twin Cities are producing less than desirable achievement outcomes.

A North Carolina-based research project uncovered a link between lower test scores and the segregation of charter school students. The authors found that charters in the state had larger negative effects on the achievement of black students--who were more likely to opt into the charter system than other racial groups--than for white students (Bifulco & Ladd, 2007). In other words, black students in North Carolina who made a racially segregating transfer into a charter school experienced larger negative achievement effects than if they had remained in a traditional public school (or made a non-segregating transfer to a charter).

Another case study utilizing student-level data, this time in two large urban school districts in California, found that charter school achievement is no better and no worse than traditional public school achievement scores (Zimmer & Buddin, 2006; see also Zimmer, et al., 2009). Further, the analysis suggested that student achievement did not vary substantially across the race or language status of charter students in Los Angeles (LAUSD) or San Diego. As LAUSD continues to cede more control of low performing schools to charter school operators,<sup>20</sup> this conclusion should be monitored as to whether charters are able to improve upon these achievement trends.

In Philadelphia, a working paper from RAND titled, *Evaluating the Performance of Philadelphia's Charter Schools*, determined that students' average gains while attending charter schools are statistically indistinguishable from the gains they experience while attending traditional public schools (Zimmer, et al., 2008). Further, the paper presented evidence counter to the market-based argument that increasing competition for students (via the introduction of

---

<sup>20</sup>Charter schools have expanded rapidly in California, where 88 new charter programs opened in the fall of 2009. For more information see, "Charter Schools Steadily Growing" at [http://blogs.edweek.org/edweek/District\\_Dossier/2009/11/charters\\_continue\\_their\\_march.html](http://blogs.edweek.org/edweek/District_Dossier/2009/11/charters_continue_their_march.html)

charter schools) will stimulate the performance of nearby public schools. Specifically, the analysis found that charters had no effect on the performance of neighboring public schools (Zimmer, et al., 2008, see also Zimmer, et al., 2009). Other research from Ohio and Michigan suggests charter competition actually has a slightly *negative* impact on student performance in nearby public schools (Carr & Ritter, 2007; Ni, 2007), undermining the argument that charter competition produces improvement in public schools.

Beyond the nebulous competition effects, new research asserts that students enter charter programs more prepared than traditional public school students. A study produced by an economic think tank called *Ohio Matters* suggested that students entering both charter and magnet schools in several large, urban school districts in the state tested higher on early literacy kindergarten-readiness tests than their traditional neighborhood public school counterparts (Van Lier, 2009). Students entering choice-based schools in the state demonstrated a higher level of academic preparedness, which was in turn associated with higher third grade test scores—for different cohorts of students, however—in schools of choice (Van Lier, 2009). In sum, the authors suggest charter and magnet students in Ohio may have a head start in terms of academic preparedness.

Several studies have focused on charter school performance in Massachusetts, finding evidence of roughly comparable achievement between charters and traditional public schools, a tendency to under-serve ELL students, and high rates of attrition from charter schools. The recent spate of research from the area has been largely fueled by debate in the state legislature over Governor Deval Patrick's proposal to double the number of charter school openings in districts reporting the lowest scores on statewide tests. An analysis of Massachusetts reading and math test scores, averaged over a three-year period from 2006-2008, indicated that charter school students perform on par with other public schools (though one exception to this trend was found in a group of high-performing charter middle schools in Boston). Mass Partners found that student demographics, including race, poverty, and English Language Learner status were the most predictive variables for all schools—charter or traditional public—in determining student achievement in Massachusetts (Moscovitch, 2009). Multicultural Education, Teaching and Advocacy (META) also released a policy brief regarding ELL students and Massachusetts charter schools, finding a “mixed bag” of achievement for students learning the English language. The META brief summarizes state trends with the following statement: “There is no obvious indication that ELLs in Massachusetts charter schools are outperforming ELL students in local school districts” (META, 2009, p. 8). META also notes that definitive conclusions are complicated by low numbers of state charter schools reporting achievement data on ELL students.

Most of the studies reviewed thus far have focused on test scores, but an important goal of education, and therefore a critical way to evaluate a school's success, is the graduation of each student. Less is known about the rates of graduation for charter school students, though prior research about traditional public schools has uncovered a well-documented link between segregated high-poverty minority educational settings and dropout rates (Guryan, 2004; Orfield, 2004; Wald & Losen, 2005). One Boston-based study found that less than half of the city's charter students graduate from their high school in four years (Center for Education Policy and Practice, 2009). Charter school proponents have not disputed the findings, noting that higher scholastic standards set by charter schools may lead some students to return to traditional public schools to earn diplomas (Vaznis, 2009). This evidence highlights the need for a better

understanding of charter attrition rates and what happens to these students who transition back to traditional public schools, in addition to more information about graduation rates.<sup>21</sup>

On the other hand, evidence from two other states finds a significant positive relationship between attendance at a charter high school and educational attainment (Booker, et al., 2008). After controlling for key student characteristics (e.g., race, ethnicity and poverty level) and 8<sup>th</sup> grade test scores in a student-level dataset gleaned from a variety of state and local sources, researchers discovered that charter middle school students in Florida and Chicago opting to attend a charter high school were 7 to 15 percentage points more likely to earn a standard diploma than those electing to attend a traditional public high school (Booker et al., 2008; Zimmer, et al., 2009). The researchers posit that the use of 8<sup>th</sup> grade charter test scores helped control for selection bias issues, allowing for a more accurate appraisal of the effects associated with attending a charter high school. The drawback to this approach is the limited pool of students studied. We know nothing, for example, about the graduation effects associated with students enrolled in traditional public middle schools that go on to attend charter high schools (Booker, et al., 2008; Zimmer, et al., 2009). The authors of this research note that few, if any, other studies have attempted to examine graduation and education attainment rates for charter school students.

### Conclusions from Studies of Student Segregation and Educational Outcomes in Charter Schools

Several themes emerge in this review of the literature. First, research is moving towards consensus in terms of charter schools and segregation. Charter schools continue to be associated with increased levels of racial isolation for their students, either in terms of minority segregated schools or white segregated learning environments. Studies suggest that sorting students by socioeconomic status is linked to charters, as well as a propensity for charter schools to serve lower numbers of ELLs and students with disabilities.

The achievement data on charter schools is less conclusive. At the very least, however, a growing number of studies show that student test scores--and graduation rates to the extent they have been measured--vary widely across states and locales. And importantly, a charter school is not a form of education treatment, as implied by any number of studies describing the charter's effect on student achievement. It is merely a school that enjoys an unusual degree of autonomy under widely varying state laws.

A half century of research in public schools also tells us that segregated learning environments are associated with harmful short-term student outcomes like low test scores. The aforementioned study of North Carolina charter schools found that black students transferring from a regular public school to a more segregated charter setting experienced harmful achievement effects, especially in math (Bifulco & Ladd, 2007). More generally, segregated minority schools also tend to have lower educational attainment, fewer job opportunities, a reluctance to pursue integrated relationships later in life, and an increased likelihood of holding prejudiced attitudes (see, e.g., Braddock, 2009; Linn & Welner, 2007). Given the racially isolated contexts of many charter schools, it is important to examine closely the potential for harmful outcomes on both test and non-test score related dimensions.

Achievement results should be viewed through a lens fogged with uncertainty regarding charter school attrition rates. Specifically, how many students are pushed out for low performance or behavior? And on the other side of the coin, how extensive are patterns of

---

<sup>21</sup> Longitudinal data, often difficult to obtain, is required to further assess these charter-related issues.

“counseling” special education students away from charter schools--not to mention schools that screen out students whose families are unable to commit to a certain level of parental involvement (IRP, 2008; Welner & Howe, 2005)? And beyond our recent, persistent reliance on test scores as decisive indicators of school success, as a democratic society we should also care very much about other non-academic school functions. Very little data exists regarding other charter outcomes, like the social, emotional or civic development that occurs in and around schools. A single book examining D.C. charter schools addresses some of these issues, finding that charters in the nation’s capital are not nurturing the social capital of parents or students, and making only a small difference in developing the civic capacity of their students (Buckley & Schneider, 2007). In short, we know very little--in the broadest sense--about the educational impact of charters, beyond a number of conflicting achievement studies. As a result, research documenting the ability of charters to produce engaged, empathic and responsible citizens and to provide opportunities for exposure to a wide variety of social and cultural networks that help open doors to college and career opportunities is much needed.

Finally, another noticeable gap in the research emerges. Despite the wealth of case studies on charter schools, few tackle the issues at a national level, with the notable exceptions of earlier federal reports and 2009 CREDO study. The following analysis will attempt to counter that trend, exploring the relationship between charter schools and segregation across the country, in the 40 states, the District of Columbia, and several dozen metropolitan areas with large enrollments of charter school students.

## **Data and Methods**

The analysis used three data sources: the 2007-08 Common Core of Data (CCD) collected by the National Center for Education Statistics, the 2006 Civil Rights Data Collection (CRDC) collected by the Office of Civil Rights at the Department of Education, and the 2007-08 Schools and Staffing Survey, also collected by the National Center for Education Statistics.

Most of the analysis in this report uses school-level CCD data, which is an annual national dataset of all public schools. It includes school information on student characteristics such as enrollment and racial and economic subgroups that are comparable across states, across time, and between charter schools and traditional public schools. In 2007-08, there were a total of 87,396 public schools in the CCD that were classified as regular schools and have at least one student enrolled. These schools enrolled 47,962,492 students across the 50 states plus the District of Columbia. Specifically, in 2007-08, there were 1,188,800 students enrolled in 3,836 charter schools, and 46,773,692 students enrolled in 83,560 traditional public schools. In other words, charter schools enroll about a fiftieth of U.S. students, less than magnet schools.

We supplemented the CCD district-level ELL data with CRDC data for school-level information about Limited English Proficient (LEP) students. The CRDC began in the late 1960s, and the latest available dataset was from 2005-06. It is usually collected every two years, and the data are used to monitor racial disparities and other civil rights violations by the Department of Education, researchers, and advocates. The questions go beyond those available through the CCD to examine key education and civil rights issues in the public schools. The

information collected includes students' school enrollment, educational services participation, limited English proficiency, disability status, and academic proficiency results.<sup>22</sup>

We also used data from another federal dataset, the Schools and Staffing Survey, administered periodically by the National Center for Education Statistics. The 2007-08 SASS school data consisted of 7,572 schools. Of these, 6,734 schools are regular schools and 198 special program emphasis schools. We include regular and special program emphasis schools in the analysis reported here. Among this subset of schools, 161 are regular charter schools and 36 are special program emphasis charter schools. In particular, we used questions about whether the school offered the National School Lunch Program, whether the school enrolled any Limited English Proficient students, and the counts of enrolled students by race.

In the CCD, values for the number of students participating in the Free and Reduced-price Lunch (FRL) program information are missing for a large number of schools, which accounts for a substantial percentage of charter schools. While 2,821 charter schools (74%) reported at least one FRL student and 77,173 traditional public schools (92%) report at least one FRL student, the gap between these two figures is indicative of a large percentage of charter schools for which we do not know whether they offer subsidized lunches. Not having such a program may pose a substantial barrier for low-income families who would otherwise want to send their children to that school.<sup>23</sup>

According to the CCD, the percentage of all public school students classified as ELLs in 2007-08 was 5%.<sup>24</sup> With students' ELL information collected at the school district level in the CCD, we used district-level data in order to analyze the enrollment of ELL students in charter schools to the extent possible. Even at the district level, however, difficulties arose regarding ELL students. The ELL information is not reported for all school districts in four states—Maryland, Missouri, New Jersey, and South Dakota. In other states it was impossible to determine an enrollment of ELL students in “charter-only” local educational agencies. Among the states that do report ELL counts, California reported a total of seven ELL students across all school districts in the state. Since California remains a hub of immigration, this estimate indicates serious data reporting issues.

The statistical analyses below compare the racial composition of charter schools with that of all traditional public schools by examining who is enrolled in charter schools (by race, socioeconomic status, and English Language proficiency) and the extent to which these students are segregated. After describing characteristics of the entire enrollment, the focus of the report is largely on the 28 states plus D.C. that had total statewide charter enrollments of at least 5,000 students in 2007-08. Charter students in these 29 jurisdictions account for 97% of the entire U.S.

---

<sup>22</sup> The data collection is mainly based on a stratified sampling methodology to ensure a representative sample of school districts from each state is included, but there is also a subset of districts, due in part to OCR's oversight responsibilities to ensure equal opportunity, that are included: districts with more than 25,000 students, districts in states with 25 or fewer districts, and districts subject to federal court order and monitored by the U.S. Justice Department. While only a fraction of school districts are sampled (around 6,000), because larger districts are automatically included, the dataset includes a large majority of all schools in the U.S. The 2006 CRDC included 62,484 public schools and 61,275 of these public schools reported 0 or more students (e.g., those that reported a value and not “missing”) classified as ELLs. A total of 52,901 public schools with ELL data are merged into the CCD data as these schools are classified as regular schools per CCD and report at least one student enrolled in the 2005-06 school year. The ELL data are available for 913 charter schools and for 51,988 traditional public schools.

<sup>23</sup> See Frankenberg & Siegel-Hawley, 2009

<sup>24</sup> For more discussion of the policy implications, see our earlier policy report (Frankenberg & Siegel-Hawley, 2009, p. 18).

charter school population. The other 12 states contain the remaining 3% of the charter enrollment, 24,065 students, and their results are presented in Appendix A.

In terms of charter school segregation, we use several measures to evaluate different school-level dimensions of segregation.<sup>25</sup> One measure is to aggregate the school-level data to the state level to compare charter and public schools within a particular state as well as charter school segregation across states. Secondly, we calculate the exposure index to have an average picture of the interracial exposure of students: the index can be interpreted as the percentage of students of a particular racial group in the school of the average student of another group (Massey & Denton, 1988; Orfield, Bachmeier, James, & Eitle, 1997; Reardon & Yun, 2002). For example, Michigan's charter school white-black and white-white exposure rates of 8% and 82%, respectively, mean that, on average, Michigan's white charter school students attend a school where 8% of students are black and 82% of the students are white. If students were evenly distributed (e.g., no black-white segregation), all Michigan charter school students would, on average, attend schools that are 57% black and 34% white, respectively, a racial composition equal to the proportion of white and black students in Michigan's total charter school enrollment.

Examining the exposure index gives us an average picture of interracial exposure in charter schools. However, this measure, which is essentially a weighted average of the racial composition of schools of students from each race, can mask the variation and distribution of students in schools. For example, if black exposure to white students in charter schools is 50%, that could describe two schools that are both 50% white, or could be one school that is 90% white and one school that is 10% white. These two examples would have very different implications in terms of the interracial experience of students in charter schools. To explore the distribution of students in charter schools, we examine the concentration of students of all races in predominantly minority schools (greater than 50% of the student body is non-white), intensely segregated minority schools (90-100% minority), and intensely segregated white schools (90-100% white). Together, these measures portray both the actual level of interracial exposure in schools as well as the percentage of students attending racially imbalanced and isolated schools. It is important to note that using schools as our unit of analysis, this report aggregates the racial composition and exposure at the state level and, in some instances, to the metropolitan area level.

One characteristic common across all charter schools is that they operate under statewide charter school legislation that influences who can attend charter schools, and how many can be established. Charter school legislation differs widely among states. Demographic contexts of the entire state population also vary across the country, and these variations can affect the racial composition of the students in charter schools. Furthermore, although charter schools can enroll students across district and county lines throughout metropolitan areas, charter schools do not enroll students across state lines. A comparison between charter schools and public schools at the state level gives us important comparisons of the racial composition and segregation in the small but growing sector of charter schools within legislatively defined geographic boundaries. Our purpose in this report is not to discount the variation that occurs at the district and school level, but simply to focus on state-level (and, to a lesser extent, metropolitan area-level) observations of differences in racial composition between public schools and charter schools and how students are distributed among charter schools.

---

<sup>25</sup> Because many of our methods in this report were adapted from our earlier paper on charter school segregation, a prior version of this section was published earlier and has been adapted for this report's analysis (Frankenberg & Lee, 2003).



As discussed earlier, previous studies at the district and school level have shown that when examined in terms of their local contexts (comparing the racial enrollments of charter schools to that of the surrounding public school district or the closest public school), charter schools are less racially diverse than local public schools and districts (Ascher, Jacobwitz, & McBride, 1999; Cobb & Glass, 1999; Wells, et al., 2000). We recognize that the context of where schools are situated locally, educational funding incentives, and how districts/chartering agencies choose to interpret state charter legislation are important considerations that likely influence segregation outcomes. It can be misleading, however, to look at charter schools at the district level, because in many states charters are often not part of a single school district or confined to drawing students only from that district. Indeed, early proponents of charter schools suggested they had the promise of drawing students across boundary lines and could address persistent segregation because they were not limited by district boundaries. As a result, we believe that comparing charter school enrollment and segregation only to the surrounding district may not fully reflect the student population charter schools could enroll and, instead, that the metropolitan area is a better comparison for charter school enrollment. Thus, in addition to our national and state-level aggregation of charter school enrollment, we also evaluate the enrollment, racial composition, and racial segregation of charter and traditional public schools in the 39 metropolitan areas that had at least 10 charter schools in 2007-08.

### **The Charter School Enrollment**

The empirical analysis of the charter school enrollment, which comprises the bulk of this report, is aimed at answering two basic questions: (1) What are the enrollment and characteristics of charter school students? and (2) To what extent are charter schools segregated, and how do they compare to traditional public schools? We examine these questions at different levels, aggregating school-level composition to explore patterns among metropolitan areas, states, and the nation. By doing so, we can further understand the extent to which charter schools might be exacerbating or mitigating existing patterns of public school segregation, which is essential to consider due to the ways in which segregated schools are related to educational disadvantages for students and for society.

The analysis is organized thematically. It begins with a description of the size of the charter school enrollment. It next considers the racial composition and segregation of charter schools, comparing these trends to those of traditional public schools. Next, the geographical location of charter schools is investigated, and how it might relate to the characteristics of the aggregate charter school enrollment. Finally, the report considers in turn the extent to which low-income and English Language Learner students are served in charter schools, the concentration of these students among charters, and the overlap between race and poverty composition of students in charter schools.

#### The Growing Charter School Enrollment

In 2007-08, there were nearly 1.2 million charter school students across the country. Charter schools existed in 40 states plus D.C. In just seven years since the beginning of the decade, the enrollment of charter schools had more than doubled: in 2000-01, charter schools enrolled 444,000 and accounted for 1.2% of all public school students. By 2007-08, the charter

enrollment was 1,207,450 and comprised 2.5% of all public school students in the U.S, and 2.7% of students in states that have charter schools.

Charter school enrollment varies widely from state to state. California, our largest state, also has the largest number of charter school students, with more than 200,000 students. By contrast, several states have less than 1,000 students enrolled in charter schools, which may indicate only a handful--or even one--of charter schools in the state. In fact, considering the substantial place that charter schools hold in our discussion of educational policy, it is remarkable to note in the vast majority of states—35 and D.C.—the charter school enrollment is less than 20,000 students. This suggests that the rhetoric about charter schools far exceeds their actual presence in most states, even after two decades of growing federal support.

The charter school enrollment has increased in every state during the seven-year time period examined here. In many cases, charter school enrollment has grown rapidly during this time. Twenty states had charter school enrollments that more than doubled. Seven states and D.C. did not report a charter school enrollment in 2000-01. One of these states, New York, already had over 20,000 charter school students in 2007-08.

*Table 1*  
Charter School Enrollment and Growth, 2000-01 and 2007-08<sup>26</sup>

	<b>Enrollment 2007-08</b>	<b>Enrollment 2000-01</b>	<b>% Change from 2000 to 2007</b>
AK	3,500	2,594	35%
AR	4,988	708	605%
AZ	98,728	45,596	117%
CA	238,226	112,065	113%
CO	54,161	20,155	169%
CT	3,743	2,429	54%
DC	19,543	0	n/a
DE	8,396	2,716	209%
FL	98,519	26,893	266%
GA	32,880	20,066	64%
HI	6,663	1,343	396%
IA	691	0	n/a
ID	10,405	1,083	861%
IL	24,837	7,552	229%
IN	11,120	0	n/a
KS	3,047	67	4448%
LA <sup>27</sup>	21,055	3,212	556%
MA	25,036	13,712	83%
MD	5,912	0	n/a

<sup>26</sup> In 2000, one school in Maine with 154 students was designated as both a magnet and charter school, but after further review, we deemed that it was not a charter school and do not include it here.

<sup>27</sup> In 2007-08, most of Louisiana's charter schools were classified as other/alternative schools (47 enrolling 18,650 students). We reclassified them as regular charter schools for our analysis here.

Table 1 continued  
Charter School Enrollment and Growth, 2000-01 and 2007-08<sup>28</sup>

	Enrollment 2007-08	Enrollment 2000-01	% Change from 2000 to 2007
MI	99,360	54,750	81%
MN	26,066	9,395	177%
MO	14,877	7,061	111%
MS	375	367	2%
NC	31,193	15,523	101%
NH	478	0	n/a
NJ	17,498	10,179	72%
NM	9,854	1,335	638%
NV	6,065	1,255	383%
NY	30,939	0	n/a
OH	79,884	14,745	442%
OK	5,362	1,208	344%
OR	11,636	559	1982%
PA	66,613	18,981	251%
RI	1,817	557	226%
SC	5,452	483	1029%
TN	2,742	0	n/a
TX	71,645	37,978	89%
UT	19,374	537	3508%
VA	240	55	336%
WI	34,275	9,511	260%
WY	255	0	n/a
U.S. Total	1,207,450	444,670	172%

Source: 2007-08 NCES Common Core of Data; Frankenberg & Lee, 2003

In addition to an increasing number of charter school students during the past seven years, there have also been an increasing number of charter *schools*. In fact, the number of charter schools nationally more than doubled to more than 3,800 schools over the seven years, albeit with a much smaller average size (see table A-1 in Appendix A). For comparison, among traditional public schools during this same time period, the number of schools *declined*.<sup>29</sup> While ten states have more than 100 charter schools, other states only have a few charter schools. In

<sup>28</sup> In 2000, one school in Maine with 154 students was designated as both a magnet and charter school, but after further review, we deemed that it was not a charter school and do not include it here.

<sup>29</sup> We define these as “regular” schools as classified by the Common Core. That excludes alternative, vocational, and special education schools. There were 84,573 regular, traditional public schools in 2000 and only 83,560 schools in 2007.

Connecticut, the number of charter schools declined since 2000-01, and in several other states, the number of charter schools increased only slightly.

*Charter Schools Remain a Fraction of Total Public School Enrollment*

The charter enrollment still represents a tiny fraction of students in most states. More than half of the charter school enrollment comes from only five states: California, Michigan, Arizona, Florida, and Ohio. Washington, D.C. has more than one-quarter of public school students who attend charter schools. However, aside from D.C. and nearby Delaware, states in the Southwest and industrial Midwest are the only areas where charter students comprise even 4% or more of public school students. In the Midwest, charter schools might be acting as alternatives to public school districts in decaying older central cities. Yet in 22 states, 1 percent or less of public school students are enrolled in charters, suggesting that this reform accounts for only a small proportion of students in many states.

*Table 2*  
 Charter School Students as Percentage of Total Public School Enrollment

<b>State</b>	<b>Charter Enrollment 2007-08</b>	<b>% of Public School Enrollment</b>
<b>South Region</b>		
AL	0	0.0%
AR	4,988	1.0%
FL	98,519	3.8%
GA	32,880	2.0%
LA	21,055	3.1%
MS	375	0.1%
NC	31,193	2.2%
SC	5,452	0.8%
TN	2,742	0.3%
TX	71,645	1.6%
VA	240	0.0%
<b>West Region</b>		
AZ	98,728	9.2%
CA	238,226	4.1%
CO	54,161	6.9%
ID	10,405	3.9%
MT	0	0.0%
NM	9,854	3.1%
NV	6,065	1.4%
OR	11,636	2.1%
UT	19,374	3.5%
WA	0	0.0%
WY	255	0.3%

Table 2 continued

Charter School Students as Percentage of Total Public School Enrollment

<b>State</b>	<b>Charter Enrollment 2007-08</b>	<b>% of Public School Enrollment</b>
<b>Border Region</b>		
DC	19,543	28.5%
DE	8,396	7.4%
KY	0	0.0%
MD	5,912	0.7%
MO	14,877	1.6%
OK	5,362	0.8%
WV	0	0.0%
<b>Northeast Region</b>		
CT	3,743	0.7%
ME	0	0.0%
MA	25,036	2.7%
NH	478	0.2%
NJ	17,498	1.3%
NY	30,939	1.1%
PA	66,613	3.8%
RI	1,817	1.3%
VT	0	0.0%
<b>Midwest Region</b>		
IA	691	0.1%
IL	24,837	1.2%
IN	11,120	1.1%
KS	3,047	0.7%
MI	99,360	6.2%
MN	26,066	3.2%
ND	0	0.0%
NE	0	0.0%
OH	79,884	4.4%
SD	0	0.0%
WI	34,275	3.9%
<b>Other</b>		
AK	3,500	3.0%
HI	6,663	0.0%

Source: 2007-08 NCES Common Core of Data

In many of our nation's largest metropolitan areas, the percentage of students enrolled in charter schools was at or below the national figure of 2.5%. Of the five metropolitan areas with

at least one million students in 2007-08, only Los Angeles had a percentage of charter students higher than the national share. Chicago, Dallas, and New York had less.

Metropolitan areas in the industrial Midwest and Arizona and Colorado accounted for most of the metros containing the highest percentages of charter school students. Each of the three Arizona MSAs in Table 3 below has almost one in ten metro students enrolled in charter schools. And across the Phoenix metro, there are an astonishing 265 charter schools, the largest number of charters in any metro. In Tucson, where the central city district has just negotiated a post-unitary plan to end judicial oversight of its desegregation efforts, nearly 90 charter schools enrolling almost 15,000 students complicate efforts to remain diverse. Those efforts will be particularly difficult if Tucson charters are disproportionately educating students from a particular racial-ethnic group or attracting students from schools that were previously diverse under the desegregation order. To the east of Tucson, the New Orleans metro had the highest percentage of charter school students, due to the influx of charter schools after the devastation of Hurricane Katrina in 2005 (Gumus-Dawes & Luce, 2010).

*Table 3*

Charter School Enrollment and Percentage of Total Enrollment by MSA<sup>30</sup>

<b>Metropolitan Area</b>	<b>Charter Schools</b>	<b>Charter Enrollment</b>	<b>Charter %</b>
Albuquerque, NM	38	6,886	5.2%
Atlanta-Sandy Springs-Marietta, GA	43	24,645	2.7%
Boston-Cambridge-Quincy, MA-NH	45	15,515	2.5%
Chicago-Naperville-Joliet, IL-IN-WI	45	27,375	1.7%
Cincinnati-Middletown, OH-KY-IN	29	9,533	2.9%
Cleveland-Elyria-Mentor, OH	64	15,733	5.0%
Colorado Springs, CO	21	8,829	8.2%
Columbus, OH	61	19,506	6.6%
Dallas-Fort Worth-Arlington, TX	43	16,856	1.5%
Dayton, OH	35	8,118	6.4%
Denver-Aurora, CO	72	30,183	7.6%
Detroit-Warren-Livonia, MI	158	65,387	9.0%
Fresno, CA	25	8,077	4.4%
Honolulu, HI	28	6,663	3.7%
Houston-Sugar Land-Baytown, TX	84	27,618	2.5%
Indianapolis-Carmel, IN	22	5,951	2.1%
Kansas City, MO-KS	26	7,199	2.2%
Los Angeles-Long Beach-Santa Ana, CA	172	73,064	3.6%
Miami-Fort Lauderdale-Pompano Beach, FL	130	43,493	5.7%
Milwaukee-Waukesha-West Allis, WI	70	20,039	8.4%
Minneapolis-St. Paul-Bloomington, MN-WI	114	21,103	4.2%
New Orleans-Metairie-Kenner, LA	41	18,134	13.6%
New York-Northern New Jersey-Long Island, NY-NJ-PA	101	30,586	1.2%

<sup>30</sup> Among MSAs that have at least twenty charter schools. See Appendix A for MSAs that have between 10 and 20 charter schools.

Table 3 continued

Charter School Enrollment and Percentage of Total Enrollment by MSA<sup>31</sup>

<b>Metropolitan Area</b>	<b>Charter Schools</b>	<b>Charter Enrollment</b>	<b>Charter %</b>
Orlando-Kissimmee, FL	32	12,317	3.6%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	97	55,067	6.6%
Phoenix-Mesa-Scottsdale, AZ	265	69,245	9.5%
Portland-Vancouver-Beaverton, OR-WA	31	4,487	1.4%
Prescott, AZ	30	3,564	13.4%
Riverside-San Bernardino-Ontario, CA	36	15,190	1.9%
Sacramento--Arden-Arcade--Roseville, CA	52	22,072	6.7%
San Antonio, TX	36	14,261	3.8%
San Diego-Carlsbad-San Marcos, CA	73	37,850	8.0%
San Francisco-Oakland-Fremont, CA	76	19,674	3.8%
San Jose-Sunnyvale-Santa Clara, CA	26	10,982	4.3%
Santa Rosa-Petaluma, CA	27	6,193	9.4%
Tampa-St. Petersburg-Clearwater, FL	31	5,822	1.5%
Toledo, OH	32	13,912	12.8%
Tucson, AZ	87	14,834	10.1%
Washington-Arlington-Alexandria, DC-VA-MD-WV	71	20,713	2.5%

Source: 2007-08 NCES Common Core of Data

### Charter School Students: Disproportionately Students of Color

Having documented the rapidly growing enrollment of charter school students, this analysis turns next to an examination of the racial-ethnic composition of charter schools and the patterns of concentration by race within the charter school sector. We examine these patterns at the national, state, and metropolitan area level. Just as differential racial composition between schools within a district, for example, signifies segregation, differential racial composition between charter schools and other public schools represents segregation across sectors.

The racial/ethnic composition of charter school students differed substantially from traditional public school students in 2007-08.<sup>32</sup> Charter schools enrolled a disproportionately high percentage of black students when compared to other public schools, and conversely a lower proportion of white students. The overrepresentation of black students nationally is similar to trends we reported in 2000-01 (see Frankenberg & Lee, 2003, p. 23). Today, the percentages of Latino, Asian, and American Indian students were relatively similar between charter and traditional public schools across the U.S.<sup>33</sup>

<sup>31</sup> Among MSAs that have at least twenty charter schools. See Appendix A for MSAs that have between 10 and 20 charter schools.

<sup>32</sup> All tables that describe racial/ethnic composition or segregation of students use only the students for whom race-ethnicity is reported in the CCD. As a result, the aggregate “total” is less than those reported in aggregate as “total membership” used in the enrollment section above.

<sup>33</sup> In tables throughout this report, the percentages may not add to 100% due to rounding.

Table 4

Enrollment and Racial Composition of Charter and Public Schools, 2007-08

	<b>Enrollment</b>	<b>White (%)</b>	<b>Black (%)</b>	<b>Latino (%)</b>	<b>Asian (%)</b>	<b>American Indian (%)</b>
<b>Charter</b>	1,193,286	39%	32%	24%	4%	1%
<b>Public</b>	46,283,865	56%	16%	21%	5%	1%

Source: 2007-08 NCES Common Core of Data

Just as the size of the charter school enrollment varies widely among states, so too does the racial composition of states' charter school enrollment. This pattern is indicative of racial stratification at the state level between the traditional public school sector and charter schools. Among the 29 states and D.C. with at least 5,000 charter school students, only 7 have a majority of white charter students. For comparison, 40 states have a majority white enrollment among all public schools.

