



5<sup>TH</sup> EDITION

# Hopes, Fears, & Reality

A BALANCED LOOK AT AMERICAN  
CHARTER SCHOOLS IN 2009

*Robin J. Lake, Editor*



UNIVERSITY of WASHINGTON | BOTHELL



center on **reinventing** public education



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JANUARY 2010





# About NCSRP

The National Charter School Research Project (NCSRP) brings rigor, evidence, and balance to the national charter school debate.

NCSRP seeks to facilitate the fair assessment of the value-added effects of U.S. charter schools and to provide the charter school and broader public education communities with research and information for ongoing improvement.

NCSRP:

- Identifies high-priority research questions.
- Conducts and commissions original research to fill gaps in current knowledge or to illuminate existing debates.
- Helps policymakers and the general public interpret charter school research.

The Project is an initiative of the Center on Reinventing Public Education.

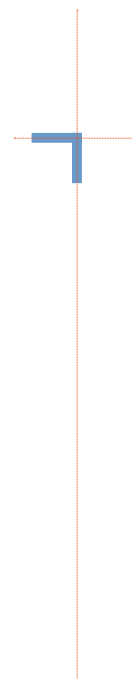
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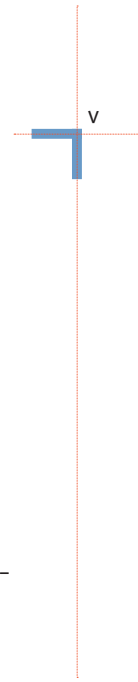


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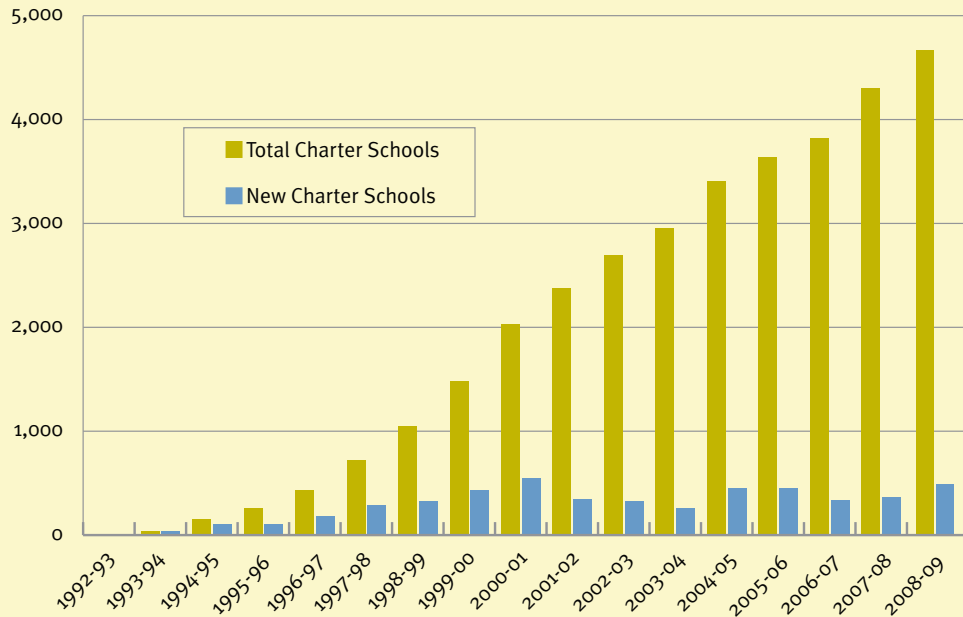
# Acknowledgments

Many people contributed to this report other than those whose names appear as authors. We appreciate their critical eyes and constructive ideas. Specifically, our thanks go to reviewers Marci Cornell-Feist, Laura Hamilton, Bryan Hassel, Andrew Smarick, and Andrew Rotherham; and to our colleagues at the Center on Reinventing Public Education, especially Julie Angeley, Debra Britt, and James Harvey for their superb production, editing, and support.

We are also grateful to our funders and advisory board members for supporting and shaping our work. Despite the important contributions of those acknowledged here, however, any opinions, omissions, or errors are the authors' alone.



## FAST FACTS: Charter Schools in 2008–2009



- Number of charter schools in 2004-05: **3,293**  
 Number of charter schools in 2008-09: **4,662**
- Percentage of all public schools that are charters in 2004-05: **3.6%**  
 Percentage of all public schools that are charters in 2008-09: **4.8%**
- Percentage of all public school students attending charter schools in 2004-05: **1.9%**  
 Percentage of all public school students attending charter schools in 2008-09: **2.9%**
- Number of states that *expanded* the allowable number of charter schools or charter school students since 2004-05: **7**  
 Number of states that *restricted* the allowable number of charter schools or charter school students since 2004-05: **2\***
- Number of charter schools that opened in 2004-05: **445**  
 Number of charter schools that opened in 2008-09: **487**
- Number of charter schools that closed in 2004-05: **65**  
 Number of charter schools that closed in 2008-09: **143**

\* Oregon and Indiana placed restrictions on virtual charter school enrollments only.