By contrast, *more*—10—states have a majority of charter school students who are black.<sup>34</sup> This is considerably larger than black enrollment trends among traditional public schools, where only D.C. and Mississippi had a black majority among regular public school students in 2007-08. D.C. is among the ten jurisdictions with black majorities of charter school students. Others such as Michigan, Louisiana, or Illinois may reflect a large number of charter schools serving some of the states' urban areas. Ironically, some of these states, like New Jersey and Ohio, require some or all of their charter schools to take affirmative steps to create racially diverse enrollments.<sup>35</sup>

The pattern for Latino students is not as extreme as for black students. In New Mexico, the majority of charter school students are Latino, as is the case among all public school students there. Texas, however, has a majority of charter school students who are Latino, but this is not the case among traditional public schools (47% Latino).

Table 5

Enrollment and Racial Composition of Charter Schools by State With More Than 5,000 Charter Schools Students, 2007-08

<b>State</b>	<b>Enrollment</b>	<b>White (%)</b>	<b>Black (%)</b>	<b>Latino (%)</b>	<b>Asian (%)</b>	<b>American Indian (%)</b>
CA	238,226	38%	12%	41%	7%	1%
AZ	98,728	52%	7%	34%	3%	4%
MI	98,722	34%	57%	5%	2%	1%
FL	94,862	42%	22%	33%	2%	0%
OH	76,362	43%	53%	3%	1%	0%
TX	71,645	14%	29%	53%	4%	0%
PA	65,206	43%	45%	10%	2%	0%
CO	54,161	64%	8%	23%	4%	1%

<sup>34</sup> Two additional states among those with less than 5,000 charter school students also have a majority of blacks among all charter school students. See Table A-3 in Appendix A.

<sup>35</sup> See Appendix of our earlier report, *Equity Overlooked*. Available at <http://www.civilrightsproject.ucla.edu/research/deseg/equity-overlooked-report-2009.pdf>.



Table 5 continued

Enrollment and Racial Composition of Charter Schools by State With More Than 5,000 Charter Schools Students, 2007-08

State	Enrollment	White (%)	Black (%)	Latino (%)	Asian (%)	American Indian (%)
WI	34,275	47%	33%	15%	5%	1%
GA	31,468	40%	45%	10%	5%	0%
NC	31,193	61%	31%	4%	2%	1%
NY	30,708	10%	66%	22%	1%	0%
MN	26,066	44%	31%	8%	14%	3%
IL	24,354	7%	62%	29%	2%	0%
MA	24,331	45%	27%	23%	4%	0%
LA	21,055	17%	76%	3%	3%	0%
DC	19,543	3%	89%	8%	1%	0%
UT	19,078	86%	2%	8%	3%	1%
NJ	17,271	9%	66%	22%	3%	0%
MO	14,877	8%	85%	6%	1%	0%
OR	10,724	83%	4%	7%	3%	4%
IN	10,688	31%	63%	6%	1%	0%
ID	10,405	92%	1%	4%	2%	1%
NM	9,854	34%	3%	53%	2%	8%
DE	8,396	49%	41%	4%	5%	0%
HI	6,663	26%	2%	3%	68%	2%
NV	6,065	49%	23%	22%	4%	2%
MD	5,912	14%	79%	6%	1%	1%
SC	5,426	53%	43%	2%	1%	0%
OK	5,362	31%	34%	28%	3%	4%

Source: 2007-08 NCES Common Core of Data

### Regional and State Variations in Charter Enrollment by Race

The racial composition of charter schools varies substantially across different regions of the country.<sup>36</sup> At the aggregate national level black students are particularly over-enrolled in charter schools in comparison to traditional public schools. Yet differences also emerge when examining these patterns at the regional and state level.

<sup>36</sup> We define the regions as follows--**South:** Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, & Virginia. **Border:** Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, & West Virginia. **Northeast:** Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, & Vermont. **Midwest:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, & Wisconsin. **West:** Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, & Wyoming.

The West, which has the lowest overall percentage of white regular public school students, has the *highest* percentage of white charter school students. Conversely, there are lower percentages of Latino and Asian students in western charter schools than in other public schools. As a result, charter schools in the West as a region, and in some individual states and communities elsewhere, show some signs of white flight from regular public schools.

In all regions black students are over-enrolled in charter schools as compared to their regional public school percentage. This is particularly noticeable in the Border region, which has an astonishing 74% of charter students who are black (compared to only 20% of traditional public school students). This trend is influenced by the two jurisdictions with the largest charter enrollments, D.C. and Missouri, having large percentages of black charter enrollments.

Black students are also substantially over-represented in charter schools in the Midwest and the Northeast. Approximately half of all charter students are black in these two regions. By contrast, only 14% of traditional public school students are black (see Table 6). As will be discussed below, these trends could be the result of charter schools being located in largely minority central cities in these regions, providing minority students with alternatives to the public school district. Black students in the cities of these regions tend to be heavily isolated in high poverty, segregated schools, a legacy of the U.S. Supreme Court's *Milliken* decision that limited city-suburban desegregation in 1974. The dissolution of desegregation plans also contributed, following the Court's 1991 *Dowell* decision pushing for termination of existing court desegregation orders. In general, the *Milliken* decision has had a major impact on schools in these regions because of very severe housing segregation for blacks and fragmented (often homogenous) school districts in each metro (Clotfelter, 2004). Latino students in these Northeastern and Midwestern metro areas, however, do not enroll in charter schools in nearly the same rates as black students.

The picture in the South is different. Latino and black students are disproportionately enrolled in charter schools while white students are somewhat underrepresented in comparison to the regional average. Whites in the South have traditionally been less likely than whites elsewhere to enroll in private schools, though the South has always had the largest percentage of black students and the most integrated schools for most of the past four decades (Orfield, 2009; Reardon & Yun, 2002). Most southern states also had a very low enrollment of students in charter schools. Combined with the lower percentage of white students in charter schools, this indicates that, although white students are also a minority of all students in the South (as in the West); they are substantially less likely than western whites to enroll in charter schools.

*Table 6*  
Enrollment and Racial Composition of Charter and Traditional Public Schools by Region, 2007-08

<b>Region</b>	<b>% American Indian</b>	<b>% Asian</b>	<b>% Latino</b>	<b>% Black</b>	<b>% White</b>	<b>Number of Students</b>
<b>Charter School Enrollment</b>						
South	0%	3%	28%	33%	35%	263,993
West	2%	5%	34%	10%	49%	447,496
Border	1%	2%	9%	74%	15%	54,090
Northeast	0%	2%	17%	49%	32%	143,554
Midwest	1%	3%	8%	51%	37%	274,171

Table 6 continued

Enrollment and Racial Composition of Charter and Traditional Public Schools by Region, 2007-08

Region	% American Indian	% Asian	% Latino	% Black	% White	Number of Students
<b>Charter School Enrollment</b>						
Alaska & Hawaii	7%	46%	4%	2%	41%	9,982
<b>Traditional Public School Enrollment</b>						
South	0%	3%	22%	26%	49%	15,073,976
West	2%	9%	39%	6%	44%	10,568,032
Border	4%	3%	6%	20%	68%	3,426,290
Northeast	0%	6%	15%	14%	65%	7,722,502
Midwest	1%	3%	9%	14%	74%	9,213,246
Alaska & Hawaii	11%	48%	5%	3%	33%	279,819

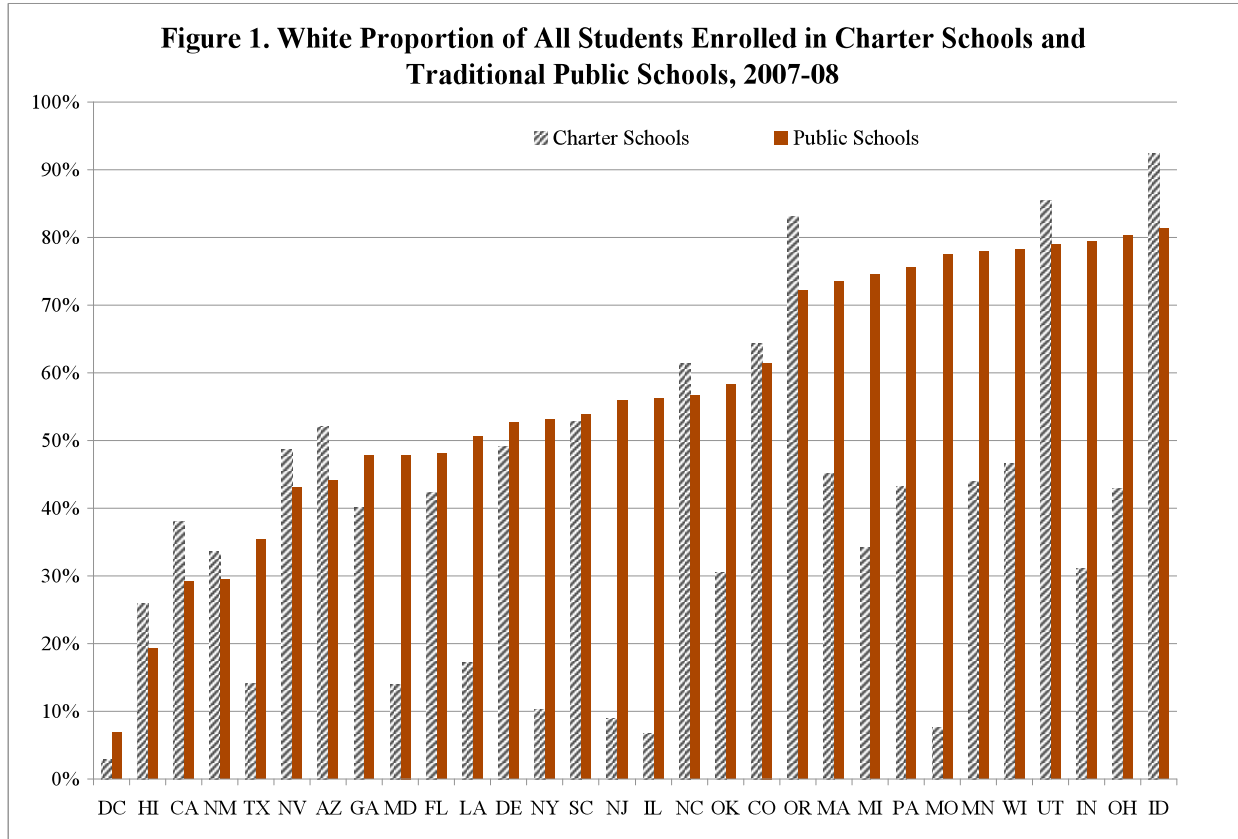
Source: 2007-08 NCES Common Core of Data

In most states and nationally, the charter school enrollment has a lower percentage of white students. The difference in the percentage of white students in charter and traditional public schools is substantial in some places: many of the Midwestern states, for example, have much lower percentages of white charter students than among other public schools. The percentage of white students in public schools in these states is twice that of charter schools.

This is not uniformly the pattern, however, and in ten states, the percentage of white students is higher in charter schools than in regular public schools (see Figure 1). Of these ten states, nine of them are in the West, which as a region has the highest percentage of *nonwhite* students in public schools. These states (Hawaii, California, New Mexico, Nevada, Arizona, Colorado, Oregon, Utah and Idaho) are mostly at the extremes in terms of the percentage of white students among the traditional public schools: either extremely white or among the lowest percentages of white students. Charter schools in some of the most diverse states may be as a less diverse alternative for white students.

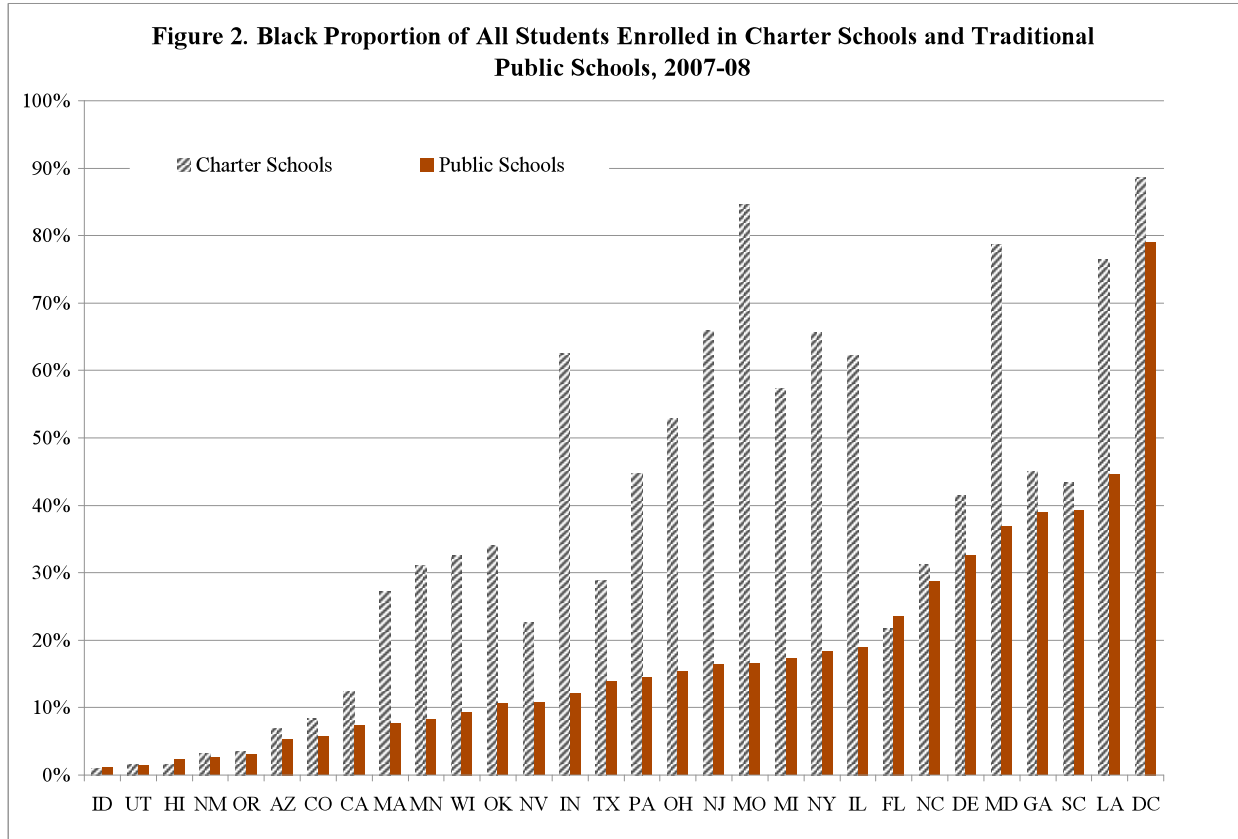
North Carolina is the only non-western state to have a higher percentage of white students among the charter enrollment than in traditional public schools.<sup>37</sup> This is driven at least in part by considerably higher over-enrollment of white students in metropolitan Charlotte's charter schools (Table 4 in Appendix A). At one time, many districts in the state were under court-ordered or voluntarily implemented desegregation plans. Charlotte-Mecklenburg Schools have rapidly resegregated since the termination of its desegregation plan. White enrollment in charter schools may be one manifestation of this trend, although North Carolina's charter school legislation requires that charter schools' diversity be reflective of their surrounding enrollment once they have been in operation for a year. On the whole, white enrollment in southern charter schools is a stark contrast to the West, even though many of southern states also have quite diverse student enrollments.

<sup>37</sup> Alaska and Kansas each have just over 3,000 charter school students. The charter enrollments in these states have a disproportionately high share of white students.



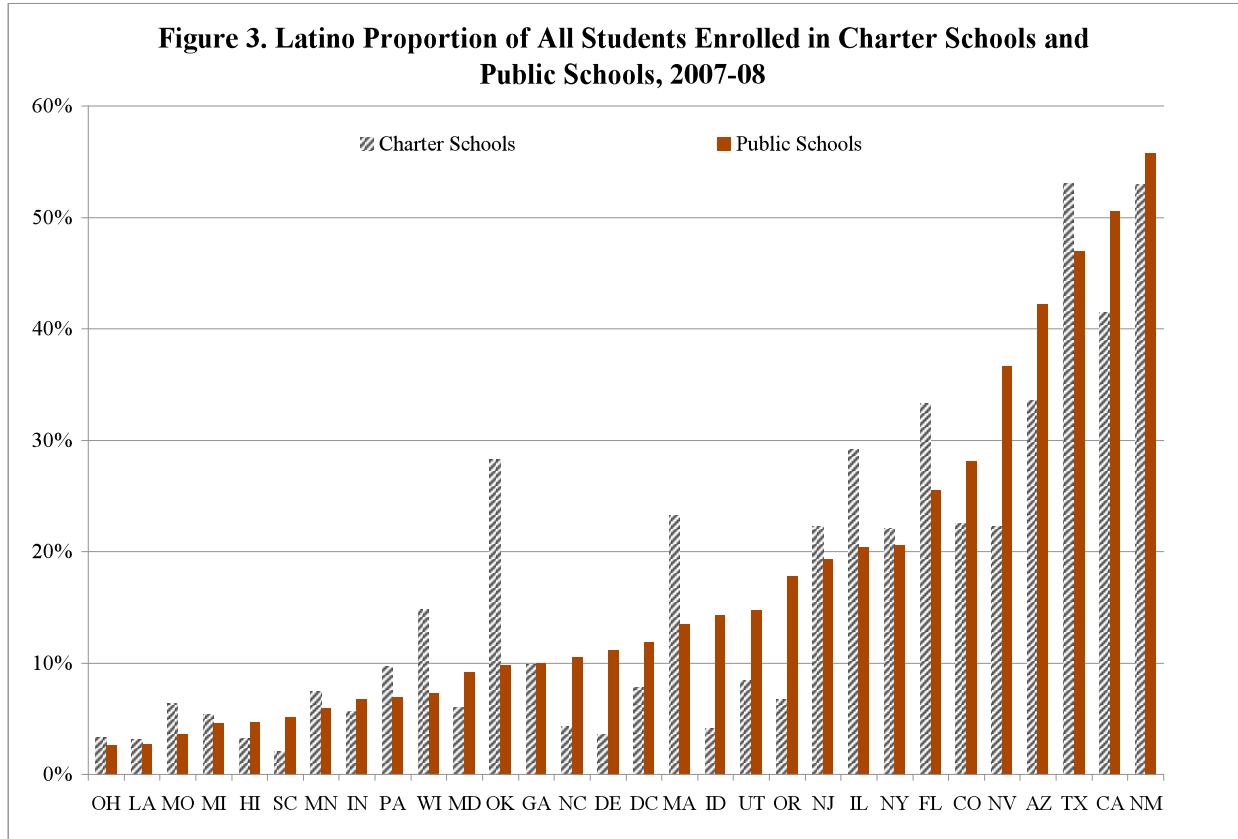
Source: 2007-08 NCES Common Core of Data; sorted by traditional public school white percentage

Although black students are substantially overrepresented in charter schools nationally, in Florida the black percentage of charter school students is *lower* than other public schools (see Figure 2). This is also true in Hawaii and Idaho, but they have very few black students. There are many states in which the black percentage of the state’s charter school enrollment greatly exceeds that of the public school enrollment. States like New Jersey, Indiana, and New York have well over 60% of charter school students who are black while less than 20% of traditional public school students are black. Minnesota and Massachusetts are two states with lower percentages of black students that also have a charter enrollment that is three times as high in terms of black percentage among traditional public school students.



Source: 2007-08 NCES Common Core of Data; sorted by traditional public school black percentage

The pattern is more mixed for Latino students. In half of the states (15) with charter enrollments over 5,000, Latino students are underrepresented in the charter school enrollment compared to the regular public school enrollment (Figure 3). Five of the six states with the highest percentage of Latino public school students (New Mexico, California, Arizona, Nevada, and Colorado) were each a state in which Latinos were *under*-represented in charter schools. Texas was the exception, where Latinos comprised a higher percentage of the charter school enrollment than they did of the traditional public schools. Further, except for New Mexico, among these populous Latino states where Latinos were under-enrolled in charters schools there was a sizeable difference. Some states in the Northeast/Midwest (Massachusetts, New Jersey, Illinois, and New York) display the opposite pattern.



Source: 2007-08 NCES Common Core of Data; sorted by traditional public school Latino percentage

*Metropolitan area racial composition: Replicating state and regional patterns of charter school enrollment*

There are a number of metropolitan areas in which the charter school enrollment has a higher white percentage than the traditional public school enrollment. Many of these metros are in the West. All of the California metropolitan areas except for San Francisco have a higher white percentage of charter students. Similarly, metros in Arizona and Colorado also have a disproportionately high white charter school enrollment.

Blacks are substantially overrepresented in charter schools in many other metros. Yet this is not the case in some metros with higher shares of black students in public schools, including Miami and Atlanta. Of course, in metropolitan New Orleans and Washington, D.C.--places where we have seen high percentages of central city students enrolling in charter schools--the opposite pattern appears.

Latino patterns of enrollment in charter schools are mixed at the MSA level, with particularly low enrollment in charter schools in the region where most Latinos live. Among metros in which the Latino percentage of the charter enrollment differs substantially from the traditional public school enrollment, almost all metros outside the West had an over-enrollment of Latinos in charter schools. For example, the percentage of Latinos in the Boston area's charter schools was almost twice as high as the percentage of Latinos in traditional public schools. The opposite pattern is true in almost all metros in the West, however. The exceptions are the Bay Area (California) metros. Finally, in approximately half the metros with a large

number of charter schools, the enrollment of Latinos in charter schools closely approximates traditional public schools (within five percentage points).

*Table 7*  
Racial Composition of Charter and Traditional Public Schools by MSA, 2007-08

<b>Metropolitan Area</b>	<b>Charter</b>			<b>Traditional Public</b>		
	<b>Latino %</b>	<b>Black %</b>	<b>White %</b>	<b>Latino %</b>	<b>Black %</b>	<b>White %</b>
Albuquerque, NM	54%	4%	31%	55%	4%	33%
Atlanta-Sandy Springs-Marietta, GA	11%	44%	38%	12%	40%	43%
Boston-Cambridge-Quincy, MA-NH	23%	32%	40%	12%	8%	73%
Chicago-Naperville-Joliet, IL-IN-WI	27%	64%	7%	26%	22%	46%
Cincinnati-Middletown, OH-KY-IN	1%	78%	21%	2%	15%	81%
Cleveland-Elyria-Mentor, OH	8%	70%	22%	5%	27%	67%
Colorado Springs, CO	18%	8%	70%	17%	10%	67%
Columbus, OH	2%	42%	54%	3%	20%	74%
Dallas-Fort Worth-Arlington, TX	35%	34%	24%	36%	18%	41%
Dayton, OH	1%	74%	25%	2%	17%	79%
Denver-Aurora, CO	24%	10%	62%	31%	8%	56%
Detroit-Warren-Livonia, MI	5%	72%	21%	3%	26%	67%
Fresno, CA	53%	10%	30%	57%	6%	23%
Honolulu, HI	3%	2%	26%	5%	2%	19%
Houston-Sugar Land-Baytown, TX	49%	37%	10%	42%	20%	32%
Indianapolis-Carmel, IN	5%	62%	33%	6%	19%	72%
Kansas City, MO-KS	10%	79%	9%	9%	17%	70%
Los Angeles-Long Beach-Santa Ana, CA	52%	17%	24%	60%	7%	20%
Miami-Fort Lauderdale-Pompano Beach, FL	50%	27%	21%	43%	31%	24%
Milwaukee-Waukesha-West Allis, WI	20%	50%	24%	11%	23%	61%
Minneapolis-St. Paul-Bloomington, MN-WI	8%	37%	35%	6%	12%	73%
New Orleans-Metairie-Kenner, LA	4%	82%	11%	6%	45%	46%
New York-Northern New Jersey-Long Island, NY-NJ-PA	26%	66%	5%	27%	20%	42%
Orlando-Kissimmee, FL	36%	14%	47%	30%	21%	45%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	11%	53%	33%	9%	27%	59%
Phoenix-Mesa-Scottsdale, AZ	33%	8%	52%	42%	6%	46%
Portland-Vancouver-Beaverton, OR-WA	6%	8%	81%	15%	5%	71%
Prescott, AZ	12%	1%	80%	24%	1%	71%

Table 7 continued

Racial Composition of Charter and Traditional Public Schools by MSA, 2007-08

Metropolitan Area	Charter			Traditional Public		
	Latino %	Black %	White %	Latino %	Black %	White %
Sacramento--Arden-Arcade--Roseville, CA	24%	14%	54%	24%	11%	49%
San Antonio, TX	77%	17%	5%	62%	7%	28%
San Diego-Carlsbad-San Marcos, CA	42%	12%	36%	45%	7%	35%
San Francisco-Oakland-Fremont, CA	41%	23%	24%	29%	11%	33%
San Jose-Sunnyvale-Santa Clara, CA	49%	4%	33%	38%	3%	26%
Santa Rosa-Petaluma, CA	28%	3%	63%	36%	2%	55%
Tampa-St. Petersburg-Clearwater, FL	16%	24%	58%	20%	18%	58%
Toledo, OH	3%	33%	63%	6%	17%	76%
Tucson, AZ	41%	6%	45%	50%	5%	39%
Washington-Arlington-Alexandria, DC-VA-MD-WV	8%	88%	4%	17%	31%	42%

Source: 2007-08 NCES Common Core of Data

At the metropolitan area level (among metros with at least twenty charter schools), black students have the most extensive over-enrollment in charter schools. In the top four MSAs for black overrepresentation, the black charter school percentage was four times as high as among traditional public schools (see Tables A-5, A-6, & A-7 in Appendix A). Mirroring state patterns, black students were overrepresented in charter schools located almost entirely in Midwestern and Northeastern metropolitan areas. Overrepresentation was less extensive for whites and Latinos. In general, many of the metros that had higher black overrepresentation were among those with the highest Latino over-enrollment in charter schools. Metros in the West were almost exclusively the ones with highest overrepresentation for whites in charters, particularly those in California and Arizona. By contrast, with the notable exception of the Bay Area metropolitan areas—which have recent experience with desegregation plans among their traditional public school districts, Latino overrepresentation is not present in the West’s metros.



## **What Types of Schools Do Charter Students Attend? Examining Racial Segregation**

As we've seen, charter school students disproportionately enroll black students, and, in fact, a majority of charter school students are students of color. In theory, where the percentage of students of color is higher, if students are evenly spread across all schools, we would also expect more students to be in schools with higher percentages of nonwhite students. To explore whether and how these enrollment trends play out at the school level, in this section we examine more closely the racial composition of charter schools. We measure this in several ways: concentration of students in segregated minority schools, percentage of students in segregated white schools, and exposure of students to other racial groups. These different measures, aggregated to the national, state, and metropolitan area level, help us to understand what the differential racial composition of charter schools portends for racial isolation of charter school students.

### High Minority Concentration in Charter Schools

Higher percentages of charter school students of every race attend predominantly minority schools (50-100% minority students) or racially isolated minority schools (90-100% minority students) than do their same-race peers in traditional public schools. The higher levels of segregation for charter school students is particularly noticeable for black students, who are overwhelmingly the most likely to attend racially isolated minority charter schools.

Seventy percent of black charter school students attend 90-100% minority schools in 2007-08. Although segregation of black students has been increasing since 1990 across the country, reaching its highest level in nearly four decades, the segregation of black students in charter schools is much higher. Black charter school students are twice as likely as black students in traditional public school students to be in schools with less than a tenth white students. The percentage of black charter students in racially isolated minority schools has remained stubbornly high over the last seven years (70% of black students in charter schools were in 90-100% minority schools in 2000-01).

Though less extreme, charter segregation has increased for Latino students since 2000. Half of Latino charter school students were in schools with 90% or more students of color by 2007-08. Further, more than half of charter students from every minority group attended predominantly minority schools. For each of these groups--black, Latino, Asian and American Indian--a higher percentage of students were in 50-100% minority charter schools than in predominantly minority regular public schools (see Table 8). In the case of blacks and Latinos, more than four-fifths of charter students were in segregated minority schools. However, like their public school counterparts, Asian charter school students were the least likely of all students of color to be in segregated minority schools.

Many charter students attended schools where 99% or more of the students were minority. More than two-fifths of black charter school students attended such extremely segregated minority schools, a percentage which was, by far, the highest of any other racial group, and nearly *three times* as high as black students in traditional public schools. Latino charter students were more than twice as likely to be in these almost totally segregated minority schools. Asian and American Indian students were also more considerably likely to attend

virtually all-minority charter schools than were their same race peers in traditional public schools.

*Table 8*

Percentage of Charter and Public School Students in Segregated Minority Schools, by Race/Ethnicity, 2007-08

	Charter			Public		
	50-100% Minority	90-100% Minority	99-100% Minority	50-100% Minority	90-100% Minority	99-100% Minority
White	19%	2%	0%	13%	1%	0%
Black	89%	70%	43%	72%	36%	15%
Latino	83%	50%	20%	77%	38%	9%
Asian	60%	23%	9%	55%	15%	1%
American Indian	61%	31%	11%	49%	20%	9%
All Students	58%	36%	19%	38%	15%	4%

*Source:* 2007-08 NCES Common Core of Data

Minority charter school students attend schools of minority concentration at disproportionately high levels in many states. A majority of states report at least half of their black or Latino charter students in intensely segregated minority schools. This pattern of differential rates of attending segregated charter schools holds across states regardless of their minority percentage in charters.

Of the 40 states and D.C. with charter schools, 22 have majorities of black charter school students in 90-100% minority schools (see Tables 9 and A-8 in Appendix A). In comparison, only five states have majorities of black students in traditional public schools of such intense minority concentration. Aside from D.C., the highest percentage of black students in traditional, intensely segregated minority public schools is just over 60%. Fifteen states (among those states with at least 5,000 charter students) have more than two thirds of black charter students in such segregated schools.<sup>38</sup> Four states (Illinois, Maryland, Missouri, and New Jersey) and D.C. had at least 9 out of 10 black charter school students attending intensely segregated schools in 2007-08.

This pattern of higher black concentration in charter schools bears out across *every* state in which the charter school enrollment has a higher percentage of white students.<sup>39</sup> Yet, as a result of the higher percentage of white students, one might expect lower shares of students in segregated minority schools. Looking at the states that have at least 5,000 charter school students, this is not the case for black students in *any* state (the pattern is true for Latino students in four of these states).<sup>40</sup> For each of the ten states with a higher percentage of white students in charter schools than in traditional public schools (e.g., a positive charter-public difference in Table 9), there was the same or higher percentage of black students in intensely segregated

<sup>38</sup> Another 2 states where charter enrollment was less than 5,000 students had at least two-thirds of charter students in 90-100% minority schools (Table A-8).

<sup>39</sup> This is not uniformly true among states where the charter school enrollment is less than 5,000 (see Table A-8). Some of these states have extremely small charter enrollments, representing no more than a handful of schools, and trends among these states should be judged with caution—yet also monitored if these enrollments begin to expand.

<sup>40</sup> Idaho has no black students in segregated minority schools.

minority charter schools than among other black students. California is an example of a state where white students are a higher percentage of the charter school enrollment than among the traditional public school enrollment, where black students account for only about one student in fourteen, yet the segregation of black students is *higher* in charter schools. This trend is even displayed in states that have a large percentage of white students—35% of Oregon’s black charter students are in segregated minority schools, even as the vast majority of state charter school students are white (83%).

Delaware was long one of the nation’s least segregated states for black students due to a massive city-suburban plan that covered metro Wilmington. Today the state is an example of how charter schools are threatening the lingering effects of integration plans after the court order was dropped. The state’s charter schools are far more segregated than its regular public schools.

Delaware had a well-known desegregation case that went to the Supreme Court in 1980 (see Orfield & Lee, 2004). It consolidated all school districts in the state into one and then split it into four pie-shaped districts to remedy metropolitan segregation.<sup>41</sup> Despite a relatively high percentage of students of color in traditional public schools, Delaware had remarkably low percentages of black and Latino traditional public school students in intensely segregated minority schools, three and five percent, respectively, even after the end of the court-ordered desegregation case in 1996. Yet, in charter schools in the state, white students comprised nearly half of the charter school enrollment, and two-thirds of black charter school students and almost one-third of Latino charter students are in intensely segregated minority schools. Recall from above that charter school students comprised 7.4% of the entire public school enrollment in Delaware. Although charter students were a fraction of the enrollment, their high levels of minority segregation are mitigating the successful remnants of more widespread desegregation efforts in the state.

An intriguing dimension of this higher segregation of black students in charter schools was the extent to which this is usually *not* the case for Latino charter school students. Taking Oregon as an example again, while there was a substantial share of black charter students in segregated schools—much more than among black traditional public school students despite the differences in white percentage of students in these two sectors—only 1% of Latino charter school students were similarly segregated, the same as among traditional public schools. In California and Nevada, Latino segregation rates were slightly lower in charter schools than in public schools (a difference of three percentage points). On the other hand, Latino charter school students in North Carolina experience similarly very high levels of segregation in high minority schools as black charter school students, both at rates several times higher than their same-race peers in traditional public schools.

At the state level, while less extensive than for black charter students, Latino charter school students are also more heavily concentrated in segregated minority schools than are their traditional public school peers. Majorities of Latino charter school students are in segregated minority schools in 11 states, which is nearly three times the number of states with such Latino segregation levels among traditional public schools (Tables 9 and A-8 in Appendix A). These eleven states, except for California, with a majority of Latino students in segregated minority schools have a disproportionately nonwhite charter school enrollment. Yet, of the nine larger states (Table 9) with half or more of Latino charter school students in segregated schools, three states had at least 35% white students among their charter enrollment (California, Minnesota,

---

<sup>41</sup> Delaware’s charter legislation as adopted in 1995 only specifies that charters can not be established to circumvent desegregation orders—which is no longer applicable since it was declared unitary in 1996.

and Pennsylvania), which makes these high shares of Latino segregation surprising. There were other states with similarly high percentages of white students but lower shares of Latino segregation (e.g., Florida, Georgia, and Ohio).

Table 9

Percentage of Charter and Public School Students in Intensely Segregated Minority Schools, by Race/Ethnicity and by State, 2007-08

State	White Share of School Enrollment			90-100% Minority Charter School Enrollment Rate			90-100% Minority Public School Enrollment Rate		
	Charter	Public	Charter-Public Difference <sup>42</sup>	White	Black	Latino	White	Black	Latino
AZ	52	44	8	1	18	38	2	18	38
CA	38	29	9	1	52	50	4	41	53
CO	64	61	3	0	24	16	0	13	16
DC	3	7	-4	18	96	79	7	91	82
DE	49	53	-4	1	66	31	0	3	5
FL	42	48	-6	2	42	34	1	32	28
GA	40	48	-8	2	40	24	1	41	28
HI	26	19	7	4	32	15	7	9	13
ID	92	81	11	0	0	0	0	0	0
IL	7	56	-49	36	96	96	1	60	45
IN	31	79	-48	3	81	41	0	24	9
LA	17	51	-33	5	83	49	1	36	9
MA	45	73	-28	1	53	37	0	23	23
MD	14	48	-34	8	90	34	1	51	33
MI	34	75	-40	2	78	46	0	51	12
MN	44	78	-34	2	77	55	0	12	8
MO	8	78	-70	29	92	75	0	37	6
NC	61	57	5	0	46	43	1	18	13
NJ	9	56	-47	13	94	82	1	46	40
NM	34	29	4	5	41	44	4	11	33
NV	49	43	6	0	62	17	2	15	20
NY	10	53	-43	8	84	78	1	62	57
OH	43	80	-37	2	64	13	0	34	5
OK	31	58	-28	6	75	31	0	13	6
OR	83	72	11	0	35	1	0	2	1
PA	43	76	-32	1	69	57	0	42	24
SC	53	54	-1	1	33	6	1	19	4
TX	14	35	-21	10	82	79	3	38	52
UT	86	79	7	0	1	3	0	1	0
WI	47	78	-32	2	70	47	0	35	14

Source: 2007-08 NCES Common Core of Data

<sup>42</sup> Due to rounding, numbers may not add up.

Reflecting national and state trends, in most metropolitan areas, higher percentages of charter students were attending segregated minority schools than metro students in traditional public schools. There were exceptions to these trends among some metropolitan areas in California and Arizona. In a few of these metros, such as Fresno and Los Angeles, the white percentage of charter school students was higher than among traditional public school students, and might explain why fewer charter students in these metros are enrolled in segregated minority schools. The same was also true in Tucson, where the public schools were under a desegregation plan in 2007-08. In three Deep South metros—including two where the percentage of white students in public schools was higher than in charter schools—there was also a higher percentage of traditional public school students attending segregated minority schools. Both Atlanta and Miami metros are places where desegregation plans have long since ended. Perhaps the trend is indicative of Atlanta and Miami’s charter schools serving as havens for students trying to avoid segregation among traditional metro public schools.

*Table 10*  
Charter and Traditional Public School Students in Intensely Segregated Minority Schools by MSA, 2007-08

<b>Metropolitan Area</b>	<b>White Difference (Charter-Public)</b>	<b>Charter</b>	<b>Public</b>
Albuquerque, NM	-3%	38%	21%
Atlanta-Sandy Springs-Marietta, GA	-5%	22%	27%
Boston-Cambridge-Quincy, MA-NH	-33%	32%	7%
Chicago-Naperville-Joliet, IL-IN-WI	-39%	91%	29%
Cincinnati-Middletown, OH-KY-IN	-60%	67%	6%
Cleveland-Elyria-Mentor, OH	-44%	53%	14%
Colorado Springs, CO	3%	0%	0%
Columbus, OH	-19%	25%	6%
Dallas-Fort Worth-Arlington, TX	-17%	49%	23%
Dayton, OH	-55%	56%	8%
Denver-Aurora, CO	6%	11%	11%
Detroit-Warren-Livonia, MI	-45%	66%	18%
Fresno, CA	7%	23%	37%
Honolulu, HI	7%	32%	21%
Houston-Sugar Land-Baytown, TX	-22%	75%	35%
Indianapolis-Carmel, IN	-39%	47%	4%
Kansas City, MO-KS	-62%	85%	6%
Los Angeles-Long Beach-Santa Ana, CA	3%	49%	53%
Miami-Fort Lauderdale-Pompano Beach, FL	-3%	41%	42%
Milwaukee-Waukesha-West Allis, WI	-37%	55%	17%
Minneapolis-St. Paul-Bloomington, MN-WI	-37%	49%	4%
New Orleans-Metairie-Kenner, LA	-35%	76%	17%

*Table 10 continued*

Charter and Traditional Public School Students in Intensely Segregated Minority Schools by MSA, 2007-08

<b>Metropolitan Area</b>	<b>White Difference</b>		
	<b>(Charter-Public)</b>	<b>Charter</b>	<b>Public</b>
New York-Northern New Jersey-Long Island, NY-NJ-PA	-37%	85%	32%
Orlando-Kissimmee, FL	2%	3%	9%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	-26%	50%	17%
Phoenix-Mesa-Scottsdale, AZ	6%	16%	19%
Portland-Vancouver-Beaverton, OR-WA	10%	3%	0%
Prescott, AZ	9%	0%	0%
Riverside-San Bernardino-Ontario, CA	19%	6%	29%
Sacramento--Arden-Arcade--Roseville, CA	5%	18%	10%
San Antonio, TX	-23%	86%	31%
San Diego-Carlsbad-San Marcos, CA	1%	27%	24%
San Francisco-Oakland-Fremont, CA	-10%	53%	25%
San Jose-Sunnyvale-Santa Clara, CA	7%	31%	32%
Santa Rosa-Petaluma, CA	8%	9%	5%
Tampa-St. Petersburg-Clearwater, FL	0%	19%	4%
Toledo, OH	-14%	12%	4%
Tucson, AZ	7%	17%	24%
Washington-Arlington-Alexandria, DC-VA-MD-WV	-38%	91%	20%

Source: 2007-08 NCES Common Core of Data

According to earlier legal standards, the patterns of segregation described here resulting from the operation of charter schools in a number of states would raise serious questions. By the mid-1970s, many courts found the operation of school choice systems with public funds that systematically increased segregation to be a constitutional violation. In northern desegregation decisions, such as Boston, Cleveland, Indianapolis, and Minneapolis, allowing open enrollment or transfer policies that permitted whites to transfer from predominantly black schools instead of creating substantially desegregated schools was determined to be illegal discrimination (Orfield, 1978, pp. 20-22). Finally, in the Supreme Court's 1972 *Emporia* decision, the creation of a new school district was prohibited if it would have the effect of exacerbating segregation efforts. The Court, in that case, said it was the effect of the creation of the district, not the intent, that was the standard by which to judge such actions. Charter schools are often a new local educational agency, or the equivalent of a new district, and they very often add to segregation.

*Pockets of white concentration in charter schools*

White charter school segregation is less extreme and comparatively lower than for public schools. Yet, when we also examine white segregation at the state and metropolitan area levels, we find higher white segregation in some areas.

More than 20% of traditional public school students were in a racially isolated white school (those which were 90-100% white), while only 7% of charter school students attended white segregated schools. Lower percentages of charter school students from every race attended racially isolated white schools than did traditional public school students in 2007-08. One in six white charter school students attended a school where less than one-tenth of students were nonwhite. More than double the share of white traditional public school students were in similarly segregated white schools. Among charter school students, blacks students were the least likely to attend overwhelmingly white schools (0.41% of black charter school students).

There are far lower percentages of students attending virtually all-white schools compared to those attending all-minority schools, regardless of school's charter status. Not surprisingly, with the lower percentage of white charter students than traditional public schools, there is a lower share of charter students in these nearly all-white schools (0.8%) than among other public schools (2.8%).

*Table 11*  
Percentage of Charter and Public School Students in Segregated White Schools, by Race/Ethnicity, 2007-08

	Charter		Public	
	90-100% White	99-100% White	90-100% White	99-100% White
White	16%	1%	35%	3%
Black	0%	0%	2%	0%
Latino	1%	0%	2%	0%
Asian	2%	0%	5%	0%
American Indian	3%	0%	7%	0%
All Students	7%	0%	21%	2%

*Source:* 2007-08 NCES Common Core of Data

As shown in Table 12 and A-9 in Appendix A, in four states a majority of white charter students attended intensely segregated white schools, though most of the states in question were states with fewer than 5,000 charter school students. In some cases, like Idaho, charter school students across all races attend schools of white isolation: majorities of students of all races are in 90-100% white charter schools. Yet, in other states like Arkansas, the percentage of students in segregated white schools varies substantially by race.

Nine states with significant charter school enrollment have a higher percentage of white charter students in segregated white schools than among traditional public schools (as do an additional three states where the charter enrollment was less than 5,000 students in 2007-08, see Table A-9).<sup>43</sup> In general, most of these states are those with a higher percentage of white students in the charter school enrollment than among traditional public schools. In approximately one-quarter of the states with the largest charter enrollment, either black or Latino students (or both) are more likely to be in segregated white charter schools than segregated white public schools.

<sup>43</sup> These states are AZ, CA, CO, DE, FL, ID, NC, OR, & SC. Among states with less than 5,000 students, this pattern holds for AK, AR, & VA.

Regional differences in segregated white schools are also apparent. While many Midwestern states have high percentages of white students in segregated white, traditional public schools in comparison to black or Latino students, this is much less often the case for white students in charter schools. In states like Ohio or Pennsylvania, the percentage of white charter school students in segregated white schools is several times lower than that of white traditional public school students. Of course, these states, as mentioned above, also have large gaps in the percentage of white students in these sectors, namely that the state charter school enrollment has a considerably lower percentage of white students than is the case among traditional public schools.

By contrast, in parts of the South and Southwest regions, white segregation is similar—generally low—across both charter and traditional public schools for white students. Recall from above that charter schools in the West have a higher percentage of white students than do traditional public schools. These white charter students in several western states are also more likely to be in segregated white schools (see Table 12). Likewise, there are a few states in the South in which white segregation is higher among charter school students.<sup>44</sup> In Florida and North Carolina, for example, the percentage of white charter school students in segregated white schools is higher than among traditional public schools. A higher percentage of white charter students—one in five—attends segregated white schools than among the rest of North Carolina’s public schools. Paired with the minority segregation rates above, these tables suggest that substantial percentages of North Carolina charter school students attend segregated schools on both ends of the spectrum.

*Table 12*

Percentage of Charter and Public School Students in Intensely Segregated White Schools, by Race/Ethnicity and by State, 2007-08

State	White Share of School Enrollment			90-100% White Charter School Enrollment Rate			90-100% White Public School Enrollment Rate		
	Charter	Public	Charter-Public Difference	White	Black	Latino	White	Black	Latino
AZ	52	44	8	7	1	0	2	0	0
CA	38	29	9	7	0	0	2	0	0
CO	64	61	3	11	1	1	8	1	1
DC	3	7	-4	0	0	0	0	0	0
DE	49	53	-4	7	0	4	1	0	0
FL	42	48	-6	9	0	1	7	0	0
GA	40	48	-8	1	0	0	12	0	2
HI	26	19	7	0	0	0	0	0	0
ID	92	81	11	80	69	59	39	24	9
IL	7	56	-49	0	0	0	39	1	2
IN	31	79	-48	28	0	1	62	4	14
LA	17	51	-33	0	0	0	19	1	5
MA	45	73	-28	24	1	1	54	7	7
MD	14	48	-34	0	0	0	22	1	2

<sup>44</sup> See also Arkansas in Table A-9.



Table 12 continued

Percentage of Charter and Public School Students in Intensely Segregated White Schools, by Race/Ethnicity and by State, 2007-08

State	White Share of School Enrollment			90-100% White Charter School Enrollment Rate			90-100% White Public School Enrollment Rate		
	Charter	Public	Charter-Public Difference	White	Black	Latino	White	Black	Latino
MI	34	75	-40	30	0	3	58	4	19
MN	44	78	-34	40	1	4	46	6	12
MO	8	78	-70	0	0	0	55	5	17
NC	61	57	5	20	2	3	16	1	3
NJ	9	56	-47	12	0	0	21	1	2
NM	34	29	4	0	0	0	0	0	0
NV	49	43	6	0	0	0	1	0	0
NY	10	53	-43	0	0	0	46	2	2
OH	43	80	-37	20	1	4	70	6	24
OK	31	58	-28	0	0	0	2	0	0
OR	83	72	11	47	10	17	16	3	3
PA	43	76	-32	4	0	0	62	7	9
SC	53	54	-1	14	1	5	5	0	1
TX	14	35	-21	1	0	0	4	0	0
UT	86	79	7	34	24	10	40	16	9
WI	47	78	-32	25	1	2	56	6	14

Source: 2007-08 NCES Common Core of Data

In most metropolitan areas, the percentage of charter students in segregated white schools is relatively low. Metropolitan Portland had the highest percentage of charter students in segregated white schools—nearly 30%. Although white students are usually underrepresented in charter schools, in several metropolitan areas, the percentage of charter students in segregated white schools is *higher* than among traditional public schools. Two of the metros with higher shares of charter school students in segregated white schools were in Florida. One of these, Orlando, had lower minority segregation among charter schools, but in Tampa, charter schools appear to have higher white and higher minority segregation than in traditional public schools.

Table 13

Charter and Traditional Public School Students in Intensely Segregated White Schools by MSA, 2007-08

Metropolitan Area	Difference in Percentage of White Students (Charter-Public)	Percentage of Students in 90-100% White Schools	
		Charter	Public
Albuquerque, NM	-3%	0%	0%
Atlanta-Sandy Springs-Marietta, GA	-5%	0%	4%
Boston-Cambridge-Quincy, MA-NH	-33%	11%	43%
Chicago-Naperville-Joliet, IL-IN-WI	-39%	0%	9%
Cincinnati-Middletown, OH-KY-IN	-60%	4%	57%
Cleveland-Elyria-Mentor, OH	-44%	1%	49%
Colorado Springs, CO	3%	0%	0%
Columbus, OH	-19%	7%	36%
Dallas-Fort Worth-Arlington, TX	-17%	0%	1%
Dayton, OH	-55%	2%	47%
Denver-Aurora, CO	6%	6%	5%
Detroit-Warren-Livonia, MI	-45%	9%	31%
Fresno, CA	7%	1%	0%
Honolulu, HI	7%	0%	0%
Houston-Sugar Land-Baytown, TX	-22%	0%	0%
Indianapolis-Carmel, IN	-39%	7%	36%
Kansas City, MO-KS	-62%	1%	22%
Los Angeles-Long Beach-Santa Ana, CA	3%	1%	0%
Miami-Fort Lauderdale-Pompano Beach, FL	-3%	0%	0%
Milwaukee-Waukesha-West Allis, WI	-37%	1%	26%
Minneapolis-St. Paul-Bloomington, MN-WI	-37%	12%	29%
New Orleans-Metairie-Kenner, LA	-35%	0%	5%
New York-Northern New Jersey-Long Island, NY-NJ-PA	-37%	0%	10%
Orlando-Kissimmee, FL	2%	6%	0%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	-26%	0%	17%
Phoenix-Mesa-Scottsdale, AZ	6%	3%	1%
Portland-Vancouver-Beaverton, OR-WA	10%	29%	11%
Prescott, AZ	9%	0%	0%
Riverside-San Bernardino-Ontario, CA	19%	0%	0%
Sacramento--Arden-Arcade--Roseville, CA	5%	5%	3%
San Antonio, TX	-23%	0%	0%

Table 13 continued

Charter and Traditional Public School Students in Intensely Segregated White Schools by MSA, 2007-08

Metropolitan Area	Difference in Percentage of White Students (Charter-Public)	Percentage of Students in 90-100% White Schools	
		Charter	Public
San Diego-Carlsbad-San Marcos, CA	1%	0%	0%
San Francisco-Oakland-Fremont, CA	-10%	0%	1%
San Jose-Sunnyvale-Santa Clara, CA	7%	0%	0%
Santa Rosa-Petaluma, CA	8%	7%	0%
Tampa-St. Petersburg-Clearwater, FL	0%	17%	4%
Toledo, OH	-14%	1%	45%
Tucson, AZ	7%	1%	0%
Washington-Arlington-Alexandria, DC-VA-MD-WV	-38%	0%	2%

Source: 2007-08 NCES Common Core of Data

### Interracial Exposure of Charter School Students

With the growing multiracial composition of the student enrollment, the nature of segregation and integration is complex. Having seen above higher levels of minority concentration for charter school students of all races and at the same time, pockets of white isolation, we now consider the exposure of charter school students to their own race and to others. The extent of cross-racial student exposure is measured using the exposure index, which is a weighted average describing the racial composition of a “typical” student’s school. Exposure of one racial group to itself is also referred to as “isolation”. If students were perfectly integrated, the exposure to a group would be equal to the group’s share of students. For example, Latinos comprise 24% of charter students, so theoretically under this scenario of perfect integration—albeit with no geographic constraints—other racial groups would attend charter schools where Latinos made up 24% of the population. After first examining the interracial exposure of the five racial/ethnic groups across all charter and traditional public schools in 2007-08, this report examines interracial exposure for white, black, and Latino students more extensively at the state level.

#### *Mixed patterns of charter school isolation: Lower isolation for whites, higher isolation for minority students*

White students in traditional public schools have long been the most isolated of any racial/ethnic group, but our analysis finds that among charter schools, black students are more isolated than white students. This is one of several striking trends when looking at the exposure of charter students to students of other races and, conversely, isolation with students of their own race. Nearly three out of four students in the typical black student’s charter school are also black. This indicates extremely high levels of isolation, particularly given the fact that black students comprise less than one-third of charter students. Latino isolation is also high, but not as severe as for blacks or whites across all charter schools.

Second, the exposure to white students is lower for *each* racial-ethnic group in charter schools than it is for their peers in traditional public schools. This is particularly true for black students, who have the lowest exposure to white students among all charter students. Only one in seven students in the typical black charter school student's school are white, about half the share for black traditional public school students. Meanwhile, white charter school students have, on average, five times as many white students in their schools than do black charter school students. In the midst of these concerning patterns, one positive trend is that, across all schools, white students have more exposure to black and Latino students in charters than in other public schools, although we will see below that this varies by state.

In contrast to white and black students, the isolation of Latino and Asian students is roughly the same regardless of whether the student attends charter or traditional public schools, albeit each is slightly more isolated in charter schools. The isolation of these groups of students in charter schools has grown since 2000. Further, while Latino and Asian students have lower exposure to white students in charter schools, they also have somewhat higher exposure to black students than in traditional public schools. These trends may indicate that some charter schools offer the promise of providing their students with multiracial learning environments, or schools in which at least three racial groups are a tenth of the student enrollment. This might be particularly more likely for white students in charter schools than in traditional public schools, where they are the least likely to be in multiracial schools of any other racial/ethnic group (see Orfield, 2009).

*Table 14*  
 Racial Composition of Schools of the Average Charter School Student, by Race/Ethnicity, 2007-08

<b>Racial Composition of Charter School Attended by Average</b>					
<b>Percent Race in Each School</b>	<b>White Student</b>	<b>Black Student</b>	<b>Latino Student</b>	<b>Asian Student</b>	<b>American Indian Student</b>
% White	70	14	22	41	39
% Black	11	73	16	14	9
% Latino	13	12	58	20	18
% Asian	4	2	3	24	3
% American Indian	1	0.3	1	1	31
<b>Total</b>	<b>99</b>	<b>101.3</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Source: 2007-08 NCES Common Core of Data; Note: Totals may not add to 100 due to rounding.*

Table 15

Racial Composition of Schools of the Average Traditional Public School Student, by Race/Ethnicity, 2007-08

<b>Racial Composition of Public School Attended by Average</b>					
<b>Percent Race in Each School</b>	<b>White Student</b>	<b>Black Student</b>	<b>Latino Student</b>	<b>Asian Student</b>	<b>American Indian Student</b>
% White	76	30	27	44	47
% Black	9	50	12	12	7
% Latino	10	15	55	21	13
% Asian	4	3	5	23	3
% American Indian	1	0.5	1	1	29
<b>Total</b>	<b>100</b>	<b>98.5</b>	<b>100</b>	<b>101</b>	<b>99</b>

Source: 2007-08 NCES Common Core of Data; Note: Totals may not add to 100 due to rounding.

Though white students in both regular public schools and charter schools, on average, attended schools in which at least 7 out of 10 students were white, the percentage of nonwhite classmates was slightly higher in charters, perhaps reflecting their large nonwhite enrollments in a number of states. Yet, these patterns of interracial exposure do not hold uniformly across all states. Of the 29 states and D.C. that had at least 5,000 charter school students, twelve states had lower exposure to students of other races (e.g., higher isolation) for white charter school students than was the case for white public school students (Table 16).<sup>45</sup> Most of these states are those in which the percentage of white students in charters exceeds the percentage of white students in traditional public schools, but this is not the case everywhere. Delaware is an exception, where the percentage of white charter school students was lower than white public school students, yet the white isolation of charter students was substantially higher than that of traditional public school students (73 and 59, respectively). Further, in other states like North Carolina, while the percentage of white students in charter schools was slightly higher than the percentage in traditional public schools (a difference of four percentage points), the difference in white isolation was much higher. White charter school students in North Carolina attended schools where 80% of students, on average, were white. This was eleven percentage points higher than among traditional public schools.

In every state, the exposure of white charter students to other white students equaled or exceeded—often by large margins—the percentage of charter students in the state that were white.<sup>46</sup> (Theoretically, if there were no segregation, white exposure to other white students would equal the percentage of white students in charter schools.) There are rather large gaps between the white percentage and isolation in some of the Northeast and Midwestern states, which often have low percentages of white charter school students. Michigan, one of the states with the largest number of charter students, has a 41 percentage point disparity between the percentage of white charter students (34) and the white isolation of charter students (75). New Jersey is a state in which charter school legislation requires schools to seek diversity in its charter

<sup>45</sup> This was true for five additional states with charter enrollment less than 5,000 (see Table A-12).

<sup>46</sup> The same pattern is also the case among traditional public schools.

schools. Despite only enrolling 9% of charter school students who were white, the typical white charter school student in New Jersey attended a school with nearly a majority of white students.

To more fully understand this interplay of white isolation and exposure to students of other races, we return again to the examples of Delaware and North Carolina. Delaware has a higher percentage of black students in charter schools (41%) than among traditional public schools (33%). Theoretically, if students were evenly distributed, all charter school students would have higher exposure to black students than would traditional public school students. As discussed above, white charter school students have higher exposure to *white* students (or isolation) than their peers in other public schools in Delaware. Further, the typical white charter school student in Delaware has just over half the percentage of black students in their school (16%) as does the typical traditional public white student (28%). A similar pattern is seen in North Carolina where, despite a higher percentage of black students in charter schools than in traditional public schools, white exposure to black students is lower in charter schools.

The lower exposure of whites to Latinos in charter schools of thirteen states (in comparison to exposure in traditional public schools) is one manifestation of the lower percentage of Latinos in charter schools in almost all of these states. Earlier we saw that Latinos were underrepresented in charter schools in 15 states with larger charter school enrollments, especially concentrated in the western region. Except for Minnesota, each of the states in which white exposure to Latinos was lower in charter schools than in traditional public schools was a state with a lower percentage of Latinos in charter schools than in traditional schools.

*Interracial exposure of minority charter school students*

Nationally, black isolation was substantially higher among charter school students than in other public schools in 2007-08, and this trend was reflected in the vast majority of states with charter schools. Among all states with charter schools, 33 states had higher black isolation among charter school students than among traditional public school students (Tables 17 and A-13 in Appendix A). Among the states with the largest charter enrollment (at least 5,000), there were only two states in which the black isolation in charter schools was lower than that in public schools, and both of these states had very small percentages of black students in charter schools: Hawaii (2%) and Idaho (3%).<sup>47</sup>

Some states have higher black isolation in charter schools because they have disproportionately higher percentages of black students in charter schools than in traditional public schools. Many of the Midwestern states like Indiana and Minnesota are examples of this. Sunbelt states like Nevada, Texas, and Florida are also states with considerably higher black isolation for students in charter schools compared to those in other public schools. While the percentage of black students in charter schools is twelve points higher than other public school students in Nevada, the isolation of black charter school students (the typical black charter student attends a school where nearly two in three students are also black) is forty-six points higher than traditional public school students. Yet, Florida has a lower percentage of black students in charter schools than in other types of public schools, and black charter school students there also have higher levels of isolation than do traditional public school students. (Latino isolation in Florida's charter schools is also higher than in traditional public schools.)

---

<sup>47</sup> Similar patterns hold in states with less than 5,000 charter school students. See table A-13 in Appendix A.

Table 16  
White Exposure in Public and Charter Schools, by State, 2007-08

State	Percent White		White Isolation		White Exposure to Blacks		White Exposure to Latinos	
	Charter	Public	Charter	Public	Charter	Public	Charter	Public
AZ	52	44	69	63	5	5	19	26
CA	38	29	62	53	7	5	23	30
CO	64	61	75	73	5	4	15	19
DC	3	7	27	46	51	36	18	11
DE	49	53	73	59	16	28	3	9
FL	42	48	63	65	13	15	21	17
GA	40	48	59	67	27	22	8	8
HI	26	19	44	27	2	4	4	6
ID	92	81	93	84	1	1	4	12
IL	7	56	40	79	33	7	20	10
IN	31	79	74	88	18	6	6	5
LA	17	51	57	70	35	26	4	2
MA	45	73	73	84	12	4	11	7
MD	14	48	60	71	27	17	10	6
MI	34	75	75	87	16	6	5	4
MN	44	78	82	84	8	5	4	5
MO	8	78	32	87	57	8	8	3
NC	61	57	80	69	14	19	3	9
NJ	9	56	47	74	25	8	20	10
NM	34	29	52	45	3	3	39	45
NV	49	43	64	56	9	8	20	26
NY	10	53	43	81	38	6	15	8
OH	43	80	76	90	19	7	3	2
OK	31	58	55	65	16	7	21	8
OR	83	72	87	77	2	2	6	14
PA	43	76	76	87	16	6	5	4
SC	53	54	68	65	28	28	2	5
TX	14	35	45	59	15	10	31	26
UT	86	79	87	83	2	1	7	11
WI	47	78	77	86	9	4	8	5

Source: 2007-08 NCES Common Core of Data

Differences in exposure also exist by race of charter students (see Table 17). While above we saw that, for example, in Delaware, white charter school students' exposure to black students was only half that of white students in other public schools, the reverse pattern is true for black charter school students. The isolation of black charter school students (75%) was nearly double the traditional public school students (39%), representing very different levels of isolation with one's own group. There's a similar, if smaller, gap for North Carolina's black students.

Fewer states had higher Latino isolation in charter schools than in traditional public schools: fourteen, including twelve states with a charter enrollment of at least 5,000 students (see Table 17 and Table A-13 in Appendix A). Further, most—though not all—of the differences in Latino exposure between charter and traditional public school sectors are less extreme than for black students. Some of the largest differences tend to be in Midwestern states, where Latino charter school students represent a slightly higher percentage of charter enrollment than among traditional public students. In Minnesota, for example, Latino students comprise eight percent of charter school students, but the typical Latino charter student attends a school where nearly half of students are Latino, indicating much higher than expected shares of students of their own race—and considerably higher isolation than other Latino public school students in Minnesota experience.

Texas educates the second highest number of Latino students of any state in the country, nearly 2.2 million in 2007-08. Latinos comprise a lower percentage of traditional public schools, and Latinos are more isolated in charter schools where only one in four students is not Latino. The difference is relatively small, mainly because both charters and traditional public schools in Texas demonstrate high Latino isolation, but these trends are of concern due to the large numbers of Latino students they enroll and educate. By contrast, in Maryland, charter school students have a lower percentage of Latino students than do other public schools, but the isolation of Latino students is higher, many times higher than the percentage of Latino charter students (6%).



Table 17

Minority Isolation in Public and Charter Schools, by Race/Ethnicity and by State, 2007-08

State	Black Isolation (Black/Black Exposure)		Latino Isolation (Latino/Latino Exposure)	
	Charter	Public	Charter	Public
	AZ	14	9	57
CA	39	20	63	68
CO	32	19	45	49
DC	93	88	32	41
DE	75	39	4	23
FL	52	46	58	48
GA	65	63	27	29
HI	3	7	5	7
ID	2	3	6	28
IL	79	65	58	56
IN	87	48	19	22
LA	87	67	18	10
MA	54	29	47	41
MD	91	64	34	27
MI	87	65	39	23
MN	78	26	48	17
MO	90	58	33	15
NC	64	48	16	20
NJ	78	47	39	47
NM	9	5	65	68
NV	64	18	35	50
NY	77	50	43	48
OH	81	60	15	15
OK	72	34	57	28
OR	40	16	21	33
PA	76	55	47	36
SC	63	56	3	13
TX	64	34	75	67
UT	3	3	19	30
WI	78	50	56	27

Source: 2007-08 NCES Common Core of Data

We turn to another measure of integration, specifically minority students' exposure to white students. Because we've seen above the differences in black and Latino students' exposure to their own race (e.g., isolation) in charter schools, we examine their exposure to white students separately. Above we saw that both black and Latino students had lower exposure to white students in charter schools than traditional public schools; the difference for black students was particularly stark.

Black students' exposure to whites is higher in public schools than in charter schools in most states. Eight states—including three states with more than 5,000 charter school students—have the opposite pattern: black-white exposure is higher in charter schools than in other public schools (see Tables 18 and A-14 in Appendix). The three states with large enrollments where this holds true are all states in which there are relatively few black students (the highest was 7% of charter students in Arizona). Black charter students in most states have lower exposure to whites than do Latino charter students; the four states where this is not the case each had a low percentage of black students.<sup>48</sup>

More states (18) have higher Latino exposure to whites in charter schools (as compared to traditional public schools), although this is only the case among 12 states with charter enrollments of at least 5,000 students. Among the states with larger charter enrollments, many of these are states in the West where, recall from earlier, Latinos in charter schools were underrepresented at the state-level in comparison to their share of the traditional public school enrollment. These patterns suggest that, though Latinos may not be enrolled in charter schools to the same extent as other public schools, Latino students in charter schools attend more integrated settings.