**SOURCE:** Charter school figures come from NCSRP's annual survey of state charter school offices, conducted between July and September 2008, as well as data published on state Department of Education websites. Public school figures were compiled from state Department of Education websites and the National Center for Education Statistics Common Core of Data.



## OVERVIEW

# Can Charter Schools Become a Crossover Hit?

*Robin J. Lake*

The charter movement has evolved dramatically over the past 18 years. Once considered mainly an escape valve for a set of unhappy parents and fringe community groups, the charter sector has increasingly responded to the call for more consistent quality, has shown it can replicate high-performing schools faster than school districts ever have, and has introduced us all to fundamentally new models of gap-closing public schools.

Still, charter schooling has by no means hit the mainstream. If charters were a band, they might be under an independent label, played by college radio stations. According to a recent Gallup Poll, most Americans still have little or no knowledge of what charter schools are.<sup>1</sup> As discussed in chapter 1, National Charter School Research Project (NCSRP) data show that 89 percent of American school districts have no charter schools within their boundaries, perhaps in large measure because so many school districts are so very small. In public education reform circles, charter schools are still generally viewed as idiosyncratic—nice idea, but not likely to fundamentally improve American schools. Earlier this year, many of the foundations that used to support charter schools signaled that they were turning to other popular reforms, such as efforts to improve teacher quality or investing in state data systems.

Remarkably, however, chartering is suddenly back in vogue thanks to unprecedented attention from President Barack Obama and his Department of Education. From

## WHAT ARE CHARTER SCHOOLS?

Charter schools are public schools of choice. Charter schools receive public funds based on the number of children who attend, and schools that do not attract enough students to pay their bills must close. Schools obtain charters only with the approval and oversight of their local school district or other state agency. The approving agency can also close a charter school if it does not perform. The adults who run charter schools and teach in them enjoy significant freedom of action, but they can lose their jobs if the school proves ineffective or families do not choose it.

Charter schools are another way—in addition to schools directly operated by a school district—that communities can create new public education options and partnerships for their children. While some of public education's traditional constituents may be uncomfortable with charter schools, these new institutions are intended to be part of the fabric of public life in their communities.

well-publicized charter school visits to central placement of charters in key economic stimulus programs, Secretary of Education Arne Duncan and President Obama have repeatedly sent the message that they view charter schools as an essential component of K–12 education reform strategies. As a result, states are now scrambling to lift charter school caps and to figure out how they can incorporate charters in efforts to turn around low-performing schools. Even foundation boards are turning back to charter investments.

Will all of this move charters from the margins to the mainstream? Can charter schools cross over to the pop charts and play in major state accountability efforts, major urban school reforms, and, finally, in the public consciousness? That is not yet clear. There are a number of critical tests ahead for the charter school sector. This volume of *Hopes, Fears, & Reality* explores these issues.

In chapter 1, Jon Christensen, Jacqueline Meijer-Irons, and myself lay out the basic data on charter school growth in the last several years. We examine the growth and character of the charter movement over the last five years to examine how quickly the charter sector continues to grow and whether it serves the country's neediest children. Rumors of the demise of charter schools were premature, we conclude: charter growth has been robust and consistent, and charters are serving some of the most disadvantaged populations in their communities.

Beyond the data, what about the other critical tests facing charters? Can chartering be employed as a useful school turnaround strategy? How do charter schools coexist with unions? Are the best charter schools a reliable model for urban education? Successive chapters take up questions such as these.

In chapter 2, Terry Ryan of the Thomas B. Fordham Foundation looks into charters as a school turnaround strategy. It's a cautionary tale, based on Fordham's experience with sponsoring a charter school in Ohio. One of Ryan's messages: no one really knows how to do this, at the scale required. When Fordham mounted a turnaround effort after its Omega Academy ran into trouble, it hired the wrong new leader and the mistake proved catastrophic: "The damage caused to the school's reputation by its inheritance of troubled academics and turnaround setbacks at the outset could not be overcome." A clear take-away from the experience is that the right leadership in turnaround efforts is not simply important, it is essential.

What about charter schools as an important new model for urban schooling? Katherine Merseth of Harvard University takes up this issue in chapter 3. She outlines the essential components found in a number of high-performing Boston charter schools and discusses their potential contributions to our knowledge base about effective strategies for closing the achievement gap. Merseth also asks an important question about whether these high-achieving schools, which focus intensively on helping students meet state standards, put too low a priority on other types of learning that might be essential for college success.