In most cases, black and Latino exposure to whites in charter schools was lower—and sometimes, much lower—than the percentage of white charter school students, which is significant given trends described earlier of lower shares of white students in charter schools. In Pennsylvania, 43% of charter school students were white, considerably lower than the share of white students in traditional public schools (76%). If black, Latino, and white students were perfectly integrated across Pennsylvania's charter schools and black and Latino students' exposure to white students was 43%, this would still represent substantial segregation. However, as seen in Table 18, black and Latino students have lower exposure to whites than whites' share of the charter enrollment.<sup>49</sup> These relatively low levels of exposure to white students are indicative of stratification both between charter and traditional public schools and segregation within the charter school sector.

There are seven states and D.C. in which Latino charter school students attend schools that typically have a higher percentage of white students than the share of white students among charter schools statewide. In Maryland, for example, the typical Latino student goes to a school with nearly one-quarter white students, even though white students only comprise 14% of charter school students. In no state, however, was the exposure of black charter school students to whites higher than the percentage of white charter students.

---

<sup>48</sup> There were also two states with charter enrollments less than 5,000 students where this was the case (see A-14 in Appendix A).

<sup>49</sup> Of course, black and Latino non-charter public school students also have exposure to whites, 32% and 41%, respectively, that is lower than the share of white students (76%).

*Table 18*

Minority Student Exposure to White Students in Public and Charter Schools, by Race/Ethnicity and State, 2007-08

State	Black/White Exposure		Latino/White Exposure	
	Charter	Public	Charter	Public
AZ	41	39	30	27
CA	20	20	21	17
CO	38	43	42	41
DC	2	3	7	6
DE	19	46	45	43
FL	25	31	27	31
GA	24	27	32	37
HI	26	29	33	23
ID	92	81	90	69
IL	4	19	5	27
IN	9	39	34	56
LA	8	29	22	46
MA	20	39	21	39
MD	5	23	24	29
MI	10	28	31	58
MN	12	50	24	60
MO	5	36	9	64
NC	28	37	36	46
NJ	3	26	8	28
NM	29	35	25	23
NV	19	33	44	31
NY	6	18	7	20
OH	16	35	45	62
OK	14	41	22	45
OR	50	55	71	57
PA	16	32	22	41
SC	34	38	58	51
TX	8	26	8	20
UT	80	67	74	61
WI	13	34	26	55

Source: 2007-08 NCES Common Core of Data

### Racial Transition: Another Dimension of How Charters Affect Racial Composition and Segregation

One recent report suggested that charter schools exacerbated racial transition in some school districts just beginning to experience growth in the number of students of color. Some charter schools studied in the report implemented a variety of policies to facilitate largely white student enrollments. These charter schools, in turn, accelerated the transition of nearby traditional public schools and districts (IRP, 2008). Prompted in part by such findings, in addition to one point in time measurements of racial composition and segregation analyzed above, we examined the racial stability of charter schools, as compared to traditional public schools, to understand the extent to which there were significant changes in racial composition over time.

These patterns matter because research has shown high-quality teachers are likely to leave schools experiencing a loss of white students (Jackson, 2009). Other research on racial transition in neighborhoods (not schools) has shown very different patterns in terms of residents' socioeconomic characteristics such as higher educational attainment among those living in stably diverse tracts compared to those tracts that may appear diverse but are, in fact, experiencing racial transition (Orfield, 1985).

During the time examined (2000-01 to 2007-08), the white percentage of the overall public school enrollment declined five percentage points. Thus, schools in which the white percentage declined by ten percentage points or more indicates schools losing white students at a rate twice that of the nation as a whole.<sup>50</sup> More than one-fifth of public schools are experiencing rapid loss of white students (at least a ten percentage point decline), but this is lower than the percentages of charter schools (24.6%).<sup>51</sup> Among charter schools (Table 19) and public schools that converted to charter schools (Table A-15 in Appendix A), relatively higher percentages of schools had a white percentage decline of more than 20% in a seven-year period.

A lower percentage of charter schools were stable during this time period. Schools that had a decline of between zero and ten percent of white students had relatively stable enrollments in comparison to the relative change of all schools (e.g., loss of 5% white students). Just 48% of charter schools displayed such stability, in comparison to 55% of traditional public schools.

---

<sup>50</sup> Note that this stage of our analysis only includes schools for which we could match enrollment data for 2000 and 2007. Due to the rapid growth of charter schools, only 28.2% of those that were operating in 2007-08 also were charter schools in 2000-01. We also found 136 charter schools in 2007-08 that we could match to data for public schools in 2000-01, indicating that these may have been converted during this time period, and 45 schools that were charter schools in 2000-01 and are now non-charter public schools. Because of the lower percentage of schools that we could match, we should interpret these results with caution. There's also a higher percentage of charter schools with missing data here than non-charter public schools.

<sup>51</sup> See Appendix A for trends in schools that transitioned from charter to public status or public to charter status during this time period.

Table 19

Racial Transition of Public and Charter Schools, 2000 to 2007

School-level White Percentage Change, 2000-2007	Public Schools		Charter Schools	
	Frequency	Percent	Frequency	Percent
Decrease by 20-100%	3,954	5.3	120	11
Decrease by 15-19.9%	4,053	5.4	75	6.9
Decrease by 10-14.9%	7,520	10.1	101	9.3
Decrease by 5-9.9%	13,518	18.2	161	14.8
Decrease by 0-4.9%	27,139	36.5	359	32.9
Increase by 0.1-5%	9,637	12.9	165	15.1
Increase by 5.1-10%	1,447	1.9	51	4.7
Increase by 10.1-20%	669	0.9	34	3.1
Increase by 20.1-100%	174	0.2	10	0.9
Total	68,111	91.5	1,076	98.7
Missing	6,311	8.5	14	1.3
Total	74,422	100	1,090	100

Source: NCES Common Core of Data, 2000-01 and 2007-08

### Geography of Charter Schools: Influencing Student Composition

The location of schools—charter and traditional public schools alike—has implications for the composition of the student body they enroll.<sup>52</sup> An earlier CRP analysis of all public schools found that percentage of students in segregated schools varied by geographic location. In particular, lower percentages of black and Latino students who went to schools in towns or rural areas were in segregated minority schools (e.g., 90-100% students were non-white) across most regions of the country (Orfield & Frankenberg, 2008).

Because school location matters so much, desegregation plans have long highlighted the “siting” of schools as a way to further integration efforts, a practice Justice Kennedy recently endorsed as one legally permissible way to voluntarily integrate schools. Charter schools arguably have an even stronger ability to foster integration since they are able in most instances to attract students regardless of district boundary lines, and they can often choose their location.

Nationally, charter school students are far more likely to attend schools located in cities, especially large cities, than traditional public school students. More than half of charter school students, in fact, attend schools in a city, almost twice as many as traditional public students. Two-fifths of charter students attend schools in *large* cities, while only one in six traditional public school students do. Earlier analyses of charter school enrollments have noted how the concentration of charter schools in urban areas skews the charter school enrollment towards having higher percentages of poor and minority students (Carnoy, et al., 2005). There are

<sup>52</sup> The geographic location is taken from the school’s location and does not specify, for example, whether a city or suburban school might be in a separate municipal district or part of a countywide district. It would be informative for future research to explore how patterns of school geography might differ across various types of school district jurisdictions.

considerably lower percentages of charter schools in suburbs and town/rural areas than is the case for traditional public schools. Approximately one in four charter schools are in the suburbs, mainly in the suburbs of large cities. Less than one in five charter schools are in town or rural areas.

*Table 20*

Percentage of School Students by Charter Status and Location, 2007-08<sup>53</sup>

<b>Charter Status</b>	<b>Large City</b>	<b>Smaller City</b>	<b>Large Suburb</b>	<b>Smaller Suburb</b>	<b>Town / Rural</b>	<b>City</b>	<b>Suburb</b>	<b>Rural or Town</b>
Charter	39%	17%	22%	3%	19%	56%	25%	19%
Traditional Public	17%	13%	33%	5%	32%	30%	38%	32%

*Source:* 2007-08 NCES Common Core of Data

In general, states with a lower percentage of white students have a higher percentage of students enrolled in charter schools located in urban areas.<sup>54</sup> Eight states have four-fifths of charter students enrolled in cities, and each has less than one in three charter school students who are white. New Jersey is a notable exception to this trend, as it also has about a tenth of charter school students that are white. But unlike most other states with such a low percentage of white students, in New Jersey only a slight majority of charter school students are in city schools, while almost an equally high share attends suburban schools. The fact that New Jersey is one of the most heavily suburban states in the U.S. may influence these trends (see Table A-16 and A-17 in Appendix A for more detail).

Conversely, states with the highest percentage of white charter school students have lower percentages of charter students in cities—and to some extent, lower percentages in suburbs of these cities as well. In each of the five states with the highest percentage of white charter school students, at least 35% of students went to charters in rural areas or towns. Georgia and Florida are notable exceptions to these trends, however. While less than 30% of charter school students attend schools in the city, nearly half of charter school students in these states are in suburban schools. Unlike other states with a similarly low percentage of urban charter schools (e.g., North Carolina or Oregon) that have majority white charter enrollments, Georgia and Florida have less than 45% white charter students. The prevalence of countywide districts in these two states provides one possible explanation for high minority enrollment in non-urban charter schools. All school districts in Florida and many in Georgia share coterminous boundaries with their counties. As a result, school districts tend to cover comparatively larger geographic areas that include both cities and suburbs, and students may be used to traveling across municipal boundaries for school. Charter schools situated within these countywide school districts might be located outside the city yet still attract a largely nonwhite student population.

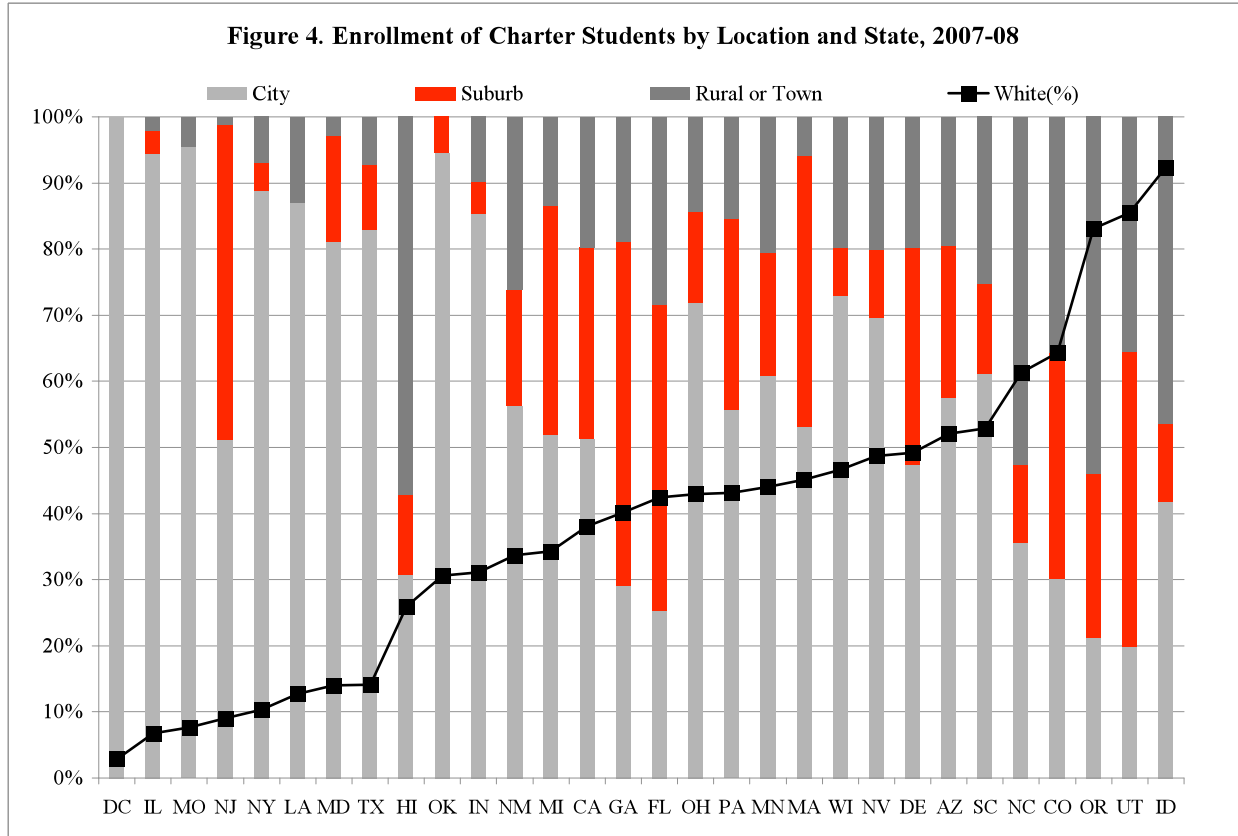
In three states, North Carolina, Hawaii, and Oregon, a majority of charter school students are in rural areas.<sup>55</sup> In North Carolina, particularly, the higher percentage of rural schools may

<sup>53</sup> The geographic distribution of charter and public schools is based on the 29 states with at least 5,000 charter students.

<sup>54</sup> See Tables A-16 and A-17 in Appendix A for more detailed geographical breakdown for all states, and for comparative distribution of students among traditional public schools.

<sup>55</sup> This is also the case for five states with less than 5,000 charter school students.

explain the racial composition of charter students. North Carolina was a state in which the percentage of white charter school students was higher than the white percentage of traditional public students, and as seen below, also has a fairly low percentage of charter schools located in cities.



Source: 2007-08 NCES Common Core of Data

Charter school legislation and state funding formulas can affect the location of charter schools in each state, by either authorizing charter schools in certain locations (e.g., certain types of districts) or by providing incentives to serve a certain demographic group. There are some states in which charter school legislation is written such that charter schools can only be established in urban areas or there is an incentive to do so. Ohio, for example, only allows for a certain type of charter school in a “challenged school district,” which includes the largest urban districts in addition to a few other categories.

In the last few decades, some states have adopted educational funding structures that allocate more money to educate students seen as being more difficult to educate, so that schools can provide equal educational opportunity for all students. These reforms may have an unintended consequence for charter schools. Minnesota’s funding formula provides incentives for charter schools to attract urban students because of the higher reimbursement for educating such students; and, as seen above, more than 60% of Minnesota’s charter schools are located in cities.<sup>56</sup> Yet, in Louisiana where there has been an influx of charter schools post-Katrina, the

<sup>56</sup> In a number of states, there are lawsuits challenging state educational funding for charter schools. In some cases, charter schools allege that they are unfairly prohibited from accessing funds for building schools while in other

funding formula provides more money for a school to educate a child classified as gifted than a child eligible for free/reduced lunch or classified as LEP.<sup>57</sup>

Likewise, provisions for transportation of students are an important component of whether all students would be able to attend a charter school if admitted. Most regular public schools provide transportation for students, although some limit this to students beyond a certain proximity to the school (e.g., a mile or two). Charter school transportation policies are much more varied. Four states have nothing in their charter school legislation regarding the responsibility of charter schools to provide transportation<sup>58</sup> and, in other states, the legislation is vague as to whether transportation is required (see Appendix B).<sup>59</sup> On the other end of the spectrum, several states require transportation plans prior to approval of the charter. Some states also include the requirement that charter schools inform parents of transportation options upon admittance to the school. Yet even in most of the states guaranteeing the same standard of transportation to charter and regular public school students, this does not explicitly extend—and sometimes explicitly does *not*—across district boundaries. This oversight limits the ability of families trying to access more distant charter schools, in addition to hampering charters' opportunity to attract a diverse student body across boundary lines.

The geographic skew of charter schools helps to explain some of the aggregate differences in student composition between charter and traditional public schools.<sup>60</sup> In particular, the difference in students by poverty and race is much narrower when examining schools by geographic location. Among all schools, charter schools have a higher percentage of low-income and lower percentage of white students than traditional public schools. The difference in the percentage of poor students in either the cities or suburbs was lower than among all charter and public schools (see Table 21). Further, in towns and rural areas, charter schools actually had a *lower* percentage of low-income students than did traditional public schools. When comparing white students, charter schools in cities have an enrollment that is just seven percentage points lower than traditional public schools—which is a substantially smaller gap than the seventeen percentage points between all charter and traditional public schools (see Figure 5).

---

states, school districts try to prevent funding charter schools in their area. It is beyond the scope of this report to examine these claims except to note that these cases may impact the location of charter schools, which therefore may also impact nearby school districts. See “Charter advocates challenge school finance systems in Arizona and North Carolina” accessed on December 7, 2009 at <http://www.schoolfunding.info/news/litigation/09-10-16%20Charter%20Litigations.php3>.

<sup>57</sup> P. 34, the State of Public Education in New Orleans: the 2008 report accessed on December 7, 2009 at [http://www.tulane.edu/cowen\\_institute/documents/2008Report\\_000.pdf](http://www.tulane.edu/cowen_institute/documents/2008Report_000.pdf).

<sup>58</sup> In one of these states, Arkansas, school district attorneys have alleged that the lack of transportation to charter schools has made it difficult for poor and minority students to attend them, which has complicated the district's efforts to comply with existing federal desegregation settlement (Frankenberg & Siegel-Hawley, 2009, p. 15).

<sup>59</sup> In some states, transportation is required for students choosing charter schools under the NCLB transfer provision from schools not making adequate progress.

<sup>60</sup> Similar analysis was done examining earlier data by Carnoy, et al., 2005.

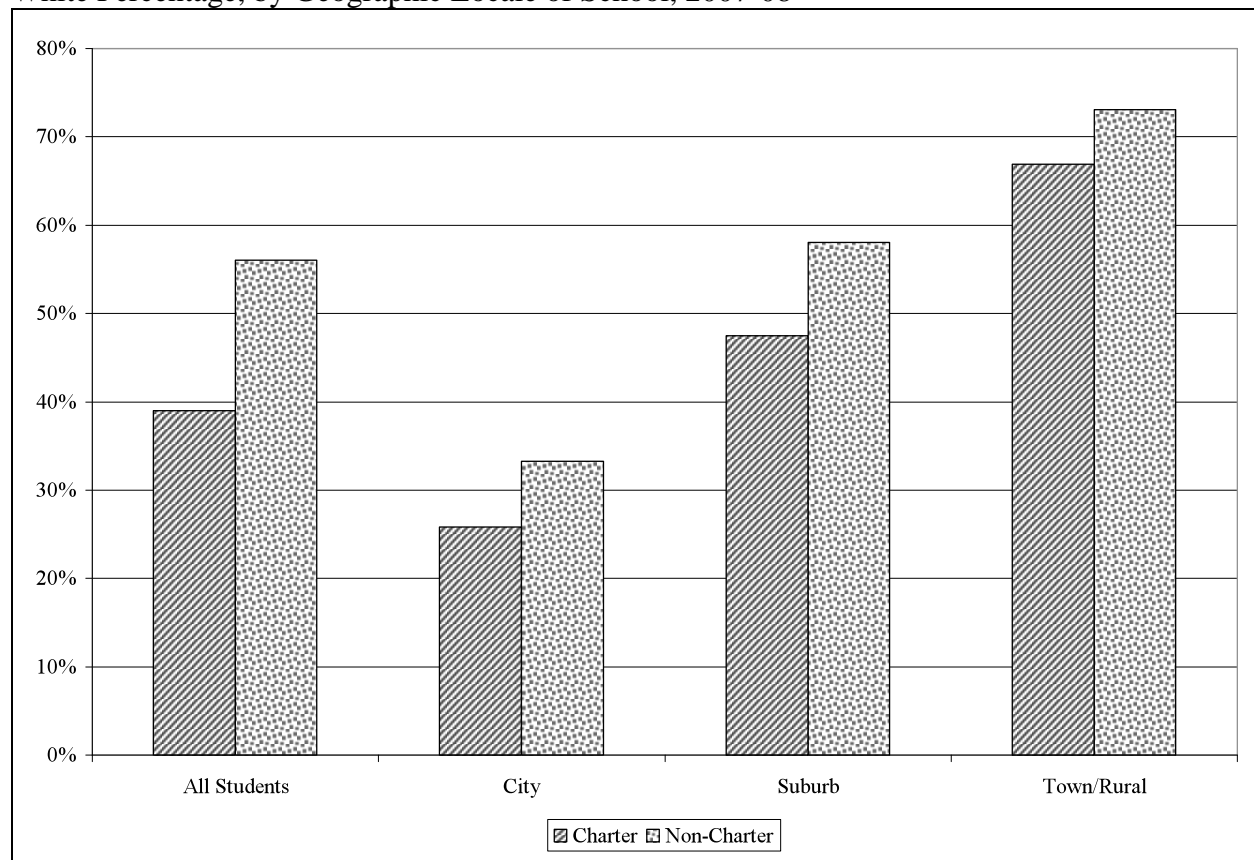


Table 21  
FRL Percentage of Students by Geographic Location of School, 2007-08

	<b>Charter</b>	<b>Traditional public</b>	<b>Difference</b>
All Students	52%	44%	8%
City	62%	56%	5%
Suburb	41%	35%	6%
Town/Rural	37%	42%	-5%

Source: 2007-08 NCES Common Core of Data

Figure 5  
White Percentage, by Geographic Locale of School, 2007-08



Source: 2007-08 NCES Common Core of Data

In contrast to the geographic trends in enrollment of white and low-income students, the difference of minority segregation across all locales is relatively similar to that within cities. More than half of charter schools in city locations had at least 90% students of color in 2007-08, which signified considerably higher segregation than among traditional urban public schools (see Table 22). The differences in minority segregation were less extreme for students attending schools in other locations, but, in each, higher percentages of charter school students attended schools with few white students.

Table 22  
Percent of Students in 90-100% Minority Schools, by Charter Status and Locale, 2007-08

	Charter	Traditional Public	Difference
All Students	36%	16%	20%
City	52%	34%	18%
Suburb	23%	13%	10%
Town/Rural	6%	5%	2%

Source: 2007-08 NCES Common Core of Data

Interestingly, when comparing the extent of white segregated schools by geography, in urban areas a slightly higher percentage of charter school students than traditional public school students attend segregated *white* schools (Table 23). This occurs even though overall the percentage of charter school students attending white segregated schools is much lower than among traditional public schools. Such an unexpected finding—particularly in contrast to other geographies and overall—should be investigated further to understand what types of traditional public schools students may be opting not to attend. White isolation remains high for both charter and traditional public school students in town and rural areas. The higher white segregation among traditional public schools may be due, in part, to the fact that a higher percentage of public schools are located in these less dense areas.

Table 23  
Percent of Students in 90-100% White Schools, by Charter Status and Locale, 2007-08

	Charter	Traditional Public	Difference <sup>61</sup>
All Students	7%	21%	-14%
City	3%	2%	0%
Suburb	6%	17%	-11%
Town/Rural	19%	39%	-20%

Source: 2007-08 NCES Common Core of Data

## Do Charter Schools Equitably Serve Students from Different Socioeconomic Backgrounds?

### Mixed Pattern of Charter Schools Enrolling Low-Income Students

One of the most important equity questions in thinking about charter schools is whether or not low-income students have equitable access to these schools. Charter schools receive public funding, and therefore should be equally available to all students regardless of background. We have discussed above that schools of choice, like charter schools, can lead to higher stratification. Unlike some other types of choice plans, however, charter schools do not always provide transportation for students. The earlier patterns by race demonstrate that black students enroll in charter schools at a disproportionately high number and with higher levels of segregation.

Data about many of the charter schools that low-income students may get access to are so severely flawed that no part of this question can be answered with any certainty. Although

<sup>61</sup> Numbers may not total due to rounding.

almost all regular public schools in the NCES Common Core dataset report data on free and reduced lunch, which is publicly available information, an extraordinary one-fourth of charter schools do not. Further, there is no way, from the existing federal data, to know whether or not this is simply because they have not reported this important data or because they do not offer free lunch programs, which would, of course, be a major barrier for poor families to send their children to charter schools.

We classify schools into three categories based on the value reported for number of free and reduced price lunch students: “missing”, “0” if the school reported 0 FRL students, or “at least 1” if the school reported a value of 1 or more students receiving FRL. For the first two categories of schools, it is unclear if students could receive a free lunch at the school. As a result, more than 330,000 charter school students attended schools where there is no evidence of any free or reduced lunch.<sup>62</sup> Since the requirement for receiving free lunch is proof that families cannot afford to provide it, lack of a program would be a severe social class barrier.

*Table 24*  
Percentage of Charter and Traditional Public Schools, by Categories of Reporting Data about Low-Income Students, 2007-08

<b>Charter Status</b>	<b>Status of School’s FRL Data</b>	<b>Percentage of students</b>
Traditional Public	0	1.2%
Traditional Public	At least 1 FRL student	93.3%
Traditional Public	Missing	5.5%
Charter	0	2.7%
Charter	At least 1 FRL student	72.8%
Charter	Missing	24.5%

*Source:* 2007-08 NCES Common Core of Data

We obtained further data from the 2007-08 federal Schools and Staffing Survey, which is a sample representative of all schools. In this survey, schools are asked if they participate in the National School Lunch Program, which is the federal government’s program that provides free or reduced-price lunches to low-income students. Lower percentages of charter schools provide free or reduced price lunch (Table 25). More than one in five charter schools in this sample do not offer the School Lunch Program while only 1.5% of traditional public schools do not.

What’s more, the demographic profiles of the students attending schools with and without the School Lunch Program are quite different. Charter schools without the School Lunch Program have a remarkably similar racial composition to traditional public schools. The percentage of white students in charter schools without the School Lunch Program is nearly twice that of white students in charter schools that do offer the School Lunch Program. Those charters that offer the School Lunch Program not only have a much higher percentage of students of color—58% are black and Hispanic—but nearly 60% of students receive free or reduced-price

<sup>62</sup> One of the reasons traditionally cited as to the lower percentage of charter schools reporting free/reduced lunch data are the administrative burdens of reporting and tracking students. However, the National School Lunch Program offers an option for schools to serve free lunch to all students, and the Department of Agriculture only requires them to submit paperwork estimating the number of low-income students every four years. This could greatly reduce any compliance burden for charter schools. See Frankenberg & Siegel-Hawley, 2009 for more discussion.

lunches, which is considerably higher than the traditional public schools that offer the School Lunch Program.

Table 25  
Enrollment of Schools by Charter and National School Lunch Program Status, 2007-08

	Frequency	Number of Schools	Enrollment	% FRL	% White	% Black	% Asian	% Latino
<b>Charter School</b>								
With NSLP	79.2%	156	67,842	58%	36%	34%	5%	24%
Without NSLP	20.8%	41	13,603	0%	69%	8%	3%	17%
<b>Traditional Public School</b>								
With NSLP	98.5%	6,631	4,503,098	39%	63%	15%	4%	15%
Without NSLP	1.5%	104	42,467	0%	73%	7%	9%	9%

Source: Schools and Staffing Survey Data, 2007-08; Note: includes schools labeled as regular or with special program emphasis.

As seen in SASS data, among charter schools that do offer the School Lunch Program, a higher percentage of students are eligible for the program than among traditional public schools, which raises the question of whether a higher percentage of charter school students are low-income. Overall, according to CCD, charter schools enroll less than half a million low-income students, while traditional public schools enroll more than 19 million.

We explore the percentage of low-income students in two different ways here, both of which have limits. First, we calculate the percentage of low-income students across all schools: schools reporting “missing” for the value of FRL students, 0 FRL students, or 1 or more FRL students. Among all schools, traditional public schools enroll a higher percentage of low-income students (41%) than among charter schools (38%). This method of calculating low-income percentage is less than conclusive since it is likely that the count of FRL students would be higher if we knew the precise number of FRL students in those schools reporting “missing”. This may be particularly true for charter schools, where one-quarter of schools had missing FRL data.

Table 26  
Percentage of Low-Income Students in All Schools, 2007-08

	Enrollment	Number of Low-Income Students	% of Low-Income Students
Charter	1,207,450	457,027	38%
Traditional Public	46,773,692	19,042,282	41%

Source: 2007-08 NCES Common Core of Data

Second, we calculate the percentage of poor students using data only from those schools that reported at least one student who had free or reduced lunch.<sup>63</sup> It also excludes schools reporting missing, which we saw above included a disproportionately high number of charter schools (367). When we use this sub-sample of schools, we get a different picture of how the socioeconomic status of charter students compares to traditional public school students. In this smaller group of charter schools, more than half of students are from low-income families, while traditional public schools enroll a lower percentage of low-income students. The fact that these two different methods lead to differing conclusions about the comparative socioeconomic status composition of students in charter and traditional public schools—and the inability to ascertain which estimate is more accurate—is indicative of a major need to improve data reporting in order to understand the ability of low-income students to access charter schools.

*Table 27*

Percentage of Low-Income Students (in Schools Reporting at Least One FRL Student), 2007-08

	<b>Enrollment</b>	<b>Number of Low- Income Students</b>	<b>% of Low- Income Students</b>
Charter	878,510	457,027	52%
Traditional Public	43,621,372	19,042,282	44%

*Source:* 2007-08 NCES Common Core of Data

In some states, the large percentage of charter schools reporting “missing” for the number of free or reduced price lunch students results in vastly different calculations of low-income students among the state’s charter school enrollment (see Table A-18 in Appendix A).<sup>64</sup> In North Carolina and Louisiana, the reported numbers of students eligible for free/reduced lunch are only a fraction of the total charter school students. However, when calculating the low-income percentage including only schools reporting at least one FRL eligible student, a majority of charter school students are classified as low-income. There is a similar gap in D.C. and Pennsylvania charter schools. Discrepancies also exist statewide depending on whether the low-income percentage is calculated including schools that reported no charter school students (which may be schools enrolling no low-income students or those that may not offer the School Lunch Program). The low-income percentage for states like Idaho, Oregon, and Alaska differed by at least ten percentage points in these different scenarios. In other words, our lack of complete data leads to very different conclusions as to the extent of enrolling low-income students in charter schools in a number of states.

For the remainder of this report, any tables contained in the main text will be using the subset of schools that we know for sure offer the National School Lunch Program (e.g., those reporting at least one FRL student). However, tables in the appendix also include schools reporting no FRL students.

The current method of reporting of free/reduced lunch data also makes it difficult to compare at the state-level the enrollment of low-income students in charter schools as compared to other public schools. Thirteen states with at least 5,000 charter school students had at least one-tenth of charter students attending schools not reporting FRL data. In North Carolina, for

<sup>63</sup> This excludes those schools that may legitimately have no eligible students but also excludes those that do not offer the School Lunch Program.

<sup>64</sup> Ohio did not report FRL data for charter or traditional public schools in 2007-08 and thus is excluded from discussion here.

example, only 26% of charter schools reported at least one FRL student. Overall, 367 schools reported missing data, nearly half of them in Arizona, a state with one of the larger charter school enrollments.

In a dozen states, the percentage of low-income students in charter schools is less than the share of poor students in traditional public schools. A number of these states are also states in which white students were over-enrolled in charter schools. Additionally, several southern or border states had lower enrollment of low-income students, such as Florida, Georgia, and South Carolina. In other states, by contrast, the percentage of low-income students among charter schools is considerably higher than among traditional public schools. These comparisons, however, should be interpreted cautiously due to the extent of missing data.

*Table 28*  
Comparison of States' Percentage of Low-Income Students Among Charter and Traditional Public Schools, 2007-08

State	Charter schools		Traditional Public Schools	
	Number of schools	% FRL	Number of schools	% FRL
AZ	336*	45%	1,300	41%
CA	483*	55%	7,592	52%
CO	111*	26%	1,506	35%
DC	42*	68%	126	61%
DE	14	31%	158	39%
FL	297	35%	2,764	46%
GA	54	47%	2,093	51%
HI	27	22%	254	38%
ID	12*	27%	566	39%
IL	3*	30%	3,343	47%
IN	40	64%	1,833	39%
LA	51	78%	1,260	63%
MA	60	45%	1,698	29%
MD	23	65%	1,275	33%
MI	249	60%	3,072	36%
MN	155	58%	1,477	31%
MO	39	79%	2,096	39%
NC	23*	54%	1,615	45%
NJ	54	68%	2,194	28%
NM	48*	56%	714	62%
NV	9*	25%	526	40%
NY	93	75%	4,199	44%
OK	15	68%	1,767	55%
OR	57*	33%	1,134	43%
PA	33*	57%	2,791	34%

*Table 28 continued*

Comparison of States' Percentage of Low-Income Students Among Charter and Traditional Public Schools, 2007-08

State	Charter schools		Traditional Public Schools	
	Number of schools	% FRL	Number of schools	% FRL
SC	23*	38%	1,089	52%
TX	209	66%	6,790	49%
UT	29*	29%	710	33%
WI	180	54%	1,938	31%

*Source:* 2007-08 NCES Common Core of Data; *Note:* \* indicates that less than 90% of charter schools in state provide FRL data

By contrast, in a handful of states we can be confident of our comparison of the extent to which low-income students enroll in charter schools because all schools in these states report low-income data. Among states in which all charter and traditional public schools report Free/Reduced Price lunch data, charter schools in most states enroll a higher percentage of low-income students than do traditional public schools. In some states, this discrepancy is large, although that could be due in part to where charter schools are located in these states. In Kansas and Mississippi, both of which have small charter school enrollments, lower percentages of FRL students were in charter schools than was the case in traditional public schools.

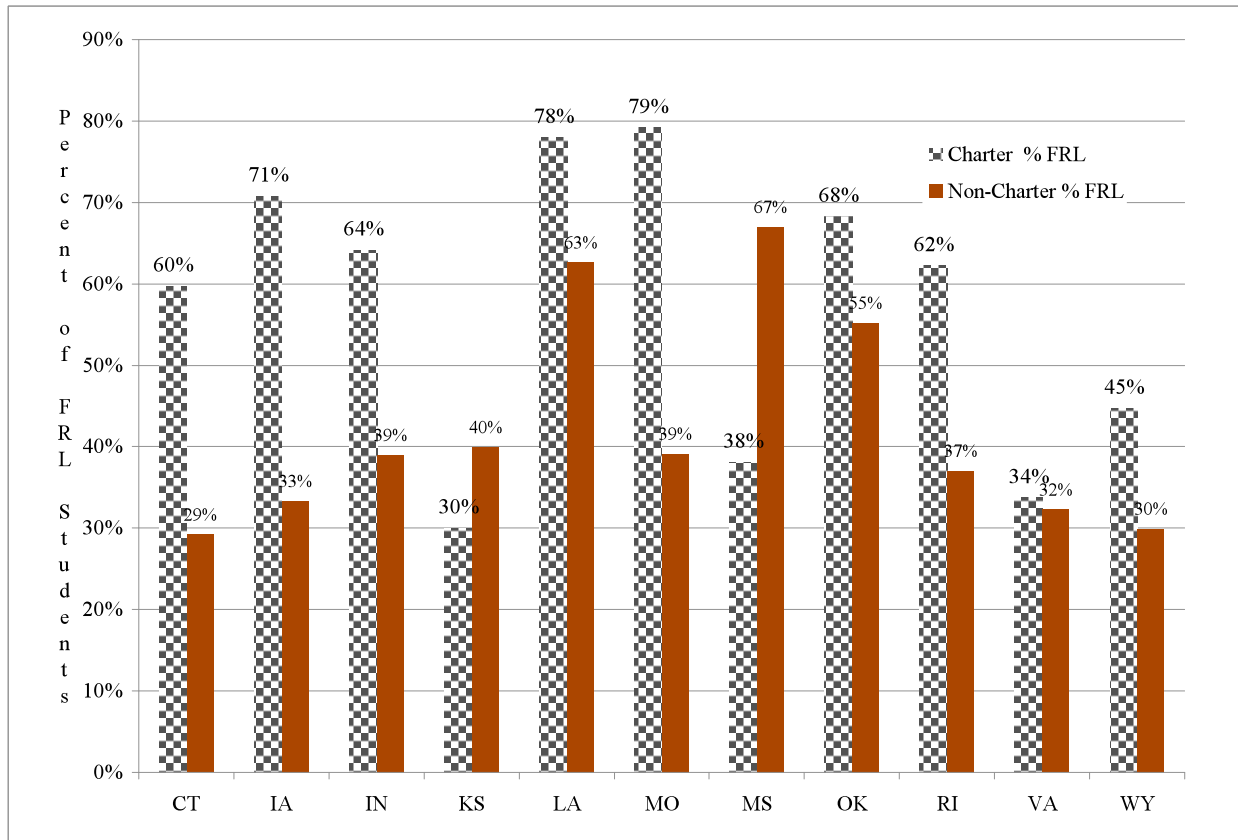
#### *Relationship of Missing FRL data and Charter School Racial Composition*

A disturbing pattern of racial isolation emerges when comparing the racial composition of charter schools that report FRL students and those that do not. Heavily white charter schools may not be offering free lunches or enrolling any poor kids. The general pattern among schools is that higher percentages of students attending schools without FRL data are in schools of white segregation, whereas there are higher percentages of students attending segregated minority schools among charters that do report FRL data. Across all states, the percentage of segregated white charter schools is twice as high among those not reporting FRL data compared to those that do, while the reverse relationship is seen for segregated minority schools. While the currently available federal data make it impossible to draw any conclusions, they strongly suggest that many charter schools not offering the School Lunch Program are those that enroll few minority students.

Eight states (among the 29 in which there is at least one school not reporting FRL data) have more charter school students in schools not reporting FRL data than in charter schools that do (yellow columns in Table 29).<sup>65</sup> In three states, the only segregated white charter schools are those in which the school does not report FRL data (Georgia, North Carolina, and Oklahoma). In Oklahoma, nearly one-tenth of the more than 75,000 charter school students who attend schools reporting missing data are also in schools that have at least 90% of students who are

<sup>65</sup> These states are AK, ID, IL, NV, NH, NC, OK, and PA.

Figure 6  
Percentage of Students Who Received Free/Reduced Price Lunch for Selected States, 2007-08



Source: 2007-08 NCES Common Core of Data

white. An even higher percentage of students in schools not reporting FRL data were in segregated white schools in North Carolina, 18%.

Further, in an additional fifteen states (added to the eight states described above), there were a disproportionately higher percentage of students in charters without FRL in segregated white schools than among charter schools reporting FRL data (gray columns in Table 29). In Michigan, for example, nearly sixty percent of students in schools with no evidence of a School Lunch Program were in segregated white schools. By contrast, only 9% of Michigan charter schools that have at least one FRL student were also schools of white segregation. Particularly large discrepancies also existed in Minnesota and Oregon.

On the other end of the spectrum, there were a higher percentage of students in segregated minority schools among charter schools reporting FRL data (Table 29). For example, in 17 states, there are segregated minority schools among charters reporting FRL data but not among those charter schools not reporting FRL data. States like California, Michigan, and Pennsylvania have considerably higher percentages of students in segregated minority schools among those charter schools with evidence of the School Lunch Program than among those charter schools that do not. In fact, this relationship is so consistent that only five states run



counter to this trend, containing a higher percentage of students in segregated minority schools among charters missing FRL data.<sup>66</sup>

Table 29  
Relationship of School Lunch Program and Segregation Among Charter Schools, 2007-08

	Charter Schools Reporting FRL data			Charter Schools Missing FRL data		
	Number of Students	% Students at 0-10% White Schools	% Students at 90-100% White Schools	Number of Students	% Students at 0-10% White Schools	% Students at 90-100% White Schools
USA	870,710	40%	6%	322,498	28%	12%
AK	1,431	26%	5%	1,888		18%
AR	4,231	7%	43%	757		64%
AZ	76,429	17%	2%	22,299	6%	10%
CA	169,810	34%	2%	68,416	7%	4%
CO	47,537	6%	7%	6,624		11%
CT	3,743	62%	2%			
DC	11,296	96%		8,247	95%	
DE	7,884	41%	4%	512		
FL	94,124	17%	4%	738		6%
GA	29,024	19%		2,444		4%
HI	6,563	23%		100	100%	
IA	691		10%			
ID	3,622		54%	6,783		91%
IL	3,345	23%		21,009	93%	
IN	10,688	47%	9%			
KS	3,013		32%			
LA	21,055	68%				
MA	24,053	25%	11%	278		100%
MD	5,834	68%				
MI	93,661	49%	9%	5,061	17%	59%
MN	25,024	39%	16%	1,042	7%	77%
MO	14,877	80%				
MS	375					
NC	8,054	36%		23,139	6%	18%
NH	133		100%	345		71%
NJ	16,925	82%	1%	346	70%	30%
NM	7,852	33%		2,002	8%	

<sup>66</sup> They are HI, IL, NY, OK, and SC. In several of these states, there may be only one charter school missing FRL data.

Table 29 continued

Relationship of School Lunch Program and Segregation Among Charter Schools, 2007-08

	Charter Schools Reporting FRL data			Charter Schools Missing FRL data		
	Number of Students	% Students at 0-10% White Schools	% Students at 90-100% White Schools	Number of Students	% Students at 0-10% White Schools	% Students at 90-100% White Schools
NV	2,038	27%		4,027	23%	
NY	30,377	72%		331	81%	
OK	5,362	21%		76,362	35%	9%
OR	7,390	2%	24%	3,334		82%
PA	11,136	60%	2%	54,070	36%	2%
RI	1,817	11%				
SC	4,664	16%	9%	762	21%	
TN	2,652	100%		90	100%	
TX	69,851	77%	0.20%	1,794		
UT	10,815	1%	27%	8,263	1%	35%
VA	239	31%	45%			
WI	32,840	36%	12%	1,435		14%
WY	255	36%				

Source: 2007-08 NCES Common Core of Data

The overlap of racial segregation and evidence of a school lunch program affects thousands of charter schools in a number of states. In seven states, at least one thousand students in each state attend charter schools of intense white segregation and with no evidence of reduced or free lunch being offered (Figure 7). In states like Oklahoma and North Carolina, thousands of students attend such schools and none attend intensely segregated white schools offering the school lunch program. In other states like Oregon, Arizona, and Idaho, the number of students attending intensely segregated white charter schools without any free/reduced price lunch students exceeded the number of students in similarly segregated white charter schools that did enroll low-income students.

*Charter schools: More widespread concentration of low-income students<sup>67</sup>*

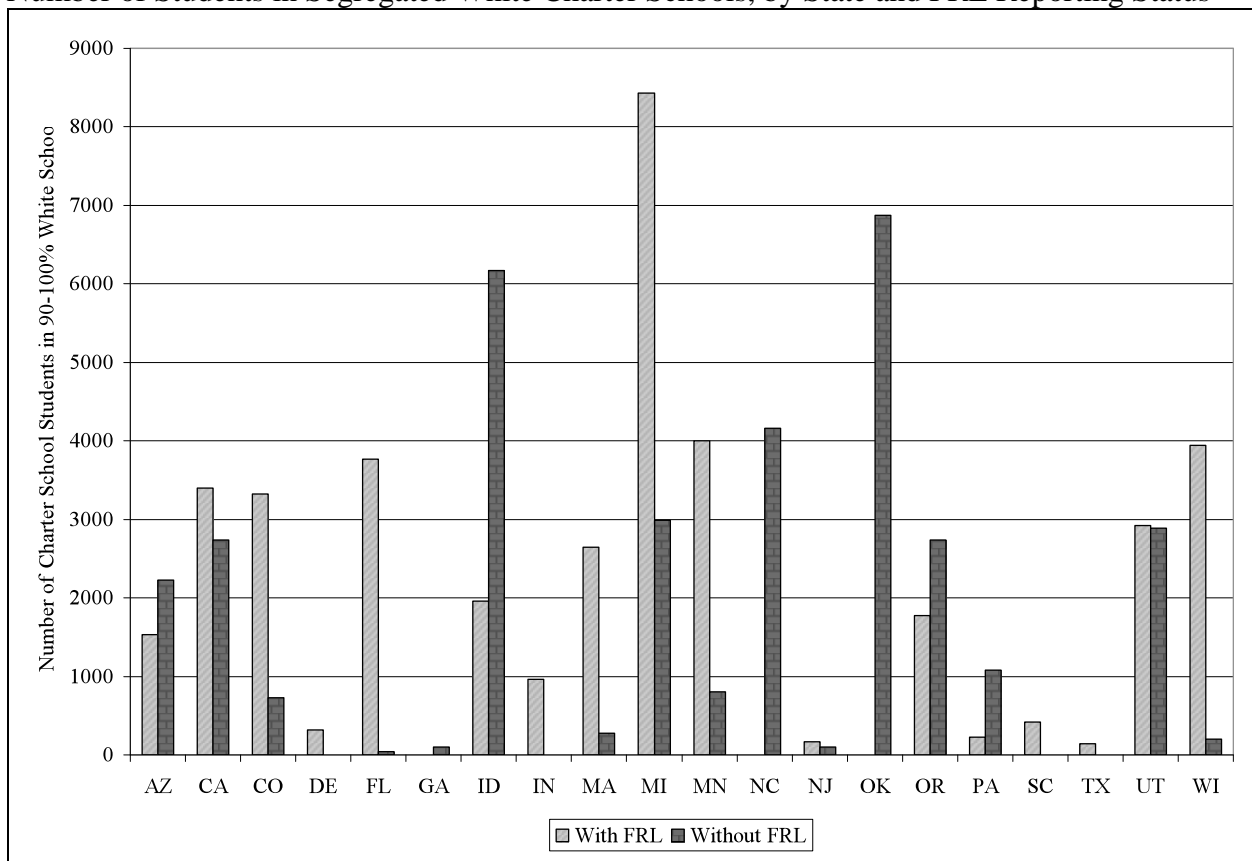
The extent to which charter schools serve low-income students is an important civil rights concern, and another vital consideration is the extent to which low-income students are concentrated in certain charter schools. Having seen above the serious concern about the accuracy with which charter schools report free/reduced lunch data--the only publicly available measure of student poverty--we now turn to an examination of poverty concentration in charter

<sup>67</sup> In examining poverty concentration here, we use the subset of charter and traditional public schools that report at least one FRL student. Tables including schools reporting "0" FRL students are in Appendix A.

schools.<sup>68</sup> Due to the incomplete nature of low-income data in many states, this analysis aggregates data to the national level.

When comparing the percentage of students by poverty concentration, higher percentages of charter school students are in schools with extreme concentrations of student poverty (76-100%). More than one in four charter school students attended a school where at least three-quarters of students were from low-income households. A considerably lower share of students in traditional public schools attended such high poverty schools (16%). Conversely, lower percentages of charter students were in the lowest-poverty schools (0-25% FRL students) in comparison to the distribution of traditional public school students.

*Figure 7*  
 Number of Students in Segregated White Charter Schools, by State and FRL Reporting Status



Source: 2007-08 NCES Common Core of Data

<sup>68</sup> Compounding the problem of not full reporting of FRL data, there are also concerns that FRL students may not fully reflect students from low-income households (Kurki, Boyle, & Aladjem, 2005; Reardon, Yun, & Kurlaender, 2006).

*Table 30*  
Student Poverty Concentration, Charter and Traditional Public Schools, 2007-08

	FRL Category	Total Students	Total Low-income Students	Percentage of All Students in Each FRL Category
Charter Schools	0-25%	209,449	25,863	24%
	26-50%	199,091	74,668	23%
	51-75%	224,627	143,021	26%
	76-100%	245,343	213,475	28%
	Total	878,510	457,027	
Traditional public schools	0-25%	13,012,842	1,690,764	30%
	26-50%	13,502,972	5,036,684	31%
	51-75%	10,035,581	6,190,189	23%
	76-100%	7,069,977	6,124,645	16%
	Total	43,621,372	19,042,282	

Source: 2007-08 NCES Common Core of Data

Similar patterns of higher poverty concentration among charter schools are seen when examining earlier SASS data. As was the case with 2007-08 SASS data described previously, these data are drawn from a sample of charter and traditional public schools. In 2003-04, nearly one-half of charter schools sampled had a majority of students eligible for free/reduced lunch compared to only 41% of regular public schools. A higher percentage of charter schools also report no students eligible for the free lunch program—schools that may not offer the School Lunch Program—but in other categories, there were higher percentages of public schools reporting lower percentages of poor students.

*Table 31*  
Student Poverty Concentration, Charter and Traditional Public Schools, 2003-04

	Percentage of students approved for National School Lunch Program					
	0%	1% to 4%	5% to 9%	10% to 24%	24% to 49%	50% or more
Total-All Schools	0.7	3.9	6	18.1	30.3	41
Charter School	1.2	1.2	3.5	17.6	26.9	49.6
Traditional Public School	0.7	4	6	18.1	30.3	40.9

Source: U.S. Department of Education, National Center for Education Statistics, School and Staffing Survey (SASS), "Public School Data File," 2003-04.

*Charter Schools: Double Segregation by Race and Poverty*

Research by the Civil Rights Project, along with countless other studies, has demonstrated persistent links between racial segregation and poverty concentration, and we see that this link is also strong when examining charter school student composition. Like regular public schools, more than 9 out of 10 charter schools where at least 90% of students were black

and Latino also contained a majority of students from low-income households.<sup>69</sup> One-third of all charter schools (for which we also have FRL data) were schools where 90-100% of students were black and Latino. No charter schools with at least 80% of students who were black and Latino were low-poverty schools (0-10% of students was eligible for free/reduced lunch). Further, among the charter schools with less than a tenth of students who were black and Latino, nearly half of them had less than one-quarter poor students.

*Table 32*  
Overlap Between Racial and Economic Concentration in Charter and Traditional Public Schools, 2007-08

<b>Percent of Black and Hispanic Students in Schools</b>										
Free/Reduced Lunch Percentage in School	0-10%	10-20%	20-30%	30-40%	40-50%	50-60%	60-70%	70-80%	80-90%	90-100%
<b>Traditional Public Schools (N=77,173)</b>										
0-10%	17%	14%	4%	1%	1%	1%	1%	1%	1%	2%
10-25%	24%	29%	25%	14%	6%	3%	2%	1%	1%	1%
25-50%	39%	37%	42%	44%	39%	30%	21%	11%	5%	4%
50-100%	21%	20%	29%	41%	54%	66%	77%	87%	93%	93%
% of Schools (Column Totals)	37%	11%	7%	6%	5%	4%	4%	4%	4%	11%
<b>Charter Schools (N=2,868)</b>										
0-10%	19%	22%	14%	8%	8%	3%	1%	4%	0%	0%
10-25%	28%	32%	29%	25%	13%	9%	12%	5%	4%	1%
25-50%	29%	29%	31%	43%	43%	34%	24%	19%	16%	6%
50-100%	24%	16%	26%	23%	35%	54%	63%	72%	80%	93%
% of Schools (Column Totals)	17%	10%	7%	6%	4%	5%	5%	4%	7%	33%

*Source:* 2007-08 NCES Common Core of Data; *note:* only includes schools where FRL is 1 or greater (see Appendix A for table including 0)

Students have differential exposure to poor students by race/ethnicity, and these differences are exacerbated within charter schools. The typical black charter school student attended a school where two out of three students, on average, were poor. Black isolation in charter schools was 70%. Taken together, this indicates the typical black charter school student goes to school with few non-poor or non-black students. Latino charter school students also go to schools where more than 60% of students are poor. Exposure to poor students was higher for both black and Latino students in charter schools than in traditional public schools.

White students, however, experience lower exposure to poor students in charter schools than they do in traditional public schools. Less than one in three students in the schools of white charter school students are from low-income households, slightly less than among the schools of the typical white public school student.

<sup>69</sup> Note that this relationship has strengthened in recent years. Orfield & Lee (2007) found in 2005-06, 84% of segregated black and Latino schools were also schools of concentrated poverty.

Table 33

Exposure to Low-Income Students by Race/Ethnicity and Charter School Status, 2007-08

	Low-Income Students <sup>70</sup>	
	Charter School	Traditional Public School
White	32%	33%
Black	67%	60%
Latino	62%	60%
Asian	41%	37%
American Indian	54%	54%

Source: 2007-08 NCES Common Core of Data

In sum, the patterns of double segregation typically found among public schools are also present among charter schools as well. If anything, these data suggest that racial segregation may be even more tightly linked to poverty concentration in charter schools.

### Enrollment of English Language Learner (ELL) Students in Charter Schools: What Conclusions Can We Draw?

English language learners are a huge and growing group of students who experience great academic difficulties. They have national and state educational rights in all public schools. The Supreme Court's 1974 *Lau v. Nichols* decision drew upon Title VI of the 1964 Civil Rights Act to assert the rights of non-native English speakers to attend schools that address their needs, including helping to acquire mastery of English.<sup>71</sup>

In comparison to diversity or desegregation efforts, states' charter school legislation is less likely to reflect requirements for enrolling ELL students; and while charter schools are subject to general federal anti-discrimination laws, there is little other guidance regarding the enrollment or instruction of ELL students in charter schools.<sup>72</sup> Thirteen states with charter schools contain no provisions related to admitting or educating ELL students in charter schools. Explicit provisions within charter school legislation that do pertain to ELL students mostly relate to state funding. Some states provide compensatory funding for ELL students or, in some cases, for "at-risk students," with ELLs one of several subgroups of students defined as such. A number of states also mandate compliance with existing state laws regarding ELL students and for accountability purposes.

Some states do have explicit provisions, however, regarding the enrollment of ELL students in charter schools. Six states require charter schools to take actions to attract and enroll ELL students, such as positive recruitment or admissions criteria that should not prohibit their enrollment.<sup>73</sup> New York further specifies that charter schools should try to both enroll and *retain*

<sup>70</sup> This table is calculated by excluding all schools that reported missing or 0 as their number of free/reduced lunch students. See Appendix A for table including schools reporting no Free/Reduced Lunch students (but excluding schools reporting "missing").

<sup>71</sup> Earlier the federal government also enacted Title VII of the Elementary and Secondary Education Act in 1968, which promoted the right of students to learn English as well as academic content. Significantly, this Act suggested that instruction in a student's native language in addition to English was preferred for students with limited acquisition of English.

<sup>72</sup> For discussion of federal government's role, see Frankenberg & Siegel-Hawley, 2009 *supra* note 1.

<sup>73</sup> These states are Connecticut, Missouri, New York, Oklahoma, Oregon, and Rhode Island; notably, only Oregon is from the West or South where the largest number of Latino students reside. See descriptions in Appendix C.

ELL students in rates comparable to surrounding school districts. Other state legislation requirements include specifying that the curriculum should provide for the instruction of ELL students (see Iowa and Missouri in Appendix C) and stipulating that the evaluation of charter schools will include assessing the enrollment of ELL students (New Jersey and Texas in Appendix C).

Despite these provisions, fundamental data needed to assess the equity of access for ELL students to charter schools is missing in the federal data system. In some cases, the lack of data reaches the level of absurdity, as in California's 2007-08 data classifying just 7 students as "Limited English Proficient" in the entire state, which includes well over a million children who grew up in non-English speaking homes.<sup>74</sup> The lack of data on ELL students in charter schools in national datasets occurs despite a number of states requiring charter schools to report data on the enrollment, and sometimes assessment, of ELL students (see Appendix C).

As a result, our discussion of ELL is exploratory. Students' ELL status is only reported at the district level, not the school level, in NCES Common Core. We supplemented our examination of ELL students and charter schools by obtaining data from the Office of Civil Rights' regular survey of schools. Even using both sources of data, we are only able to obtain ELL information on students in a fraction of charter schools. There are a large number of states in which charter schools simply do not report ELL student information.<sup>75</sup> Thus, the trends reported in this section should be viewed cautiously. The difficulty in understanding the extent to which ELL students enroll in charter schools emphasizes again the need for more comprehensive data about charter school students in order to be able to fully evaluate this reform, specifically the way it contributes to stratification of students along lines of race, class, and English language acquisition. Since these issues affect a large share of all students in U.S. public schools, researchers and policy makers must have complete data at the school level in every state.

Since many—but not all—charter schools are separate agencies (e.g., the equivalent of a school district), we first use NCES district-level data to examine the number of ELL students in charter schools and in traditional public schools. Most districts/agencies have no charter schools. Among these districts, 5% of all students, or more than 2.5 million students, are ELLs. A lower share of students, 4.6%, in agencies where all (either just one school or more than one) school(s) are charters were classified as ELL students, a total of just over 32,000 students. However, slightly less than 700 agencies have both charter and traditional public schools—and enroll a disproportionately high percentage of ELL students—making it hard to make a clear comparison since there is no school level data and we cannot tell from these district-level data whether these students were in charter schools or traditional public schools.

---

<sup>74</sup> In 2005-06, California had nearly 1.6 million students classified as LEP. See <http://www.ncela.gwu.edu/faqs/> (Accessed on December 2, 2009).

<sup>75</sup> These states with missing ELL data for charter schools include CT, DC, DE, IN, MA, MI, MN, MO, NC, NH, NJ, NY, OH, PA, UT, and WY. Three other states reported no ELL charter school students: AZ, MS, and TN.

Table 34  
Percentage of ELL Students by District’s Charter School Status, 2007-08

<b>Types of Schools in District/Agency<sup>76</sup></b>	<b># of Districts/ Agencies</b>	<b># of students</b>	<b># of ELL Students</b>	<b>% ELL</b>
Contains only charter schools	2,077	698,567	32,041	4.6%
Contains both charter and traditional public schools	677	11,565,609	771,513	6.7%
Contains only traditional public schools	14,066	36,913,628	1,756,828	4.8%

Source: 2007-08 NCES Common Core of Data

School-level data is needed to be able to understand the educational experiences of ELL students in charter or traditional public schools, which is not available from NCES Common Core. However, a large majority of the charter-only districts/agencies only had one school. In essence, we could treat these districts as schools, and they accounted for 44% of all charter schools in 2007-08. Approximately one-quarter of these nearly 1500 charter schools had at least 1% of students classified as ELL, while more than 1100 schools had a lower percentage of ELL students. A comparison of the racial composition of these one-school charter districts showed that they differed from districts with more than one school, making it difficult to understand the relationship between racial composition and ELL enrollment.

In sum, our examination of the enrollment of ELL students in charter schools through district-level NCES data illustrates the extreme difficulty of understanding the extent to which charter schools—and the characteristics of those charter schools—enroll ELL students. It appears that ELL students are under-enrolled (Heubert, 1997), and in many charter schools, according to what we can examine via NCES data, there is a trivial enrollment of ELL students. While this conclusion may be erroneous and stem from a dearth of data, this finding has implications for data reporting among all public schools. We need data to understand these major equity issues, and should consider halting expansion of these schools until we can fully assess them.

To examine ELL enrollment further, we also explored the enrollment of ELL students through two other federal datasets, although both contain information about only samples (not the entire universe) of schools. The periodic Schools and Staffing Survey in 2007-08 contained approximately 7,000 charter and traditional public schools. Slightly more than half of the charter schools in this sample reported at least one LEP student in 2007-08. A much higher percentage of traditional public schools reported enrolling LEP students (68%). At the same time, however, among those schools that did enroll LEP students, charter schools enrolled a higher percentage than traditional public schools.

The racial composition of charter schools enrolling LEP students differs from all charter schools by having lower percentages of black students and much higher percentages of Latino students. Compared to traditional public schools known to enroll at least one LEP student, charters with LEP students have disproportionately lower percentage of white students. Some of

<sup>76</sup> In 2007-08, just over 1,200 agencies enrolling 5,600 students did not report the charter status of the schools associated with them. Although this educated a tiny fraction of all public school students, nearly 30% of these students were ELL.



these patterns may be the result of some charter schools in Arizona or California that are focused on providing bilingual education.

*Table 35*  
Student Characteristics of Charter and Traditional Public Schools by LEP Status, 2007-08

	# of Schools	% of schools	Enrollment	% LEP	% Latino	% White	% Black	% Asian
<b>Charter School</b>								
With LEP students	102	52%	49,575	14%	30%	45%	18%	5%
Without LEP students	95	48%	31,870	0%	11%	37%	46%	3%
<b>Traditional Public School</b>								
With LEP students	4,601	68%	3,606,606	8%	18%	60%	14%	5%
Without LEP students	2,134	32%	938,959	0%	3%	76%	16%	2%

*Source:* Schools and Staffing Survey Data, 2007-08

The Office for Civil Rights dataset, which is not a national universe of schools, reports data on 926 charter schools and 51,988 traditional public schools.<sup>77</sup> Among these samples, a slightly higher percentage of public school students are classified as ELL (9.9%) as compared to charter school students (8.7%). Both of these estimates are higher than those from the district-level NCES data described above (though lower than the Schools & Staffing Survey estimate for charter school students). As was the case in the SASS data analysis, the racial composition of both charter and traditional public schools reporting ELL info varies rather substantially among those in the CRDC sample. Schools in the Civil Rights Data Collection have higher percentages of Latino students, and lower percentages of white students. There is also an underrepresentation of black students in charters included in the sample. Thus, any analysis of the racial composition of ELL and non-ELL students' schools may be biased by these discrepancies.

*Table 36*  
Comparison of School Characteristics for Charter and Traditional Public Schools with ELL Data

ELL Info	Number of Schools	Student Enrollment	% American Indian	% Asian	% Latino	% Black	% White
<b>Traditional Public School</b>							
No ELL Info	31,572	13,809,429	1%	4%	16%	12%	67%
With ELL Info	51,988	32,474,436	1%	5%	23%	18%	52%
<b>Charter School</b>							
No ELL Info	2,957	847,167	1%	3%	20%	36%	40%
With ELL Info	926	346,119	1%	6%	33%	22%	38%

*Sources:* 2007-08 NCES Common Core of Data; 2005-06 CRDC

As a result of the lower enrollment of ELL students, charter students of color have lower exposure to ELL students. Exposure rate, as used here, measures the percentage of ELL students that the "typical" student of each race attends school with. In both charter and traditional public schools, white and black students have the lowest exposure to ELL students. Latino students,

<sup>77</sup> Due to the nature of the monitoring responsibilities of OCR and the design of the sample, a higher percentage of public schools are included and have information about ELL students.

conversely, have the highest exposure to ELL students, almost twice as high as students of any other racial/ethnic group. For the two groups of students with the highest exposure to ELL students in traditional public schools, the gap in exposure is larger when comparing to their charter school peers. While almost one in four students are ELL in a typical Latino student’s public school, only one in six is in the typical Latino charter student’s school. If these patterns hold across all schools, this suggests that as a result of the lower percentage of charter ELL students, charter minority students—who on average attend school with higher percentages of English Learners regardless of school sector—have lower exposure than their public school peers to ELL students.

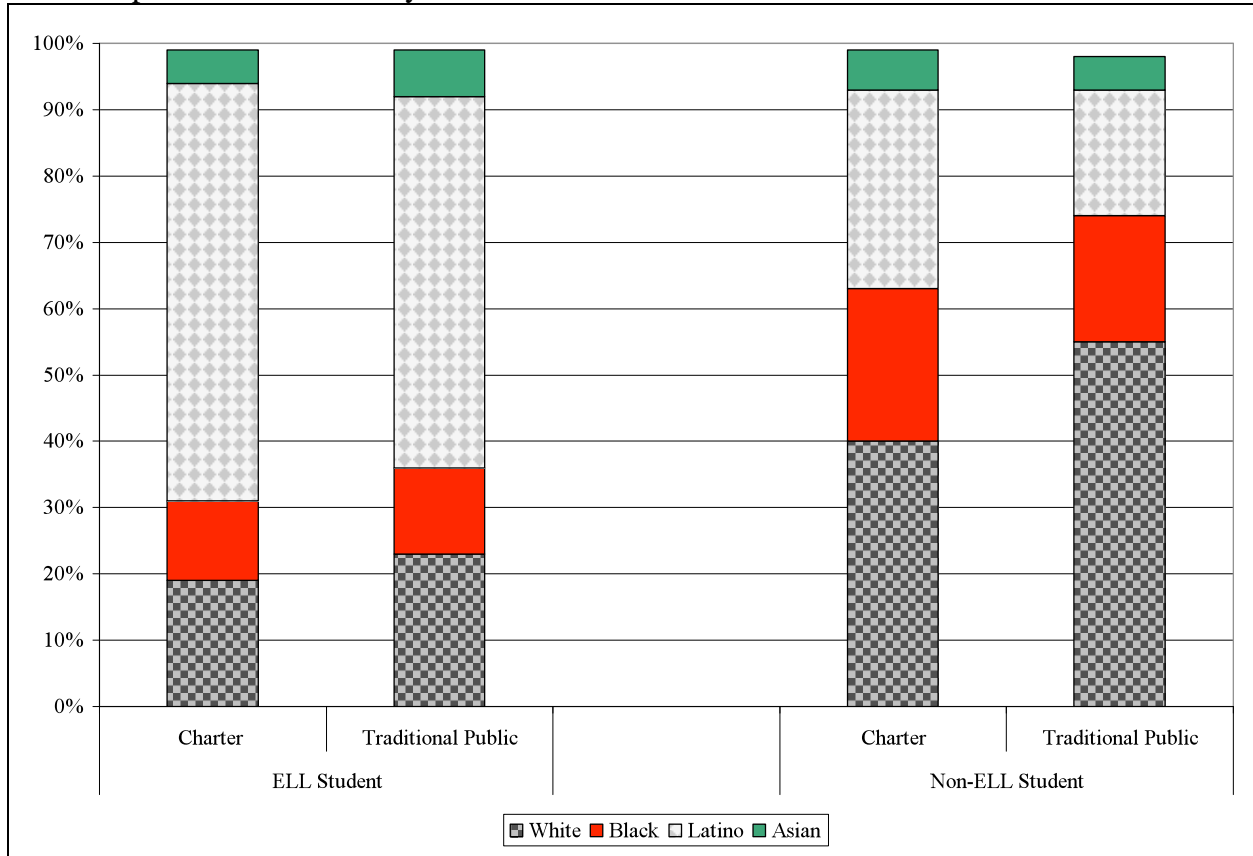
*Table 37*  
 Exposure to ELL Students by Student Race for Charter and Traditional public Students

	<b>Percentage of ELL Students (Average)</b>	
	<b>Charter</b>	<b>Traditional Public</b>
White	4%	4%
Black	5%	7%
Latino	17%	24%
Asian	8%	13%
American Indian	10%	12%

*Sources:* 2007-08 NCES Common Core of Data; 2005-06 CRDC

We also explored ELL and native English speakers’ exposure to students of different racial groups. Not surprisingly, across both charter and traditional public schools, ELL students have lower exposure to white and black students and substantially increased exposure to Latino students. This difference is further exacerbated for ELL students attending charter schools, where they typically attend a school that has more than 60% of students who are Latino. For these charter school students, the increased exposure to Latino students is paired with considerably lower exposure to black students than is the case for native English speakers in charter schools. These trends should be interpreted cautiously due to the disproportionate racial composition of schools included in the CRDC dataset.

Figure 8  
 Racial Exposure for Students by ELL and Charter School Status



Sources: 2007-08 NCES Common Core of Data; 2005-06 CRDC

In conclusion, we need more thorough reporting of ELL classification of students in all schools, particularly charter schools. A simple question such as whether charter schools enroll a higher percentage of ELL students than traditional public schools cannot be definitively answered. Exploring the relationship between racial composition and concentration of ELL students suffers from these gaps in data. Among the schools for which we do have data, it is clear that ELL students attend schools with quite different racial compositions, and these differences are starker among charter schools.

## **Conclusion and Recommendations**

Our findings support two overarching themes. First, charters currently isolate students by race and class. Yet second, we know why this is the case, and as such there are clear policy adjustments that could transform charters into instruments of diversity. We conclude this report by articulating these arguments more fully below.

Civil Rights Project reports have long documented trends of rising segregation among public schools. As charters represent an increasing share of our public schools, they influence the level of segregation experienced by all of our nation's school children. Politicians across the ideological spectrum agree that a child's place of residence should not determine their ability to access educational opportunity.<sup>78</sup> Theoretically charter schools, which can enroll students across district boundaries, possess the ability to deliver on the sentiments of national leaders, in part by not having the diversity constraints of traditional public schools.<sup>79</sup> Our report indicates, however, that charter schools fail to fulfill their integrative potential in most areas of the country. And as a result, the charter sector currently represents a missed opportunity for students to experience the greater educational and social benefits evident in diverse schools.

This analysis of recent data finds that charter schools are more racially isolated than traditional public schools in virtually every state and large metropolitan area in the nation. While there are examples of charter schools with vibrant diversity, this report shows these schools to be the exception. Further, extensive studies exploring charter school benefits reveal no net academic gains for students as indicated by test scores. We also know almost nothing about the impact of charters on other achievement benchmarks like graduation rates or college matriculation, especially for racial and ethnic subgroups, despite their vital importance to the goals of our public schools. The lack of comprehensive data about many charter school students makes the task of assessing such outcomes particularly challenging.

In spite of these fundamental civil rights concerns, the enrollment of charter schools has nearly tripled since 2000-01. With this expansion has come an increased level of funding and support from federal, state and local education agencies. In fact the numbers of students currently enrolled in charters, just over one million students, is still relatively small and concentrated in a handful of states. Yet several new federal initiatives will likely result in an even more rapid expansion in the coming years than in the previous decade.<sup>80</sup> The policies encouraging charter growth are built upon the belief that charter schools can contribute significantly to improving our public schools. But of the potential benefits, the capacity of charters to foster diversity is almost never mentioned. If the incentives to create more charters

---

<sup>78</sup> Remarks by the President in the State of the Union Address, January 27, 2010. Retrieved 1.28.10 at <http://www.whitehouse.gov/the-press-office/remarks-president-state-union-address>. Governor McDonnell's GOP Response, January 27, 2010. Retrieved 1.28.10 at <http://race42008.com/2010/01/27/full-text-gov-mcdonnells-gop-response/>.

<sup>79</sup> Because research indicates that boundaries are a major contributor to overall segregation (e.g., Clotfelter, 2004; Frankenberg, 2009; Reardon & Yun, 2005), charter schools' ability to draw students from multiple neighborhoods and districts could alleviate racial isolation.

<sup>80</sup> The Obama administration has pledged to double spending for charter schools in four years, including a nearly 20% increase in its FY 2010 budget request for the Charter Schools Program. Two major federal funding programs, providing nearly \$8 billion in revenue through competitive grants processes, give incentives for loosening state restrictions on the number of charter schools and converting underperforming schools into charters (see Dillon, 2010; McNeil, 2009).

succeed, it would be inexcusable to have overlooked their integrative potential during this period of expansion.

Segregation and inequality still divide our society along the lines of race and class, and educational literature documents the myriad ways in which school choice may exacerbate this stratification (Fuller, et al., 1996; Petrovich & Wells, 2005). Fortunately, studies also show integration and choice can coexist successfully with certain structures in place to mitigate the divisive effects of choice (e.g., Betts, et al., 2006; Chavez & Frankenberg, 2009). Yet, as educational choice continues to be affirmed as an important value for parents, underscored by the increasing emphasis on student assignment plans that seek to incorporate family choice, those important mitigating structures (e.g. free transportation, outreach, and integration goals) are not being considered. For example, the provision of transportation and subsidized lunches is likely essential to the process of attracting low-income and minority students, and the location of charter schools also affects student body diversity. As a result, it is important to provide equitable transportation support. State or federal transportation reimbursement should be equalized across school sectors to provide greater access and choice while not unduly burdening charter school operators or public school districts (see Appendix B).

The severe lack of essential data on charters is also deeply troubling. Basic questions about the extent to which charter schools enroll low-income and ELL students cannot be conclusively answered and represent major research and civil rights policy concerns. One-quarter of charter schools did not report whether they enrolled students eligible for free or reduced-price lunch (FRL), a common measure of students from low-income households (see also Carnoy, et al., 2005; Eberts & Hollenbeck, 2002).<sup>81</sup> In a number of states, charter schools *not* reporting FRL data had more extensive concentration of white students than those that did. Estimates suggest that charter schools may under-enroll ELL students, but the data are inconclusive on this point. This could suggest low-income, minority, and English learners students may not have access to some charter schools to the same extent as white and middle-class children do.

Among those schools that *did* report data about FRL students, charter schools nationally enrolled a higher percentage of low-income students than traditional public schools. In fact, among the schools reporting FRL data across the nation, higher percentages of charter schools contained extreme concentrations of poor students than regular public schools. And, from what we can tell from available data, concentrations of low-income students overlap strongly with concentrations of minority students in charter schools. In other words, instead of a federal policy offering parents a real choice out of high-poverty, racially isolated schools, charter schools simply intensify patterns of isolation prevalent among traditional public schools.

States often have weak civil rights and equity policies regarding charter school establishment and enrollment, as summarized in our November 2009 policy report (Frankenberg & Siegel-Hawley, 2009). Little state or federal direct action has been taken to change or correct racial isolation in charter schools despite numerous past reports by The Civil Rights Project and others highlighting this persistent and growing problem. Our new findings demonstrate that, while segregation for blacks among all public schools has been increasing for nearly two

---

<sup>81</sup> As we noted in our November 2009 report, the federal government gives schools a less administratively burdensome way to participate in the National School Lunch Program, which is often cited as a reason for low charter school participation (Frankenberg & Siegel-Hawley, 2009). Additionally, although charter school facilities are sometimes cramped, this should not be a barrier to offering free-lunch as food could be prepared off-site and brought to the school.

decades, black students in charter schools are *far* more likely than their traditional public school counterparts to be educated in intensely segregated settings. Two out of every three black charter school students attend intensely segregated schools in fifteen states (among states with at least 5,000 charter students) across the country. In four of those states, 90% of black students attend a hyper-segregated charter school. These figures are staggering, and remain considerably higher than in states with the highest black segregation among regular public schools.<sup>82</sup> Finally, more than two-fifths of black charter school students attended “apartheid” schools, where 99% of students were from underrepresented minority backgrounds. That figure was, by far, the highest of any other racial group, and nearly three times as high as black students in traditional public schools.

While patterns of charter school segregation are most striking for black students, other racial groups have also experienced greater isolation due to charters. In the West, where traditional public schools are the most racially diverse, and in some areas of the South, white students are over-enrolled in charter schools. In some cases, white segregation is higher in charter schools despite the fact that overall charter schools enroll fewer white students. These trends suggest that charter schools are contributing to white flight in the country’s two most racially diverse regions.

Latinos are under-enrolled in charter schools in some Western states, though they make up the largest share of students. Latino charter students are less segregated than blacks overall; but in a dozen states, a majority of Latino charter students are in highly segregated minority schools, including states (like Arizona and Texas) educating large numbers of Latinos.

Charter schools are most likely to be established in urban locales, alongside traditional public school systems that educate a disproportionate number of low-income and minority students. More than half of charter schools located in cities enrolled at least 90% students of color in 2007-08, indicative of considerably higher segregation in urban charters even when compared to their regular, already isolated, public school counterparts.

All of these trends mean that charter schools educate a set of students stratified along the dimensions of race, class and possibly language. Yet the charter school movement is a relatively young one, and there remains the opportunity to alter these patterns. Because segregation continues to be associated with truncated educational and life prospects, we must begin to envision and implement an alternative charter school reality.

We outline several recommendations for restoring equity provisions and promoting integration in charter schools. At the federal level, we first make suggestions requiring immediate action by the Obama Administration, which could quickly alleviate the segregative impact of charters. These guidelines are followed by recommendations for Congress primarily regarding the reauthorization of the Elementary and Secondary Education Act (ESEA). Finally, we suggest how state governments and charter authorizers can help promote diversity.<sup>83</sup>

The Obama administration should quickly provide new guidance, enforcement, and evaluation regarding charter schools and civil rights issues as it continues to push for the expansion of charter schools. These should include provisions similar to those guiding the development of magnet schools (which combined school choice with integration goals).<sup>84</sup>

---

<sup>82</sup> For example, 62% of black students in Illinois and New York attended intensely segregated minority schools.

<sup>83</sup> See also Frankenberg & Siegel-Hawley, 2009 at <http://www.civilrightsproject.ucla.edu/research/deseg/equity-overlooked-report-2009.pdf>

<sup>84</sup> These provisions included free transportation, outreach to all members of the community, diversity goals, random lotteries if student demand exceed availability of seats, and a unique educational theme that would attract students to

Though the Department of Education issued guidance in May 2000 about the ways in which charter schools were subject to federal civil rights laws, the guidance was subsequently archived and is no longer in force.<sup>85</sup> The government should immediately update and restore this guidance by publishing *and* enforcing clear Title VI civil rights standards for charter schools—including diversity goals, free transportation, outreach to families, the provision of parent information about all choice options, and evidence of the full instructional and social support to ELL and special education students required by federal law. This guidance should also extend to students from low-income households. A clear goal of using charter schools to transcend segregating boundary lines must also guide the expansion of these programs. Without all such provisions and considerations, charter schools may only continue to stratify the already deeply segregated schools across our communities.

At the same time, the administration should move rapidly to reinvigorate the status of magnet schools, which have a documented legacy of reducing racial isolation and improving student outcomes. Magnet schools should be on equal footing with charter schools in terms of eligibility for federal funding. Race to the Top applicants who encourage the development of magnet schools designed with civil rights guidelines should be awarded extra points, and phase two of the award process should specify that magnet schools are another option to districts applying for federal school improvement funds. Where federal funding incentives for increasing charter schools continue to exist, federal officials should consider limiting incentives to those charter schools with civil rights provisions like transportation (see Appendix B) and outreach to all. Independently, the Department of Education officials should use their “bully pulpit” to encourage magnet school development as a critically important type of school choice and devote technical assistance resources to help districts interested in structuring inter- or intra-district magnet schools.

Congress should consider, as part of the reauthorization of ESEA, increasing funding for magnet schools. Moreover, through the reauthorization the separate choice programs (and funding streams)—Magnet Schools Assistance Program, Charter Schools Program, and the Voluntary Public School Choice—should be combined into one program area that retains the civil rights emphases of magnet schools and heightens the inter-district priority of the Voluntary Public School Choice program. In doing so, these programs could work to expand choice across traditional boundary lines in many of our nation’s deeply segregated metropolitan areas.

Also at the federal level, an urgent need to monitor patterns of charter school enrollment exists, particularly in terms of reporting the demographic information of charter school students regarding low-income and ELL characteristics. Nearly all regular public schools provide data annually on subsidized lunch use and on the number of English language learners who enroll. Therefore, any new legislation concerning charter schools should ensure that, like all other publicly funded schools, charters are held to the same standards for reporting data.

The lack of data at the national level also makes it difficult for researchers, educators, policymakers, or advocates to monitor attrition from charter schools. This in turn confounds efforts to reliably measure educational outcomes for charter school students. Understanding the extent to which students by race, class, and language background enroll, remain, and ultimately

---

the school. Magnet schools were successful and quite popular among school districts and families as a way of combining compliance with desegregation requirements and educational reform, although in recent years the federal funding program for magnet schools had added a number of objectives that potential grantees must address in addition to reducing racial isolation (Frankenberg & Le, 2009; Frankenberg & Siegel-Hawley, 2008).

<sup>85</sup> See <http://www.ed.gov/offices/OCR/archives/pdf/charter.pdf> (accessed on January 14, 2010).

graduate from charter schools is essential to evaluating these publicly funded schools. Charter school enrollment, attrition and graduation data should be easily accessible on the Internet and publicly reported to ensure that families considering charter school options have access to a complete set of information about student outcomes.

In addition to providing a database available to researchers and the public, annual federal evaluations of charter schools should be reinstated through regulation or legislation. Section 5205(a)(2)(A) of the No Child Left Behind Act sets aside a portion of the annual charter school allocation to evaluate the impact of charter schools, including the composition of students enrolling in charter schools by race, language proficiency, and disability status. Socioeconomic status of students should also be included in such evaluations. While there were a number of federal evaluations of charter schools during the 1990s, annual evaluations ended in 2000, and the last federal evaluation of charter schools was in 2004. During the ensuing period of charter school expansion, these evaluations should be conducted annually and reinstated through regulation or legislation to ensure that unintended consequences are curtailed.

State governments should also take action to capitalize on the potential diversity benefits of charters and magnets. States with existing laws regarding the diversity of charters should heighten their monitoring and enforcement efforts. In addition, state and federal officials should increase oversight of how the establishment of charter schools may affect existing federal desegregation plans. Little evidence of such oversight currently exists (for discussion, see Frankenberg & Siegel-Hawley, 2009). Where voluntary integration efforts are in place, charter operators and district officials should work in cooperation to ensure that they do not impede each other's efforts at diversity and innovation.

Finally, charter school authorizers, responsible for approving charter applications and evaluating subsequent performance, represent another avenue for state or local-level oversight to promote diversity and prevent racial isolation. State departments of education could refuse to authorize charters run by charter management organizations that operate racially isolated charters, or intervene to ensure that such managers specify actions to avoid replicating segregation in any new school they oversee. As private foundations fund an increasingly larger share of the charter movement (Gumus-Dawes & Luce, 2010; Scott, 2009), the goals of private funders may conflict with government goals to reduce racial isolation. Private foundations providing financial support to charter schools should be encouraged or required to adhere to legislative mandates regarding diversity in charters. For example, channeling funds to provide transportation for charter schools students who may not otherwise be able to attend that school is a potentially integrative use of funds, especially if the schools are required to adhere to civil rights standards.

The Obama administration, like its predecessors, is emphasizing choice and innovation, primarily in the form of new charter schools, as a way to improve the education of all students. The federal education stimulus application requirements have already created a ripple effect in state legislation regarding charter schools (Dillon, 2010).<sup>86</sup> If, as the administration has proclaimed, education is the “civil rights issue of our time,” then we need federal leadership to

---

<sup>86</sup> States that have altered charter school policies in advance of submitting their Race to the Top applications for Phase 1 include California, Illinois, Tennessee, Louisiana, and Mississippi. Yet, some states also rejected proposals to pass charter school legislation (Kentucky) or to raise the cap on charter schools (New York). See “States Change Laws in Hopes of Race to the Top Edge” accessed on January 20, 2010 at <http://www.edweek.org/ew/articles/2010/01/20/19rtt-sidebar.h29.html> and “The Race to the Top” accessed on January 20, 2010 at [http://www.whitehouse.gov/sites/default/files/RTT\\_factsheet.pdf](http://www.whitehouse.gov/sites/default/files/RTT_factsheet.pdf).



provide incentives for improving the integrative quality of charter schools, along with clear safeguards to prevent the resegregation of public schools via increasing charter school enrollment. Such efforts will necessarily entail comprehensive annual data collection and improving academic and social outcomes for charter schools. We must also ensure that students from all backgrounds have access to exemplary charter schools. By promoting an array of school choice options, preferably emphasizing inter-district choice programs and not focusing solely on charter schools, we avoid the mistake of neglecting forms of choice that have been successful at innovating education *and* producing high-quality, equity-minded schools.

More than half a century after the Supreme Court ruled that separate schooling was fundamentally unequal; a massive and accumulating body of social science evidence continues to affirm that unanimous decision. This report shows that charter schools comprise a divisive and segregated sector of our already deeply stratified public school system. This must change if we truly want to promote access to integrated, high-quality education for all. To do so requires the efforts of educational leaders and policymakers at all levels of government, as well as the commitment of the creative, talented leaders of the charter school community. We must work to build a more inclusive sector of schools, one that magnifies and strengthens the role of choice in fostering integration and equality in American education.

### Bibliography

- Ascher, C., Jacobowitz, R., & McBride, Y. (1999) *Standards-Based Reform and the Charter School Movement in 1998-99: An Analysis of Four States*. Final Report to the Edna McConnell Clark Foundation.
- Berman, P., Nelson, B., Perry, R., Silverman, D., Solomon, D., & Kamprath, N. (1999). *The state of charter schools: Third-year report*. Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement.
- Betts, J., Rice, L. A., Zau, A.C., Tang, Y. E. & Koedel, C. R. (2006). *Does school choice work? Effects on student integration and achievement*. San Francisco, CA: Public Policy Institute of California.
- Bifulco, R. & Ladd, H. F. (2007). Charter Schools in North Carolina. In M. Berends, M. Springer, M. & H. Walberg (Eds.), *Charter School Outcomes* (pp. 195-220). New York: Lawrence Elrbaum Associates.
- Bifulco, R., Ladd, H. & Ross, S. (2009). The Effects of Public School Choice on Those Left Behind: Evidence from Durham, North Carolina. *Peabody Journal of Education: Issues of Leadership, Policy, and Organizations*, 84(2).
- Booker, K., Gilpatric, S., & Gronberg, T. (2008). The effect of charter schools on traditional public school students in Texas: Are children who stay behind left behind? *Journal of Urban Economics*, 64(1): pp. 123-145.
- Booker, K., Zimmer, R. & Budin, R. (2005). The Effects of Charter Schools on School Peer Composition. Rand Corporation. Retrieved 11/7/09 at [http://www.rand.org/pubs/working\\_papers/WR306/](http://www.rand.org/pubs/working_papers/WR306/).
- Braddock, J. (2009). Looking Back: The Effects of Court-Ordered Desegregation, in Smrekar, C. & Goldring, E. (Eds.), *From the Courtroom to the Classroom: The Shifting Landscape of School Desegregation* (pp.3-18). Cambridge: Harvard Education Press.
- Buckley, J. & Schneider, M. (2007) *Charter Schools: Hope or Hype?* New Jersey: Princeton University Press.
- Carnoy M., Jacobsen, R., Mishel, L., & Rothstein, R. (2005). *The Charter School Dust-up: Examining the Evidence on Enrollment and Achievement*. New York: Teachers College Press.
- Carr, M & Ritter, M. (2007). *Measuring the Competitive Effect of Charter Schools on Student Achievement in Ohio's Traditional Public Schools*. Paper submitted to National Center for Study of Privatization in Education. NY: Columbia University. Retrieved 12.10.09 at [http://www.ncspe.org/publications\\_files/OP146.pdf](http://www.ncspe.org/publications_files/OP146.pdf)

Center for Education Policy and Practice. Charter School Success or Selective Out Migration of Low Achievers? Effects of Enrollment Management on Student Achievement. Retrieved 9.27.09 at <http://www.massteacher.org/news/headlines/charterschools0909.pdf>.

Center for Research on Educational Outcomes. Multiple Choice: Charter School Performance in Sixteen States. Stanford: CREDO. Retrieved 11/2/09 at [http://credo.stanford.edu/reports/MULTIPLE\\_CHOICE\\_CREDO.pdf](http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf).

Chubb, J.E. and Moe, T.M. (1990). *Politics, Markets, and America's Schools*. Washington, DC: Brookings Institution.

Chavez, L. & Frankenberg, E. (2009). *Integration Defended: Berkeley Unified's Strategy to Maintain School Diversity*. Los Angeles: Civil Rights Project. Retrieved 11.14.09 at [http://www.civilrightsproject.ucla.edu/research/deseg/integration\\_defended\\_report\\_2009.pdf](http://www.civilrightsproject.ucla.edu/research/deseg/integration_defended_report_2009.pdf).

Clotfelter, C. (2004). Private Schools, Segregation, and the Southern States. *Peabody Journal of Education*, 79(2): pp. 74-97.

Cobb, C. D. & Glass G. V. (1999). Ethnic segregation in Arizona charter schools. *Education Policy Analysis Archives*, 7(1).

d' Entremont, C. & Gulosino, C. (in press). Circles of influences. How neighborhood demographics and charter school locations influence student enrollments. *Education Policy Analysis Archives*.

Dillon, S. (2010 January 18). Opposition to education grants program emerges. *New York Times*. Retrieved 1.18.10 at <http://www.nytimes.com/2010/01/19/education/19educ.html?hp>.

Eaton, S. & Chirichigo, G. (2009 July 19). Charters must commit to diversity. *Boston Globe*. Retrieved 9.14.09 at [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2009/07/19/charters\\_must\\_commit\\_to\\_diversity/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2009/07/19/charters_must_commit_to_diversity/).

Eberts, R. & Hollenbeck, K. (2002). *Impact of Charter School Attendance on Student Achievement in Michigan*. [Staff Working Papers](#) 02-80, W.E. Upjohn Institute for Employment Research.

Finn, C., Manno, B., & Vanourek, G. (2006). *Charter Schools in Action: Renewing Public Education*. Princeton, NJ: Princeton University Press.

Finnegan, K., Adelman, N., Anderson, L., Cotton, L., Donnelly, M. B., & Price, T. (2004). Evaluation of Charter Schools Program: 2004 Final Report. U.S. Department of Education. Policy and Programs Study Service. Retrieved 10/28/09 at

[http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/29/d8/04.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/29/d8/04.pdf)

- Frankenberg, E. (2009). Splintering School Districts: Understanding the Link between Segregation and Fragmentation. *Law & Social Inquiry*. 34(4): pp. 869 – 909.
- Frankenberg, E. & Le, C. Q. (Summer 2008). The post-*Seattle/Louisville* challenge: Extra-legal obstacles to integration. *Ohio State Law Journal* 69, (2008): pp. 1015-1072.
- Frankenberg, E. & Lee, C. (2003) Charter schools and race: A lost opportunity for integrated education. *Education Policy Analysis Archives*, 11(32).
- Frankenberg, E., & Siegel-Hawley, G. (November 2008). *The Forgotten Choice: Rethinking Magnet Schools in a Changing Landscape*. Los Angeles: Civil Rights Project/ Proyecto Derechos Civiles.
- Frankenberg, E. & Siegel-Hawley, G. (2009). *Overlooking Equity: Charter Schools and Civil Rights Policy*. Los Angeles: UCLA Civil Rights Policy. Retrieved 1.08.10  
<http://www.civilrightsproject.ucla.edu/research/deseg/equity-overlooked-report-2009.pdf>.
- Friedman, M. (1955). The Role of Government in Education, in Solo, R.A., Ed., *Economics and the Public Interest*. New Brunswick, N.J.: Rutgers University Press, pp. 123-144.
- Fuller, B., Elmore, R. F. & Orfield, G. (Eds). (1996). *Who chooses? Who loses? Culture, institutions, and the unequal effects of school choice*. New York: Teachers College Press.
- Gándara, P. & Hopkins, M. (2009). *Forbidden Language: English Learners and Restrictive Language Policies*. New York: Teachers College Press.
- Garcia, D. (2007). The impact of school choice on racial segregation in charter schools. *Educational Policy* 22(6): pp. 805 – 829.
- Gifford, M., Ogle, M., & Solomon, L. (1999). *Who is Choosing Charter Schools? A snapshot of geography and ethnicity of charter school students*. Center for Market-based Education.
- Gumus-Dawes, B. & Luce, T. (2010). *The state of public schools in post-Katrina New Orleans: The challenge of creating equal opportunity*. Minneapolis: Institute on Race and Poverty.
- Guryan, J. (2004). Desegregation and Black Dropout Rates. *American Economic Review* 94(4): pp. 919-943.
- Henig, J. (2008). *Spin Cycle: How Research Is Used in Policy Debates: The Case of Charter Schools*. New York: Routledge.
- Heubert, J. (1997). Schools without rules? Charter schools, federal disability law, and the

- paradoxes of deregulation. *Harvard Civil Rights-Civil Liberties Law Review* 32(2): pp. 301-353
- Hoxby, C., Murarka, S. & Kang, J. (2009 September). How New York City's Charter Schools Affect Achievement. Second report in series. Cambridge, MA: New York City Charter Schools Evaluation Project.
- Holt, M. (2000). *Not Yet "Free at Last": The Unfinished Business of the Civil Rights Movements: Our Battle for School Choice*. Oakland, CA: Institute for Contemporary Studies.
- Hoxby, C. (2004 December). Achievement in Charter Schools and Regular Public Schools in the United States: Understanding the Differences. Cambridge: Harvard University, unpublished manuscript.
- Institute on Race & Poverty. (2008). *Failed Promises: Assessing Charter Schools in the Twin Cities*. Minneapolis, MN: Institute on Race & Poverty at University of Minnesota Law School.
- Jackson, K. (2009). Student demographics, teacher sorting, and teacher quality: Evidence from the end of school desegregation, *Journal of Labor Economics* (pp.213-56). Vol. 27(2). Chicago: University of Chicago Press.
- Kurki, A., Boyle, A., and Aladjem, D. K. (2005). *Beyond Free Lunch - Alternative Poverty Measures in Educational Research and Program Evaluation*. American Institutes for Research. Retrieved 10/27/09 at <http://www.air.org/news/documents/AERA2005Alternative%20Poverty%20Measures.pdf>
- Linn, R. L., & Welner, K. G. (Eds.). (2007). *Race-conscious policies for assigning students to schools: Social science research and the Supreme Court cases*. Washington, DC: National Academy of Education.
- Massey, D.S. and Denton, N.A. (1988). The Dimensions of Residential Segregation. *Social Forces*, 67: pp. 281-315.
- McNeil, M. (2009 August 26). Tight leash likely on turnaround aid. *Education Week*. Retrieved 1.19.10 at <http://www.edweek.org/ew/articles/2009/08/26/02title1.h29.html>
- Moscovitch, E. (2009). No magic bullet: Charters don't necessarily outperform other schools. Mass Inc. Retrieved 11.10.10 at [http://www.massinc.org/fileadmin/CommonWealth/Summer\\_2009/Perspective1.pdf](http://www.massinc.org/fileadmin/CommonWealth/Summer_2009/Perspective1.pdf)
- Multicultural Education, Training and Advocacy (META) (2009). Charter Schools and English Language Learners in Massachusetts: Policy Push without the Data. Retrieved 11.2.09 at <http://www.edweek.org/media/metacharterschoolbrief.pdf>

- Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D. & Solomon, D. (2000). *The state of charter schools 2000: Fourth-year report*. Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement.
- Ni, Y. (2007). *Are Charter Schools More Racially Segregated Than Traditional Public Schools?* East Lansing: Michigan State University, Education Policy Center, Policy Report 30.
- Orfield, G. & Frankenberg, E. (2008). *The Last have Become the First: Rural and Small Town America Lead Way on Desegregation*. Los Angeles: Civil Rights Project Proyecto Derechos Civiles, UCLA.
- Orfield, G. & Lee, C. (2007). *Historic reversals, accelerating resegregation, and the need for new integration strategies*. Los Angeles: The Civil Rights Project/ Proyecto Derechos Civiles, UCLA.
- Orfield, G. (1978). *Must we bus?: Segregated Schools and National Policy*. Washington, DC: Brookings Institution.
- Orfield, G. (1985). Ghettoization and Its Alternatives. In Peterson, P. (Ed.), *The New Urban Reality*. Washington, D.C.: Brookings Institution Press.
- Orfield, G. & Lee, C. (2004). *Dropouts in America: Confronting the Graduation Rate Crisis*. Cambridge, MA: Harvard Education Press.
- Orfield, G. (2009). *Reviving the Goal of an Integrated Society: A 21<sup>st</sup> Century Challenge*. Los Angeles: Civil Rights Project/Proyecto Derechos Civiles, UCLA.
- Orfield, G., Bachmeier, M., James, D. and Eitle, T. (1997). Deepening Segregation in American Public Schools. *Equity and Excellence in Education*, 30: pp. 5-24.
- Petrilli, M. (2009). Is separate but equal the best we can do? *Education Gadfly*. Thomas B. Fordham Foundation. Retrieved 1.12.10 at [http://www.edexcellence.net/issues/results.cfm?withall=charter+schools+diversity&search\\_btn.x=0&search\\_btn.y=0](http://www.edexcellence.net/issues/results.cfm?withall=charter+schools+diversity&search_btn.x=0&search_btn.y=0)
- Petrovich, J., and Wells, A. S. (Eds.) (2005). *Bringing Equity Back: Research from a New Era in American Educational Policy*. New York: Teachers College Press, 2005.
- Pogash, C. (2008 March 1). Free lunch isn't cool, so some students go hungry. *New York Times*. Retrieved 1.14.10 at <http://www.nytimes.com/2008/03/01/education/01lunch.html>.
- Reardon, S. & Yun, J. (2002) *Private School Racial Enrollments and Segregation*. Cambridge, MA: Harvard Civil Rights Project.

*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

- Reardon, S. F., & J. T. Yun. (2005). Integrating Neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South, 1990-2000. In J. C. Boger & G. Orfield (Eds.), *School Resegregation: Must the South Turn Back?* (pp. 51-69). Chapel Hill: University of North Carolina Press.
- Renzulli, L. A. and Evans, L. (2005). School Choice, Charter Schools, and White Flight. *Social Problems*, 52: 398-418.
- Saporito, S. & Sahoni, D. (2006). Mapping educational inequality: concentrations of poverty among poor and minority students in public schools. *Social Forces* 85, pp. 1227–1253.
- Scott, J. (2009). The Politics of Venture Philanthropy in Charter School Policy and Advocacy. *Education Policy*, 23 (1), pp.106-136.
- Stulberg, L. (2008). *Race, Schools & Hope: African Americans and School Choice after Brown*. New York: Teachers College Press.
- Tough, P. (2008). *Whatever it Takes: Geoffrey Canada's Quest to Change Harlem and America*. Boston: Mariner Books.
- U.S. Department of Education. (2005). America's Charter Schools: Results from the NAEP 2003 Pilot Study. U.S. Department of Education Sciences, NCES 2005-456. Retrieved 11.6.09 at <http://nces.ed.gov/nationsreportcard/pdf/studies/2005456.pdf>.
- Van Lier, P. (2009). *Ready to Learn: Ohio Assessment Shows Charters and Magnets Get Head Start*. Policy Matters Ohio. Retrieved 1.13.10 at <http://www.policymattersohio.org/pdf/ReadyToLearn2009.pdf>.
- Vaznis, J. (2009 September 16). Charter schools see more attrition, fewer students are graduating, union study finds. *Boston Globe*. Retrieved 10.1.09 at [http://www.boston.com/news/local/massachusetts/articles/2009/09/16/charter\\_schools\\_see\\_more\\_attrition\\_union\\_study\\_finds/?page=2](http://www.boston.com/news/local/massachusetts/articles/2009/09/16/charter_schools_see_more_attrition_union_study_finds/?page=2)
- Wald, J. & Losen, D. (2005). *Confronting the Graduation Crisis in the South*. Cambridge: Harvard Civil Rights Project.
- Wamba, C. & Asher, N. (2003). An Examination of Charter School Equity. *Education and Urban Society*, 35(4): pp. 462-476.
- Wells, A. S., Holme, J. J., Lopez, A., & Cooper, C. W. (2000). Charter schools and racial and social class segregation: Yet another sorting machine? In R. Kahlenberg (Ed.), *A notion at risk: Preserving education as an engine for social mobility* (pp. 169-222). New York: Century Foundation Press.
- Welner, K.G., & Howe, K.R. (2005). Steering toward separation: The evidence and implications

of special education students' exclusion from choice schools. In J. Scott (Ed.), *School choice and diversity* (pp. 93-111). New York: Teachers College Press.

Zimmer, R. & Buddin, R. (2006 September). Charter Schools' Performance in Two Urban Districts. *Journal of Urban Economics*, 60.

Zimmer, R., Gill, B., Booker, K, Lavertu, S., Sass, T. R., & Witte, J. (2009). *Charter schools in eight states: Effects on achievement, attainment, integration, and Competition*. Santa Monica, CA: Rand Corporation.

Zimmer, R., Blanc, S., Gill, B., & Christman, J. (2008). *Evaluating the Performance of Philadelphia's Charter Schools*. Rand Cooperation. Retrieved 11/5/09 at [http://www.rand.org/pubs/working\\_papers/2008/RAND\\_WR550.pdf](http://www.rand.org/pubs/working_papers/2008/RAND_WR550.pdf)



**Appendix A: Supplemental Tables**

*Table A-1*  
 Number of Charter Schools by State, 2000-01 and 2007-08

<b>State</b>	<b>Charter Schools, 2000-01</b>	<b>Charter Schools 2007-08</b>
AK	18	20
AR	3	20
AZ	288	448
CA	257	675
CO	73	127
CT	16	15
DC	0	66
DE	6	16
FL	145	305
GA	30	62
HI	6	28
IA	0	4
ID	9	30
IL	19	36
IN	0	40
KS	1	28
LA	19	51
MA	41	61
MD	0	24
MI	178	266
MN	67	160
MO	21	39
MS	1	1
NC	90	91
NH	0	10
NJ	51	57
NM	9	62
NV	8	20
NY	0	95
OH	64	293
OK	6	15
OR	4	77
PA	65	123
RI	1	7
SC	6	28

*Table A-1 continued*  
Number of Charter Schools by State, 2000-01 and 2007-08

<b>State</b>	<b>Charter Schools, 2000-01</b>	<b>Charter Schools 2007-08</b>
TN	0	12
TX	135	218
UT	7	54
VA	0	3
WI	78	193
WY	0	3
<b>Total</b>	<b>1,704</b>	<b>3,836</b>

*Source:* 2007-08 NCES Common Core of Data; Frankenberg & Lee, 2003

Table A-2

Charter School Enrollment and Percentage of Total Enrollment by MSA<sup>87</sup>

Metropolitan Area	Charter Schools	Charter Enrollment	Charter %
Akron, OH	16	2,397	2.3%
Albany-Schenectady-Troy, NY	10	2,528	2.0%
Appleton, WI	14	2,053	5.5%
Austin-Round Rock, TX	14	2,710	1.0%
Baltimore-Towson, MD	18	4,580	1.3%
Boise City-Nampa, ID	16	6,795	6.4%
Bradenton-Sarasota-Venice, FL	14	4,014	5.0%
Buffalo-Niagara Falls, NY	16	7,140	4.3%
Cabton-Massilon, OH	10	988	1.5%
Cape Coral-Fort Meyers, FL	12	7,418	9.4%
Charlotte-Gastonia-Concord, NC-SC	14	5,867	2.1%
Chico, CA	10	1,705	5.8%
Durham, NC	14	4,092	6.0%
Eureka-Arcata-Fortuna, CA	10	1,255	7.9%
Flint, MI	11	5,109	6.6%
Gainesville, FL	10	922	2.9%
Grand Rapids-Wyoming, MI	18	7,837	5.9%
Lake Havasu City-Kingman, AZ	14	3,615	13.1%
Lakeland-Winter Haven, FL	19	8,778	9.6%
Little Rock-North Little Rock, AR	10	2,144	2.0%
Madison, WI	10	1,008	1.3%
Modesto, CA	19	5,547	5.6%
Oklahoma City, OK	12	4,479	2.2%
Pittsburgh, PA	16	12,482	3.8%
Provo-Orem, UT	17	8,045	7.1%
Raleigh-Cary, NC	15	5,666	3.2%
Redding, CA	13	2,025	7.9%
St. Louis, MO-IL	18	8,251	2.0%
Salt Lake City, UT	19	6,061	2.9%
Santa Cruz-Watsonville, CA	10	2,931	8.2%
Sierra Vista-Douglas, AZ	10	1,519	7.3%
Stockton, CA	15	4,173	3.2%
Truckee-Grass Valley, CA	13	3,526	20.8%
Youngstown-Warren-Boardman, OH-PA	14	3,587	4.1%
Yuba City, CA	10	2,385	7.9%

Source: 2007-08 NCES Common Core of Data

<sup>87</sup> All MSAs in Appendix A tables have between 10 and 19 charter schools. Those with 20 or more charter schools are contained in tables in the main text of the report.

*Table A-3*  
 Enrollment and Racial Composition of Charter Schools by State with less than 5,000 Charter Schools Students, 2007-08

<b>State</b>	<b>State Total</b>	<b>White</b>	<b>Black</b>	<b>Latino</b>	<b>Asian</b>	<b>American Indian</b>
AR	4,988	64%	30%	3%	3%	0%
CT	3,743	16%	60%	22%	1%	0%
AK	3,319	71%	2%	5%	3%	19%
KS	3,013	84%	5%	8%	1%	2%
TN	2,742	1%	97%	2%	0%	0%
RI	1,817	35%	16%	44%	4%	1%
IA	691	49%	32%	17%	2%	0%
NH	478	94%	1%	1%	3%	1%
MS	375	61%	34%	2%	2%	0%
WY	255	54%	1%	3%	2%	40%
VA	239	60%	36%	3%	0%	1%

*Source:* 2007-08 NCES Common Core of Data

Table A-4  
Racial Composition of Charter and Regular Public Schools in Selected MSAs, 2007-08

Metropolitan Area	Charter			Traditional Public		
	Latino	Black	White	Latino	Black	White
Akron, OH	1%	59%	39%	1%	17%	80%
Albany-Schenectady-Troy, NY	9%	73%	14%	4%	11%	81%
Appleton, WI	3%	3%	82%	4%	2%	87%
Austin-Round Rock, TX	39%	20%	37%	42%	10%	43%
Baltimore-Towson, MD	7%	82%	10%	4%	37%	53%
Boise City-Nampa, ID	4%	1%	93%	16%	2%	79%
Bradenton-Sarasota-Venice, FL	11%	10%	78%	19%	13%	66%
Buffalo-Niagara Falls, NY	8%	64%	26%	5%	17%	75%
Cabton-Massillon, OH	1%	35%	63%	1%	10%	88%
Cape Coral-Fort Meyers, FL	25%	10%	63%	31%	15%	53%
Charlotte-Gastonia-Concord, NC-SC	2%	25%	69%	12%	32%	53%
Chico, CA	11%	2%	81%	18%	3%	67%
Durham, NC	4%	49%	46%	15%	38%	42%
Eureka-Arcata-Fortuna, CA	6%	3%	80%	12%	2%	69%
Flint, MI	3%	60%	36%	2%	26%	70%
Gainesville, FL	7%	34%	58%	6%	34%	56%
Grand Rapids-Wyoming, MI	12%	23%	61%	10%	11%	76%
Lake Havasu City-Kingman, AZ	13%	1%	84%	24%	2%	70%
Lakeland-Winter Haven, FL	16%	21%	61%	23%	22%	53%
Little Rock-North Little Rock, AR	4%	39%	52%	5%	34%	60%
Madison, WI	19%	19%	55%	7%	10%	78%
Modesto, CA	28%	4%	62%	53%	4%	36%
Oklahoma City, OK	32%	34%	28%	13%	15%	60%
Pittsburgh, PA	2%	25%	72%	1%	13%	84%
Provo-Orem, UT	8%	1%	87%	11%	1%	85%
Raleigh-Cary, NC	3%	30%	63%	12%	26%	57%
Redding, CA	4%	1%	90%	9%	2%	79%
St. Louis, MO-IL	3%	87%	9%	2%	27%	69%
Salt Lake City, UT	10%	2%	84%	20%	2%	71%
Santa Cruz-Watsonville, CA	38%	2%	55%	54%	1%	41%
Sierra Vista-Douglas, AZ	67%	5%	26%	46%	6%	44%
Stockton, CA	37%	12%	38%	44%	10%	26%
Truckee-Grass Valley, CA	27%	13%	57%	13%	1%	83%
Youngstown-Warren-Boardman, OH-PA	5%	66%	28%	2%	15%	83%
Yuba City, CA	19%	7%	64%	33%	3%	46%

*Choice without Equity*  
 Civil Rights Project/Proyecto Derechos Civiles

Source: 2007-08 NCES Common Core of Data

*Table A-5*  
 White Over-representation in Charter Schools, Top 15 MSAs, 2007-08

<b>Metropolitan Area</b>	<b>Charter School White %</b>	<b>Public School White %</b>	<b>White Charter Over-representation</b>
Riverside-San Bernardino-Ontario, CA	46%	27%	170.4%
Honolulu, HI	26%	19%	136.8%
Fresno, CA	30%	23%	130.4%
San Jose-Sunnyvale-Santa Clara, CA	33%	26%	126.9%
Los Angeles-Long Beach-Santa Ana, CA	24%	20%	120.0%
Tucson, AZ	45%	39%	115.4%
Santa Rosa-Petaluma, CA	63%	55%	114.5%
Portland-Vancouver-Beaverton, OR-WA	81%	71%	114.1%
Phoenix-Mesa-Scottsdale, AZ	52%	46%	113.0%
Prescott, AZ	80%	71%	112.7%
Denver-Aurora, CO	62%	56%	110.7%
Sacramento--Arden-Arcade--Roseville, CA	54%	49%	110.2%
Colorado Springs, CO	70%	67%	104.5%
Orlando-Kissimmee, FL	47%	45%	104.4%
San Diego-Carlsbad-San Marcos, CA	36%	35%	102.9%

Source: 2007-08 NCES Common Core of Data

*Table A-6*  
 Black Over-representation in Charter Schools, Top 15 MSAs, 2007-08

<b>Metropolitan area</b>	<b>Charter School Black %</b>	<b>Public School Black %</b>	<b>Black Charter Over-representation</b>
Cincinnati-Middletown, OH-KY-IN	78%	15%	520.0%
Kansas City, MO-KS	79%	17%	464.7%
Dayton, OH	74%	17%	435.3%
Boston-Cambridge-Quincy, MA-NH	32%	8%	400.0%
New York-Northern New Jersey-Long Island, NY-NJ-PA	66%	20%	330.0%
Indianapolis-Carmel, IN	62%	19%	326.3%
Minneapolis-St. Paul-Bloomington, MN-WI	37%	12%	308.3%
Chicago-Naperville-Joliet, IL-IN-WI	64%	22%	290.9%
Washington-Arlington-Alexandria, DC-VA-MD-WV	88%	31%	283.9%
Detroit-Warren-Livonia, MI	72%	26%	276.9%
Cleveland-Elyria-Mentor, OH	70%	27%	259.3%
San Antonio, TX	17%	7%	242.9%
Los Angeles-Long Beach-Santa Ana, CA	17%	7%	242.9%
Milwaukee-Waukesha-West Allis, WI	50%	23%	217.4%
Columbus, OH	42%	20%	210.0%

*Source:* 2007-08 NCES Common Core of Data

*Table A-7*

Latino Over-representation in Charter Schools, Top 15 MSAs, 2007-08

<b>Metropolitan Area</b>	<b>Charter School Latino %</b>	<b>Public School Latino %</b>	<b>Latino Charter Over-representation</b>
Boston-Cambridge-Quincy, MA-NH	23%	12%	191.7%
Milwaukee-Waukesha-West Allis, WI	20%	11%	181.8%
Detroit-Warren-Livonia, MI	5%	3%	166.7%
Cleveland-Elyria-Mentor, OH	8%	5%	160.0%
San Francisco-Oakland-Fremont, CA	41%	29%	141.4%
Minneapolis-St. Paul-Bloomington, MN-WI	8%	6%	133.3%
San Jose-Sunnyvale-Santa Clara, CA	49%	38%	128.9%
San Antonio, TX	77%	62%	124.2%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	11%	9%	122.2%
Orlando-Kissimmee, FL	36%	30%	120.0%
Houston-Sugar Land-Baytown, TX	49%	42%	116.7%
Miami-Fort Lauderdale-Pompano Beach, FL	50%	43%	116.3%
Kansas City, MO-KS	10%	9%	111.1%
Colorado Springs, CO	18%	17%	105.9%
Chicago-Naperville-Joliet, IL-IN-WI	27%	26%	103.8%

*Source:* 2007-08 NCES Common Core of Data



Table A-8  
Percentage of Charter and Public School Students in Intensely Segregated Minority Schools, by Race/Ethnicity and by State, 2007-08

State	White Share of School Enrollment			90-100% Minority Charter School Enrollment Rate			90-100% Minority Public School Enrollment Rate		
	Charter	Public	Charter-Public Difference	White	Black	Latino	White	Black	Latino
AK	71	55	17	1	3	2	1	3	2
AR	64	67	-3	1	38	5	0	25	3
CT	16	66	-50	8	87	69	0	28	24
IA	49	85	-36	0	0	0	0	1	0
KS	84	73	11	0	0	0	0	6	8
MS	61	46	15	0	0	0	1	46	9
NH	94	92	2	0	0	0	0	0	0
RI	35	70	-36	3	10	29	1	26	41
TN	1	69	-68	100	100	100	0	42	9
VA	60	59	1	4	85	33	0	15	4
WY	54	84	-30	2	0	0	0	0	0

Source: 2007-08 NCES Common Core of Data

Table A-9  
Percentage of Charter and Public School Students in Intensely Segregated White Schools, by Race/Ethnicity and by State, 2007-08

State	White Share of School Enrollment			90-100% White Charter School Enrollment Rate			90-100% White Public School Enrollment Rate		
	Charter	Public	Charter-Public Difference	White	Black	Latino	White	Black	Latino
AK	71	55	17	16	0	9	2	0	0
AR	64	67	-3	68	2	35	45	2	8
CT	16	66	-50	13	0	0	41	3	4
IA	49	85	-36	21	0	0	62	14	15
KS	84	73	11	36	10	9	40	5	6
MS	61	46	15	0	0	0	16	1	5
NH	94	92	2	81	60	67	84	46	36
RI	35	70	-36	0	0	0	59	8	5
TN	1	69	-68	0	0	0	52	3	13
VA	60	59	1	68	9	33	18	1	2
WY	54	84	-30	0	0	0	44	18	15

Source: 2007-08 NCES Common Core of Data

Table A-10

Selected MSAs, Minority Segregation in Charter and Regular Public Schools, 2007-08

Metropolitan Area	White Difference (Charter-Public)	% of Students in Schools that are 90-100% Minority	
		Charter	Public
Akron, OH	-41%	41%	3%
Albany-Schenectady-Troy, NY	-67%	69%	2%
Appleton, WI	-5%	0%	0%
Austin-Round Rock, TX	-6%	33%	17%
Baltimore-Towson, MD	-44%	77%	20%
Boise City-Nampa, ID	14%	0%	0%
Bradenton-Sarasota-Venice, FL	12%	0%	1%
Buffalo-Niagara Falls, NY	-49%	43%	8%
Cabton-Massillon, OH	-25%	0%	0%
Cape Coral-Fort Meyers, FL	10%	3%	2%
Charlotte-Gastonia-Concord, NC-SC	16%	13%	14%
Chico, CA	14%	0%	0%
Durham, NC	4%	21%	18%
Eureka-Arcata-Fortuna, CA	11%	0%	3%
Flint, MI	-34%	29%	12%
Gainesville, FL	2%	16%	4%
Grand Rapids-Wyoming, MI	-14%	15%	6%
Lake Havasu City-Kingman, AZ	14%	0%	1%
Lakeland-Winter Haven, FL	9%	0%	0%
Little Rock-North Little Rock, AR	-8%	11%	12%
Madison, WI	-22%	0%	0%
Modesto, CA	26%	5%	8%
Oklahoma City, OK	-32%	40%	5%
Pittsburgh, PA	-12%	9%	2%
Provo-Orem, UT	2%	0%	0%
Raleigh-Cary, NC	6%	20%	1%
Redding, CA	11%	0%	0%
St. Louis, MO-IL	-60%	83%	13%
Salt Lake City, UT	13%	1%	0%
Santa Cruz-Watsonville, CA	13%	19%	41%
Sierra Vista-Douglas, AZ	-18%	60%	24%
Stockton, CA	12%	11%	26%
Truckee-Grass Valley, CA	-27%	7%	0%
Youngstown-Warren-Boardman, OH-PA	-54%	41%	4%
Yuba City, CA	18%	0%	0%

Source: 2007-08 NCES Common Core of Data

Table A-11

Selected MSAs, White Segregation in Charter and Regular Public Schools, 2007-08

Metropolitan Area	White Difference (Charter-Public)	% of Students in Schools that are 90-100% White	
		Charter	Public
Akron, OH	-41%	8%	53%
Albany-Schenectady-Troy, NY	-67%	0%	57%
Appleton, WI	-5%	0%	0%
Austin-Round Rock, TX	-6%	5%	0%
Baltimore-Towson, MD	-44%	0%	14%
Boise City-Nampa, ID	14%	0%	0%
Bradenton-Sarasota-Venice, FL	12%	0%	8%
Buffalo-Niagara Falls, NY	-49%	0%	51%
Cabton-Massillon, OH	-25%	0%	0%
Cape Coral-Fort Meyers, FL	10%	1%	1%
Charlotte-Gastonia-Concord, NC-SC	16%	0%	3%
Chico, CA	14%	0%	0%
Durham, NC	4%	0%	0%
Eureka-Arcata-Fortuna, CA	11%	0%	3%
Flint, MI	-34%	0%	46%
Gainesville, FL	2%	13%	7%
Grand Rapids-Wyoming, MI	-14%	17%	48%
Lake Havasu City-Kingman, AZ	14%	0%	2%
Lakeland-Winter Haven, FL	9%	0%	0%
Little Rock-North Little Rock, AR	-8%	24%	26%
Madison, WI	-22%	0%	0%
Modesto, CA	26%	0%	0%
Oklahoma City, OK	-32%	0%	1%
Pittsburgh, PA	-12%	0%	67%
Provo-Orem, UT	2%	0%	0%
Raleigh-Cary, NC	6%	2%	0%
Redding, CA	11%	0%	0%
St. Louis, MO-IL	-60%	0%	34%
Salt Lake City, UT	13%	49%	25%
Santa Cruz-Watsonville, CA	13%	15%	2%
Sierra Vista-Douglas, AZ	-18%	0%	3%
Stockton, CA	12%	0%	0%
Truckee-Grass Valley, CA	-27%	33%	0%
Youngstown-Warren-Boardman, OH-PA	-54%	0%	66%
Yuba City, CA	18%	0%	0%

Source: 2007-08 NCES Common Core of Data

Table A-12

White Exposure in Public and Charter Schools, by State, 2007-08

State	Percent White		White Isolation		White Exposure to Blacks		White Exposure to Latinos	
	Charter	Public	Charter	Public	Charter	Public	Charter	Public
AK	71	55	80	69	2	4	5	6
AR	64	67	84	79	11	12	3	7
CT	16	66	55	80	23	6	17	9
IA	49	85	59	88	27	4	12	5
KS	84	73	87	81	4	6	7	9
MS	61	46	61	68	34	28	2	2
NH	94	92	95	93	1	2	1	3
RI	35	70	61	85	10	5	23	7
TN	1	69	5	84	92	10	3	4
VA	60	59	84	70	12	18	2	7
WY	54	84	83	86	2	1	4	9

Source: 2007-08 NCES Common Core of Data

Table A-13

Minority Isolation in Public and Charter Schools, by Race/Ethnicity and by State, 2007-08

State	Black Isolation (Black/Black Exposure)		Latino Isolation (Latino/Latino Exposure)	
	Charter	Public	Charter	Public
AK	4	10	7	12
AR	71	58	5	27
CT	72	36	28	38
IA	49	19	46	22
KS	16	27	21	38
MS	34	72	2	5
NH	4	5	1	11
RI	21	20	59	49
TN	97	64	3	15
VA	78	50	3	23
WY	2	4	4	17

Source: 2007-08 NCES Common Core of Data

Table A-14

Minority Student Exposure to White Students in Public and Charter Schools, by Race/Ethnicity and State, 2007-08

State	Black/White Exposure		Latino/White Exposure	
	Charter	Public	Charter	Public
AK	72	53	74	54
AR	23	35	61	55
CT	6	32	13	35
IA	42	67	34	66
KS	69	51	71	47
MS	61	26	61	53
NH	90	83	93	81
RI	23	39	18	29
TN	1	29	2	54
VA	19	39	59	45
WY	88	79	78	78

Source: 2007-08 NCES Common Core of Data

Table A-15

Racial Transition of Schools Changing Charter Status from 2000 to 2007

School-level white percentage change, 2000-2007	Charter in 2000; Public School in 2007		Public in 2000; Charter School in 2007	
	Frequency	Percent	Frequency	Percent
Decrease by 20-100%	2	4.4	12	8.4
Decrease by 15-19.9%	1	2.2	11	7.7
Decrease by 10-14.9%	6	13.3	9	6.3
Decrease by 5-9.9%	11	24.4	16	11.2
Decrease by 0-4.9%	10	22.2	54	37.8
Increase by 0.1-5%	11	24.4	29	20.3
Increase by 5.1-10%			4	2.8
Increase by 10.1-20%	1	2.2	5	3.5
Increase by 20.1-100%				
Total	42	93.3	140	97.9
Missing	3	6.7	3	2.1
Total	45	100	143	100

Source: NCES Common Core of Data, 2000-01 and 2007-08

Table A-16  
Percentage of Charter School Students by Location and State, 2007-08

State	Large City	Smaller City	Large Suburb	Smaller Suburb	Town / Rural	City	Suburb	White (%)
DC	100%	0%	0%	0%	0%	100%	0%	3%
IL	92%	2%	2%	1%	2%	94%	4%	7%
MO	96%	0%	0%	0%	4%	96%	0%	8%
NJ	23%	28%	41%	6%	1%	51%	48%	9%
NY	75%	14%	4%	0%	7%	89%	4%	10%
LA	0%	87%	0%	0%	13%	87%	0%	13%
MD	76%	5%	15%	1%	3%	81%	16%	14%
TX	73%	10%	9%	1%	7%	83%	10%	14%
HI	31%	0%	6%	6%	57%	31%	12%	26%
OK	95%	0%	5%	0%	0%	95%	5%	31%
IN	54%	32%	4%	1%	10%	85%	5%	31%
NM	46%	10%	17%	0%	26%	56%	17%	34%
MI	28%	24%	29%	6%	13%	52%	35%	34%
CA	39%	12%	24%	5%	20%	51%	29%	38%
GA	8%	22%	47%	5%	19%	29%	52%	40%
FL	6%	19%	40%	6%	28%	25%	46%	42%
OH	52%	20%	12%	1%	14%	72%	14%	43%
PA	48%	8%	28%	1%	15%	56%	29%	43%
MN	52%	9%	18%	0%	20%	61%	19%	44%
MA	21%	32%	39%	2%	6%	53%	41%	45%
WI	51%	22%	2%	5%	20%	73%	7%	47%
NV	38%	32%	10%	0%	20%	70%	10%	49%
DE	0%	47%	33%	0%	20%	47%	33%	49%
AZ	48%	9%	20%	3%	19%	58%	23%	52%
SC	0%	61%	9%	5%	25%	61%	14%	53%
NC	13%	23%	9%	3%	52%	36%	12%	61%
CO	20%	10%	30%	5%	36%	30%	34%	64%
OR	11%	10%	23%	2%	54%	21%	25%	83%
UT	0%	20%	41%	4%	35%	20%	45%	86%
ID	0%	42%	8%	3%	46%	42%	12%	92%

Table A-16 continued

Percentage of Charter School Students by Location and State, 2007-08

Less than 5,000 Charter Students								
State	Large City	Smaller City	Large Suburb	Smaller Suburb	Town / Rural	City	Suburb	White (%)
AK	28%	0%	0%	4%	68%	28%	4%	71%
AR	0%	46%	0%	0%	54%	46%	0%	64%
CT	0%	93%	5%	0%	2%	93%	5%	16%
IA	0%	73%	0%	0%	27%	73%	0%	49%
KS	0%	31%	1%	0%	67%	31%	1%	84%
MS	0%	0%	0%	0%	100%	0%	0%	61%
NH	0%	0%	31%	21%	48%	0%	52%	94%
RI	0%	49%	42%	0%	10%	49%	42%	35%
TN	100%	0%	0%	0%	0%	100%	0%	1%
VA	0%	79%	21%	0%	0%	79%	21%	60%
WY	0%	0%	0%	0%	100%	0%	0%	54%

Source: 2007-08 NCES Common Core of Data; sorted by percentage of white students

Table A-17

Percentage of Traditional Public School Students by Location and State, 2007-08

State	Large City	Smaller City	Large Suburb	Smaller Suburb	Town / Rural	City	Suburb
DC	100%	0%	0%	0%	0%	100%	0%
HI	23%	0%	34%	7%	36%	23%	41%
CA	24%	20%	33%	7%	16%	44%	41%
NM	23%	11%	10%	3%	53%	34%	13%
TX	26%	15%	23%	3%	33%	41%	26%
NV	19%	18%	35%	0%	28%	38%	35%
AZ	36%	9%	19%	3%	33%	45%	22%
MS	0%	10%	6%	4%	79%	10%	10%
GA	3%	11%	37%	3%	46%	14%	40%
MD	8%	7%	50%	11%	24%	15%	60%
FL	8%	16%	43%	9%	24%	24%	52%
LA	0%	26%	12%	11%	51%	26%	23%
DE	0%	12%	41%	5%	43%	12%	46%
NY	36%	6%	35%	2%	21%	42%	37%
SC	0%	15%	19%	9%	57%	15%	28%
AK	32%	5%	0%	3%	61%	36%	3%
NJ	3%	6%	76%	3%	12%	9%	79%
IL	18%	12%	40%	5%	25%	30%	45%
NC	9%	16%	9%	7%	59%	25%	16%

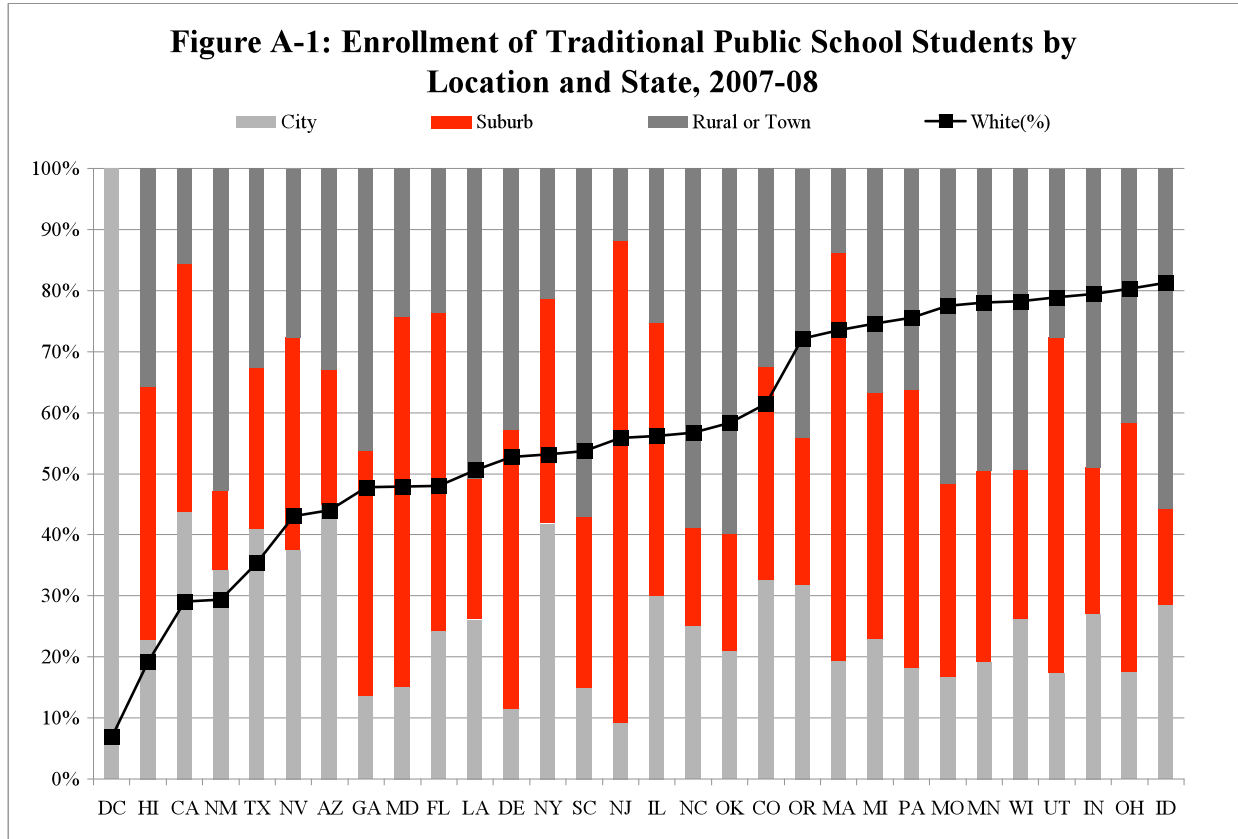
Table A-17 Continued

Percentage of Traditional Public School Students by Location and State, 2007-08

State	Large City	Smaller City	Large Suburb	Smaller Suburb	Town / Rural	City	Suburb
OK	19%	2%	17%	2%	60%	21%	19%
VA	6%	17%	34%	4%	39%	23%	38%
AL	0%	21%	11%	6%	61%	21%	17%
CO	22%	11%	29%	6%	32%	33%	35%
CT	0%	26%	45%	11%	19%	26%	55%
AR	0%	25%	8%	3%	65%	25%	10%
WA	4%	23%	34%	10%	29%	27%	44%
TN	18%	13%	13%	4%	53%	30%	17%
RI	0%	31%	54%	0%	16%	31%	54%
OR	11%	21%	19%	5%	44%	32%	24%
KS	10%	15%	13%	1%	62%	25%	14%
MA	6%	14%	62%	5%	14%	19%	67%
MI	7%	16%	33%	7%	37%	23%	40%
NE	23%	11%	11%	1%	54%	34%	12%
PA	11%	7%	38%	7%	36%	18%	46%
MO	9%	8%	28%	3%	52%	17%	32%
MN	9%	10%	30%	2%	49%	19%	31%
WI	9%	17%	14%	11%	49%	26%	24%
UT	0%	17%	52%	3%	28%	17%	55%
IN	13%	14%	20%	4%	49%	27%	24%
OH	11%	7%	36%	4%	42%	18%	41%
ID	0%	29%	7%	9%	56%	29%	16%
SD	0%	25%	0%	1%	73%	25%	1%
MT	0%	23%	0%	2%	75%	23%	2%
WY	0%	24%	0%	1%	74%	24%	1%
IA	0%	27%	6%	2%	65%	27%	8%
KY	16%	4%	12%	3%	66%	20%	14%
ND	0%	27%	0%	9%	64%	27%	9%
NH	0%	14%	9%	24%	53%	14%	32%
WV	0%	13%	0%	16%	71%	13%	16%
ME	0%	12%	0%	13%	75%	12%	13%
VT	0%	7%	0%	10%	83%	7%	10%

Source: 2007-08 NCES Common Core of Data





Source: 2007-08 NCES Common Core of Data

Table A-18

Alternate Calculations of Percentage of Low-Income Charter School Students, 2007-08<sup>88</sup>

<b>FRL% in Charter Schools</b>			
	<b>Schools reporting 0 or more FRL students</b>	<b>All schools</b>	<b>Schools reporting 1 or more FRL students</b>
USA	50%	37%	52%
AK	15%	15%	34%
AR	44%	44%	52%
AZ	45%	35%	45%
CA	52%	39%	55%
CO	26%	23%	26%
CT	60%	60%	60%
DC	68%	39%	68%
DE	31%	29%	31%
FL	34%	34%	35%
GA	43%	43%	47%
HI	22%	22%	22%
IA	71%	71%	71%
ID	9%	9%	27%
IL	30%	4%	30%
IN	64%	64%	64%
KS	30%	30%	30%
LA	78%	9%	78%
MA	44%	44%	45%
MD	65%	64%	65%
MI	57%	57%	60%
MN	58%	56%	58%
MO	79%	79%	79%
MS	38%	38%	38%
NC	54%	14%	54%
NH	4%	4%	15%
NJ	68%	66%	68%
NM	56%	45%	56%
NV	25%	9%	25%
NY	75%	75%	75%
OK	68%	68%	68%
OR	22%	22%	33%
PA	57%	10%	57%

<sup>88</sup> Ohio did not report FRL numbers in 2007-08.

Table A-18 continued  
Alternate Calculations of Percentage of Low-Income Charter School Students, 2007-08<sup>89</sup>

<b>FRL% in Charter Schools</b>			
	<b>Schools reporting 0 or more FRL students</b>	<b>All schools</b>	<b>Schools reporting 1 or more FRL students</b>
RI	62%	62%	62%
SC	38%	32%	38%
TN	60%	58%	60%
TX	64%	64%	66%
UT	29%	17%	29%
VA	34%	34%	34%
WI	52%	52%	54%
WY	45%	45%	45%

Source: 2007-08 NCES Common Core of Data

Table A-19  
Alternate Student Poverty Concentration, Charter and Traditional Public Schools, 2007-08

	<b>FRL Category</b>	<b>Total students</b>	<b>Total low- income students</b>	<b>Percentage of All Students in Each FRL Category</b>
Charter Schools	0-25%	242,260	25,863	27%
	26-50%	199,091	74,668	22%
	51-75%	224,627	143,021	25%
	76-100%	245,343	213,475	27%
	<b>Total</b>	<b>911,321</b>	<b>457,027</b>	
Traditional public schools	0-25%	13,585,114	1,690,764	31%
	26-50%	13,502,972	5,036,684	31%
	51-75%	10,035,581	6,190,189	23%
	76-100%	7,069,977	6,124,645	16%
	<b>Total</b>	<b>44,193,644</b>	<b>19,042,282</b>	

Source: 2007-08 NCES Common Core of Data; Note: includes schools reporting "0" free/reduced price lunch students

<sup>89</sup> Ohio did not report FRL numbers in 2007-08.

Table A-20

Alternate Overlap Between Racial and Economic Concentration in Charter and Traditional Public Schools, 2007-08

<b>Percent of Black and Hispanic Students in Schools</b>										
Free/Reduced Lunch Percentage in School	0-10%	10-20%	20-30%	30-40%	40-50%	50-60%	60-70%	70-80%	80-90%	90-100%
<b>Traditional Public Schools (N=78,444)</b>										
0-10%	18%	15%	5%	2%	2%	2%	1%	1%	2%	5%
10-25%	23%	29%	25%	14%	6%	3%	2%	1%	1%	1%
25-50%	38%	36%	42%	44%	39%	30%	21%	11%	5%	4%
50-100%	20%	20%	29%	40%	53%	65%	77%	87%	93%	90%
% of Schools (Column Totals)	37%	11%	7%	6%	5%	4%	4%	4%	4%	11%
<b>Charter Schools (N=3,012)</b>										
0-10%	31%	26%	18%	12%	11%	6%	4%	6%	2%	1%
10-25%	24%	31%	28%	24%	13%	8%	12%	5%	4%	1%
25-50%	25%	27%	29%	41%	41%	33%	23%	19%	15%	6%
50-100%	20%	16%	25%	22%	34%	52%	61%	71%	79%	92%
% of Schools (Column Totals)	19%	10%	7%	6%	4%	5%	5%	4%	7%	32%

Source: 2007-08 NCES Common Core of Data

Table A-21

Alternate Exposure to Low-Income Students by Race/Ethnicity & Charter School Status, 2007-08

	<b>Low-Income Students</b>	
	<b>Charter</b>	<b>Traditional Public</b>
% White	30%	33%
% Black	66%	60%
% Latino	61%	58%
% Asian	40%	36%
% American Indian	51%	54%

Source: 2007-08 NCES Common Core of Data; note: includes schools reporting "0" FRL students

## Appendix B: State Charter School Legislation Regarding Transportation<sup>90</sup>

State	Charter Legislation
Alaska	State charter law contains no transportation provisions.
Arizona	If a school district transports or contracts to transport pupils to the Arizona state schools for the deaf and the blind during any fiscal year, the school district may transport or contract with a charter school to transport sensory impaired pupils during that same fiscal year to a charter school if requested by the parent of the pupil and if the distance from the pupil's place of actual residence within the school district to the charter school is less than the distance from the pupil's place of actual residence within the school district to the campus of the Arizona state schools for the deaf and the blind.
Arkansas	State charter law contains no transportation provisions.
California	Charter schools are expressly included in state education laws providing for after school programs that require that safe transportation be available to transport participating pupils to locations off school grounds if necessary. Charter schools identified for corrective action under NCLB must authorize transfer of pupils to better performing schools and provide transportation to such schools.
Colorado	If a charter school's charter or contract includes provision of transportation services by the school district, the charter school and the school district shall collaborate in developing a transportation plan to use school district equipment to transport students enrolled in the charter school to and from the charter school and their homes and to and from the charter school and any extracurricular activities. If the school district chooses to include charter school students in the transportation fee, the school district shall ensure that the full amount of the transportation fee collected from students enrolled in charter schools is used to offset the costs of providing transportation services for charter school students.
Connecticut	The local or regional board of education of the school district in which the charter school is located shall provide transportation services for students of the charter school who reside in such school district unless the charter school makes other arrangements for such transportation. Any local or regional board of education may provide transportation services to a student attending a charter school outside of the district in which the student resides and, if it elects to provide such transportation, shall be reimbursed for the reasonable costs of such transportation. The parent or guardian of any student denied the transportation services required to be provided pursuant to this subsection may appeal such denial.

---

<sup>90</sup> Thanks to Jacqueline Dan for her work in reviewing state charter school legislation and compiling information in Appendices B and C.

<b>State</b>	<b>Charter Legislation</b>
Delaware	The charter school may request to have the school district where the charter school is located transport students residing in that district to and from the charter school on the same basis offered to other students attending schools operated by the district, or to receive from the State a payment equal to 75% of the average cost per student of transportation within the vocational district in which the charter school is located and become responsible for the transportation of those students to and from the charter school. In the case of students not residing in the district where the charter school is located, the parents of such students shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the charter school. Notwithstanding the foregoing, a student at a charter school shall receive such transportation assistance as is made available to students pursuant to a public school choice program established by this Code provided that such student otherwise meets the eligibility requirements for such assistance.
DC	A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable to a student attending a District of Columbia public school.
Florida	Contiguous school districts shall make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools. Annual funding allocation to school districts for transportation of students in K-12 programs, migrant student programs, and pre-K exceptional student programs includes transportation to charter schools. A charter school's governing body may use charter school capital outlay funds for the purchase of vehicles to transport students to and from the charter school.
Georgia	Local and state boards shall not treat charter schools differently in the allocation of funds for transportation. A charter school's or commission charter school's governing body may use moneys from the facilities fund for the purchase of vehicles to transport students to and from the charter school or commission charter school. Charter schools are exempted from a provision that requires a parent to assume the responsibility and cost of transportation of the student to and from the school if the parent elects to enroll such student in a public school that is located within the school system in which the student resides other than the one to which the student has been assigned by the local board of education.
Hawaii	When fifteen or more qualified children in any one departmental school district wish to enroll in the Hawaiian language medium education program, the superintendent of education may provide facilities for a Hawaiian language medium education program or provide transportation to the nearest schooling site providing the program, including a charter school site.
Idaho	Charter schools are included in the calculation for funds to a district for transportation. An authorized chartering entity may approve a charter only if it determines that the petition contains a proposal for transportation services as required by state law. Transportation support shall be paid to the public charter school. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who reside more than 1 1/2 miles from the school. To be eligible for state reimbursement, the student to be transported must reside within the public charter school's attendance zone, and must reside within the school district in which the public charter school is physically located; or resides within 15 miles of the public charter school, by road.

<b>State</b>	<b>Charter Legislation</b>
Illinois	The school board of any school district that provides any school bus or conveyance for transporting pupils to and from the public schools shall afford transportation, without cost, for children who attend a charter school or any school other than a public school, who reside at least 1 1/2 miles from the school attended, and who reside on or along the highway constituting the regular route of such public school bus or conveyance, such transportation to extend from some point on the regular route nearest or most easily accessible to their homes to and from the school attended, or to or from a point on such regular route which is nearest or most easily accessible to the school attended by such children. If any such children reside within 1 1/2 miles from the school attended, the school board shall afford such transportation to such children on the same basis as it provides transportation for its own pupils residing within that distance from the school attended. All services centrally or otherwise provided by the school district including, transportation, shall be subject to negotiation between a charter school and the local school board and paid for out of the negotiated revenues; provided that the local school board shall not attempt, by negotiation or otherwise, to obligate a charter school to provide pupil transportation for pupils for whom a district is not required to provide transportation.
Indiana	A proposal to establish a charter school must contain a transportation plan. Services that a school corporation provides to a charter school, including transportation, may be provided at not more than 103% of the actual cost of the services.
Iowa	An application to the state board for the approval of a charter school shall include the means, costs, and plan for providing transportation for students attending the charter school. Sending districts of residence shall make payments to the charter school receiving the pupil. A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.
Kansas	The board of education of any school district in which a charter school is being operated shall provide transportation to and from the school for pupils who qualify for free meals under the national school lunch act and who live 2 1/2 or more miles from the school. Nothing in this section shall operate in any manner to prevent a board of education from providing transportation to and from a charter school for all pupils attending the school.
Louisiana	A charter school may negotiate with the local school board in whose jurisdiction it is located for pupil transportation, and for other support services provided by the board to other public schools in the system. If the local school board is requested to provide transportation services to a charter school student, then the charter school receiving the transportation services shall reimburse the local school board for the actual cost of providing such transportation. Charter schools are expressly included in a statute providing for a program for early childhood development and enrichment activity classes that includes transportation for every student.
Maryland	State charter law contains no provisions regarding transportation.

<b>State</b>	<b>Charter Legislation</b>
Massachusetts	The board of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include the provision of school facilities and pupil transportation. The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Students who do not reside in the district in which the charter school is located shall be eligible for transportation. A regional charter school as designated by the board of education, and whose charter provides for transportation of all students from charter municipalities shall also be reimbursed by the commonwealth for transportation provided to pupils residing outside the municipality where the charter school is located, but no reimbursement for transportation between the charter school and home shall be made on account of any pupil who resides less than one and one-half miles from the charter school.
Michigan	State charter law contains no provisions regarding transportation, except a provision in the state constitution states whereby the legislature may provide for the transportation of students to and from any school.
Minnesota	Transportation revenue must be paid to a charter school that provides transportation services, and transportation aid shall equal transportation revenue. If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. The state must pay transportation aid to the charter school. For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. At the time a pupil enrolls in a charter school, the charter school must provide the parent or guardian with information regarding the transportation. If a charter school does not elect to provide transportation, transportation for pupils enrolled at the school must be provided by the district in which the school is located for a pupil residing in the same district in which the charter school is located. Transportation may be provided by the district in which the school is located for a pupil residing in a different district.
Mississippi	State charter law contains no provisions regarding transportation.
Missouri	A charter school shall be eligible for transportation state aid and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.
Nevada	A charter application must include a statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school. A charter school converting to an empowerment school must have an empowerment plan that may identify the services of the school district which the school wishes to receive, including transportation.



<b>State</b>	<b>Charter Legislation</b>
New Hampshire	Pupils who reside in the school district in which the chartered public school is located shall be provided transportation to that school by the district on the same terms and conditions and that transportation is provided to pupils attending other public schools within that district. However, any added costs for such transportation services shall be borne by the chartered public school. A charter application must include a pupil transportation plan, including reasonable provision from the chartered public school's own resources for transportation of pupils residing outside the district in which the chartered public school is physically located.
New Jersey	The students who reside in the school district in which the charter school is located shall be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district. Non-resident students shall receive transportation services pursuant to regulations established by the State board.
New Mexico	The charter school application for a start-up school shall be a proposed agreement between the chartering authority and the charter school and shall include a description of how the charter school plans the transportation and food service needs of its students. A locally chartered charter school shall negotiate with a school district to provide transportation to students eligible for transportation. The school district, in conjunction with the charter school, may establish a limit for student transportation to and from the charter school site not to extend beyond the school district boundary. A local school board or governing body of a state-chartered charter school, with the approval of the state transportation director, may provide additional transportation services to meet established program needs. For a failing school to reopen as a state-chartered charter school the governing body shall develop a written plan and proposed charter that is satisfactory to the commission and that, at a minimum, addresses student transportation.
New York	A charter school shall be deemed a nonpublic school. The charter and application therefore shall set forth the manner in which students ineligible for transportation shall be transported to and from school. A school district may enter into a contract for the provision of supplemental transportation services to a charter school, and any such services shall be provided by the school district at cost.

<b>State</b>	<b>Charter Legislation</b>
North Carolina	<p>The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation.</p>
Ohio	<p>State law contains extensive provisions regarding the obligations of community schools<sup>91</sup> to provide transportation to native students. The governing authorities of two or more community schools may enter into a pooling agreement under which the schools may act jointly to provide transportation to students enrolled in the schools. A new start-up community school may be established in two school districts under the same contract if transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.</p>
Oklahoma	<p>Transportation shall be provided by the charter school in accordance with statutes applying to other public schools and only within the transportation boundaries of the school district in which the charter school is located. A charter school shall provide the parent or guardian information regarding transportation at the time the student enrolls in the charter school.</p>
Oregon	<p>The public charter school shall be responsible for providing transportation to students who reside within the school district and who attend the public charter school. The public charter school may negotiate with a school district for the provision of transportation to students attending the public charter school. The school district within which the public charter school is located shall be responsible for the transportation of students attending the public charter school in the same manner as students attending nonchartered public schools if the student is a resident of the school district. Students who attend public charter schools and who reside outside of the school district may use existing bus routes and transportation services of the school district in which a public charter school is located.</p>

---

<sup>91</sup> A “community school” is what Ohio calls its public charter schools. More specifically, a “community school” is a public nonprofit school that operates independently of any school district, under contract with an authorized sponsoring entity (<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?page=2&TopicRelationID=662>).

<b>State</b>	<b>Charter Legislation</b>
Pennsylvania	Students who attend a charter school located in their school district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding ten (10) miles shall be provided free transportation to the charter school by their school district of residence on such dates and periods that the charter school is in regular session. Transportation is not required for elementary students, including kindergarten students, residing within 1.5 miles or for secondary students residing within 2 miles from the charter school in which the students are enrolled. Districts providing transportation to a charter school outside the district and districts providing transportation to a charter school within the district shall be eligible for payments for each public school student transported.
Rhode Island	All services centrally or otherwise provided by the school district in which the charter public school is located which the charter public school decides to utilize including transportation shall be subject to negotiation between a charter public school and the local school district and paid for out of the revenues of the charter school.
South Carolina	The charter school application shall be a proposed contract and must include a description of how the charter school plans to meet the transportation needs of its pupils. However, the State is not responsible for student transportation to a charter school unless the charter school is designated by the local school district as the only school selected within the local school district's attendance area.
Tennessee	The sponsor seeking to establish a public charter school shall prepare and file with the local board of education an application providing the plan for transportation for the pupils attending the charter school. If a public charter school elects to provide transportation for its pupils, the transportation shall be provided by the school or by agreement with the LEA within the district in which the school is located in the same manner it would be provided if the students were enrolled in any other school within the LEA. If a public charter school elects not to provide transportation for its pupils, the school shall not receive the funds that would otherwise have been spent to do so. For pupils who reside outside the district and who have been approved by the governing board of a charter school to attend a public charter school, the school is not required to provide or pay for transportation. At the time a pupil enrolls in a public charter school, the school shall provide the child's parent or guardian with information regarding transportation. Both the school and the LEA in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.
Texas	An open-enrollment charter school shall provide transportation to each student attending the school to the same extent a school district is required by law to provide transportation to district students. A school district or open-enrollment charter school shall provide students required to attend accelerated programs with transportation to those programs if the programs occur outside of regular school hours.
Utah	A charter school is not eligible to receive state transportation funding. The board shall also adopt rules relating to the transportation of students to and from charter schools. The governing body of the charter school may provide transportation through an agreement or contract with the local school board, a private provider, or with parents. There is appropriated from state and local funds for fiscal year 2009-10 for distribution to school districts and charter schools, in accordance with this chapter, monies for pupil transportation to and from school, \$ 65,646,865, of which not less than \$ 2,584,435 shall be allocated to the Utah Schools for the Deaf and Blind to pay for transportation costs of the schools' students, and a guarantee transportation levy of \$ 500,000.

*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

<b>State</b>	<b>Charter Legislation</b>
Virginia	The public charter school application shall be a proposed agreement and shall include a description of how the public charter school plans to meet the transportation needs of its pupils.
Wisconsin	Charter schools are expressly included in the open-enrollment statute pertaining to public schools, which requires transportation by a nonresident school district if a pupil is a child with a disability and transportation of the pupil is required in the individualized education program developed for the child.
Wyoming	The charter school application shall include a description of how the charter school plans to meet the transportation needs of its pupils and whether the charter school plans to provide transportation for pupils.

### Appendix C: State Charter School Legislation Regarding ELL Students

State	Charter Legislation	Number of Reported ELL students in charter schools <sup>92</sup>
Alaska	State charter law contains no provisions regarding ELLs.	*
Arizona <sup>93</sup>	Extensive monitoring of charter schools and school districts to determine whether or not the school district or charter school is complying with state and federal laws applicable to ELLs. A school district or charter school shall prepare and submit to the department a corrective action plan, in a manner prescribed by the state board of education, that sets forth steps that will be taken to correct the deficiencies, if any, noted in the department's monitoring report. A school district or charter school found by the board to be noncompliant shall not continue to receive any monies from the Arizona structured English immersion fund for ELLs and shall not reduce the amount of monies spent on the school district's or charter school's ELL programs despite the loss of monies caused by the noncompliance. The department shall monitor each school district or charter school that the state board of education has found to be noncompliant and that is not receiving Arizona structured English immersion fund monies to ensure that the school district or charter school does not reduce the amount of monies spent on the school district's or charter school's ELL programs despite the loss of Arizona structured English immersion fund monies caused by the noncompliance. The department of education shall distribute monies in the fund to school districts and charter schools in equal amounts not to exceed two hundred fifty dollars for every English learner	5,949
Arkansas	State charter law contains no provisions regarding ELLs.	7
California <sup>94</sup>	State law classifies ELLs as "educationally disadvantaged pupils." State charter law consists of funding provisions allocating categorical block grants to charter schools based on the number of "educationally disadvantaged pupils," with the number of ELLs and students eligible for subsidized meals weighted twice as heavily. Such funding is intended to be comparable to funding received by noncharter schools. Superintendent of Public Instruction shall allocate to each participating LEA for each pupil enrolled in any of grades 4 to 8, inclusive, and identified as eligible for participation in the program established pursuant to this chapter one	7

<sup>92</sup> \* denotes states in which there were no "charter-only districts" but instead charter schools were part of districts that also had traditional public schools as well, making it impossible to discern the reported number of ELL charter school students. Further, as described above, some states (Maryland, Missouri, New Jersey, and South Dakota) do not report ELL students, and in some states, districts with only charter schools do not report ELL numbers. Due to relying on enrollment numbers from charter-only local educational agencies, it is quite possible that this underestimates the number of ELL students in charter schools.

<sup>93</sup> Passed Proposition 203 restricting bilingual education in 2000.

<sup>94</sup> Passed Proposition 227 restricting bilingual education in 1998. Charter schools are exempt from this ban if the charter specifies an emphasis on bilingual instruction.

	hundred dollars (\$100) per school year, giving priority for funding to schools with the highest proportion of pupils enrolled who are identified as ELLs where the available funding is insufficient to support the minimum allocation. As a condition of receiving these funds, each LEA shall certify that it will provide a program for English language development instruction to assist pupils in successfully achieving the English language development standards adopted by the State Board of Education, including structured immersion instruction to be provided for English learners, such as specially designed academic instruction in English and sheltered English strategies to ensure access by English language learners to the core curriculum, unless the LEA has obtained a waiver.	
Colorado	Charter schools are expressly included in state ELL legislation directed at all public schools. State calculation of district funding for "at-risk pupils" includes ELLs and FRL students at charter schools within the district. The percentage of ELLs at a public school shall be considered for a charter school's eligibility in various grant programs. No later than September 15, 2009, the department of education shall contract with a private person or entity to conduct a study to evaluate how declining pupil enrollment in school districts statewide impacts the students that remain in the declining enrollment districts and to recommend possible remedies to any negative impact that declining enrollment may have on the students. The study shall consider the impacts to students in school districts with a long-term decline in pupil enrollment, school districts with a large short-term decline in pupil enrollment, and school districts in which an increasing number of pupils attend a charter school in the district. The study shall include information on the fixed costs of providing transportation, special education, English language acquisition. Charter schools must comply with state law requiring that the charter school conduct a provider practices assessment if authorized by a high priority or priority local education provider, which must address the high priority or priority local education provider's policies and practices relating to English-language acquisition. If the local school board or the institute determines that the members of a school accountability committee should be appointed, the appointing authority shall, to the extent practicable, appoint persons to serve on the school accountability committee who reflect the student populations that are significantly represented within the school. If the local school board or the institute determines that persons shall be elected to serve on the school accountability committee, the school principal shall encourage persons who reflect the student populations that are significantly represented within the school to seek election to the committee. Said student populations may include, but need not be limited to students whose dominant language is not English.	404
Connecticut	Charter applications must include a description of the student admission criteria and procedures to ensure that the school does not discriminate on the basis of proficiency in the English language.	35
Delaware	State charter law contains no provisions regarding ELLs.	81
DC	Charter law contains no provisions regarding ELLs other than the provision of quarterly payments to public charter schools for services to ELL students.	1,049
Florida	State charter law contains no provisions regarding ELLs, other than a	*

*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

	general provision guaranteeing LEP students a right to ESOL instruction and parents of LEP students a right to involvement in the ESOL program.	
Georgia	State charter law contains no provisions regarding ELLs.	33
Hawaii	State charter law contains no provisions regarding ELLs.	*
Idaho	State charter law contains no provisions regarding ELLs.	4
Illinois	State law expressly includes charter schools under the State testing requirement, including case-by-case accommodations for ELL students.	0
Indiana	State charter law contains no provisions regarding ELLs.	203
Iowa	School board application for approval to establish a charter school must set forth the manner in which the charter school will provide special instruction to ELLs, in accordance with state law covering the education of ELLs in all public schools.	*
Kansas	State charter law contains no provisions regarding ELLs.	*
Louisiana	State Constitution includes ELLs as "at-risk" students for the purposes of allocating funds.	112
Maryland	State charter law contains no provisions other than a general state law that provides financial assistance to a county board for ELLs.	N/A
Massachusetts <sup>95</sup>	The commissioner is required to collect data annually on the number of students enrolled in each charter school requiring English language learners programs.	1,038
Michigan	State charter law contains no provisions regarding ELLs.	4,391
Minnesota	Charter schools are expressly included in state laws governing statewide testing and reporting, including provisions governing the testing of ELLs, and in state laws that allocate funding based on the number of ELL pupils. Funding to charter schools is prorated based on the number of days of instruction.	5,700
Mississippi	State charter law contains no provisions regarding ELLs.	*
Missouri	If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit high-risk students and address the needs of high-risk students through their proposed mission, curriculum, teaching methods, and services. "High-risk" students include ELLs. For the purposes of calculation and distribution of state school aid, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides, and charter schools shall report ELL student enrollment as part of this count.	N/A
Nevada	Charter schools are expressly included in annual accountability reporting requirements that include information on the achievement of all pupils, including demographic data for ELLs. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is limited English proficient and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to ELLs unable to take an examination under regular testing conditions. The results of each ELL pupil and who takes an examination with	*

<sup>95</sup> Passed Question 2 restricting bilingual education in 2002.

*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

	modifications and accommodations must be reported and included within the determination of whether the school and the school district have made adequate yearly progress.	
New Hampshire	State charter law contains no provisions regarding ELLs.	0
New Jersey	The commissioner's evaluation of the charter school program in 2001 must include the comparative demographics of student enrollments in school districts of residence and the charter schools located within those districts. The comparison shall include enrollment of ELLs and student progress toward meeting the core curriculum content standards as measured by student results on Statewide assessment tests	N/A
New Mexico	The uniform alternative accountability system for school districts and charter schools that voluntarily choose to participate in the six-year pilot project shall include a methodology for establishing peer groups among participating schools based on comparable levels of student mobility, poverty and percentage of ELLs. The alternative school accountability system shall complement but be separate from the statewide assessment and accountability system established pursuant to federal law. It shall be based on achievement of English language proficiency as demonstrated on the New Mexico English language proficiency assessment within a period to be specified by the department based on current scientific research. Charter schools are expressly included in the statewide college and workplace readiness assessment system, in which the department of education adopts standards for reasonable accommodations in the administration of readiness assessments for ELLs.	*
New York	A charter school must demonstrate good faith efforts to attract and retain a comparable or greater enrollment of ELLs when compared to the enrollment figures for such students in the school district in which the charter school is located. "Contracts for excellence" entered into by school districts identified as in corrective action or restructuring status or as a school requiring academic progress shall specify the new or expanded programs for which additional amounts of such total foundation aid, or grant shall be used and shall affirm that such programs shall predominately benefit students with the greatest educational needs including ELLs.	910
North Carolina	The State Board shall allocate funds to local school administrative units and to charter schools under a formula that takes into account the average percentage of students in the units or the charters over the past three years who are ELL. The State Board shall allocate funds to a unit or a charter school only if (i) average daily membership of the unit or the charter school includes at least 20 ELLs or (ii) ELLs comprise at least 2.5% of the average daily membership of the unit or charter school. For the portion of the funds that is allocated on the basis of the number of identified students, the maximum number of identified students for whom a unit or charter school receives funds shall not exceed 10.6% of its average daily membership. The State Board of Education shall allocate to each charter school an amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for ELLs and an additional amount for ELLs attending the	657



*Choice without Equity*  
Civil Rights Project/Proyecto Derechos Civiles

	charter school, based on a formula adopted by the State Board. If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil local current expense appropriation to the local school administrative unit for the fiscal year. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.	
Ohio	Community schools, except for internet- or computer-based community schools, shall receive annual funding for the education of its ELLs.	787
Oklahoma	A charter school shall not limit admission based on proficiency in the English language.	*
Oregon	A public charter school may not limit student admission based on proficiency in the English language.	12
Pennsylvania	State charter law defines "at-risk" students as including ELLs. Charter schools are expressly included in State Report Cards that include the number of ELL test takers but excludes data on ELL performance in determining which schools met or failed to meet academic performance targets.	1,299
Rhode Island	The makeup of the charter public school must be reflective of the student population of the district, including children eligible for free or reduced cost lunch. No charter shall be authorized for a school with a student population that does not include students eligible for free or reduced cost lunch, students with limited English proficiency, and special education students in a combined percentage which is at least equal to the combined percentage of those student populations enrolled in the school district as a whole. Additional funding may be allocated to the charter public school from the school district to the extent that the combined percentage of students eligible for free or reduced cost lunch, students with limited English proficiency, and students requiring special education exceed the combined percentage of those students in the school district as a whole.	284
South Carolina	Charter schools are expressly included in data reporting requirements for the purposes of school accountability, which must be disaggregated by subgroups, including ELL.	*
Tennessee	State charter law contains no provisions regarding ELLs.	*
Texas	The Texas Education Agency shall evaluate the effectiveness of programs under this subchapter based on student achievement indicators, including the results of assessment instruments. The agency may combine evaluations with federal accountability measures concerning ELLs. If a school district or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner, the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both. For purposes of compensatory, intensive, and accelerated education programs, a "student at risk of dropping out of school" includes each student who is under 21 years of age who is ELL. Charter schools are included in legislation governing the testing of ELL students whose primary language is Spanish. The Comprehensive Annual Report must contain an evaluation of the achievements of the state educational program and a comparison of the performance of open-enrollment charter schools and school districts on the	8,699

*Choice without Equity*  
 Civil Rights Project/Proyecto Derechos Civiles

	student achievement indicators, separately aggregating the longitudinal performance data of all students identified as ELL.	
Utah	State law allocating funding to school districts for English Language Learner Family Literacy Centers expressly includes charter schools.	372
Virginia	State charter law contains no provisions regarding ELLs.	*
Wisconsin	State law providing adjusting funding based on the number of ELL students served expressly includes charter schools. Charter schools are expressly included with other educational providers in being able to exempt ELL students from testing requirements.	8
Wyoming	State law that classifies ELL students as "at-risk" for the purposes of funding expressly includes charter schools.	*