Can charter schools coexist with teachers unions and perhaps even provide innovative models for shaping productive new union contracts? In chapter 4, Mitch Price from the Center on Reinventing Public Education (CRPE) considers such questions. Drawing on early lessons from a new study underway at CRPE, Price assesses whether charter unionization is a growing trend, outlines the reasons that charter schools unionize, and describes the potential ways that individual charters can balance unionization and mission. He concludes that: “Charter unionization is not one concept; rather, there are different things going on in different schools motivated by different reasons and yielding different results.” In 2009, union activity in a few high-profile charter schools received a lot of media attention, stimulating much discussion about whether charters and unions are antithetical, or whether the few examples this year constitute a trend. Price cautions against such broad-brush speculation, and he brings new facts and thoughtful analysis to this highly divisive topic.

In chapter 5, I take up the questions of whether and how charter schools can prompt school districts to become more innovative and performance-oriented. Do charters create a within-district ripple effect prompting districts to improve all of their public schools? In some cases yes; in others, no. Districts with expanding enrollment may be happy to have charter schools take some of the growth pressure off their hands. Other districts consider their hands to be tied by state regulation or are protected from the competitive effects of charters by state support. A small but apparently growing number of districts are coming to see charter schools as a source of innovation and school improvement, as well as offering new options for children in low-performing schools. But those examples are far too rare. I argue that policymakers and philanthropists could do much more to encourage districts to compete or cooperate with the charter sector, and thereby expand the impact of the nation’s high-performing charter schools.

Finally, in chapter 6, CRPE's Christine Campbell explores an underutilized opportunity for strengthening charter schools: addressing the quality of charter school governing boards. Too often, charter boards suffer from the same challenges as their public school brethren, reports Campbell. They tend to be either too disengaged or too meddlesome. What is required is neither a meddlesome nor a rubber-stamp board, but rather a steward of the school's values. She concludes by urging expanded recruitment and training for charter board members, along with authorizers who pay more attention to board functioning. In the search to scale-up high-performing schools, improving the quality of governing boards may be a high-leverage investment opportunity for funders and policymakers.

## WHITHER CHARTERS?

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By featuring charters so prominently in Race to the Top and School Improvement grants, President Obama and Secretary Duncan have given the charter sector an unprecedented opportunity for growth and impact. A number of major urban school districts have also opened their doors to charter schools as a way to replace low-performing schools.

So, the charter outlook looks promising, certainly more promising than it did twelve or eighteen months ago. Still, there are many scenarios under which charters could fail to live up to their promise and fail to take advantage of this opportunity.

- What if few charter providers respond to invitations to take over the lowest-performing schools? There are just a handful of charter management organizations willing to do school takeovers today. And there is also little obvious investment in building the supply of providers willing to play this role.
- What if many more charter school providers and their authorizers decide to do takeovers, but are unable to do so successfully?
- What if, as charter schools grow and mature, they begin to take on the very characteristics of the schools and school systems they hoped to abandon?
- What if charter authorizers fail in their duty to close the lowest-performing charter schools? As NCSRP's data in chapter 1 reveal, only a few states regularly close any charter schools. If that trend continues, the charter movement will fail on Secretary Duncan's expectation for accountable and continually improving public schools.

- What if school districts that come under heavy competition from charters are protected from financial harm by well-meaning state officials, and therefore never feel compelled to change?

All of the above scenarios are possible. Based on the essays in this volume, they may even be likely, absent focused policy and investment attention. On the other hand, what if charter schools can rise to the occasion? In that case, chartering would live up to its promise. The practice could change the face of public education by taking away excuses for chronic low performance and by providing an effective supply of innovative and effective new schools.

In this, the fifth year of NCSRPs existence and its publication of *Hopes, Fears, & Reality*, our commitment is to continue to provide research that gives a frank assessment of progress and failure in the charter sector, a forward look at the most compelling opportunities and risks for charter schools, and—always—a look at how charter schooling can be not just a movement or a sector, but a powerful tool for deep and lasting improvement in the full offering of America’s public schools.

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## NOTES

1. Phi Delta Kappa/Gallup Poll of the Public’s Attitudes Toward the Public Schools, 2009, <http://www.pdkpoll.org>.



## CHAPTER 1

# The Charter Landscape, 2004-2009

*Jon Christensen, Jacqueline Meijer-Irons, and Robin J. Lake*

Just four years ago, the inaugural issue of *Hopes, Fears, & Reality* raised the concern that legislative “caps” on charter schools (an upper boundary, by state, of the number of charter schools) threatened to seriously limit the growth of the charter sector.<sup>1</sup> At that time, the National Charter School Research Project (NCSRP) estimated that although about 3,300 charter schools enrolling nearly a million students existed, “there is room for just 725 more schools nationwide” under existing cap restrictions.

Despite caps limiting charter school expansion in most states with charter laws, annual growth of the charter sector has become a reality. It is no longer a question of whether the number of charter schools will grow, but rather a question of by how much, in which cities, and what types of students they will serve.<sup>2</sup>

Drawing on NCSRP’s historical data from prior *Hopes, Fears, & Reality* reports, as well as on data from state departments of education, the National Center for Education Statistics, and the National Alliance for Public Charter Schools, this review of the charter landscape reveals that over the last four years (from 2004–2005 to 2008–2009):

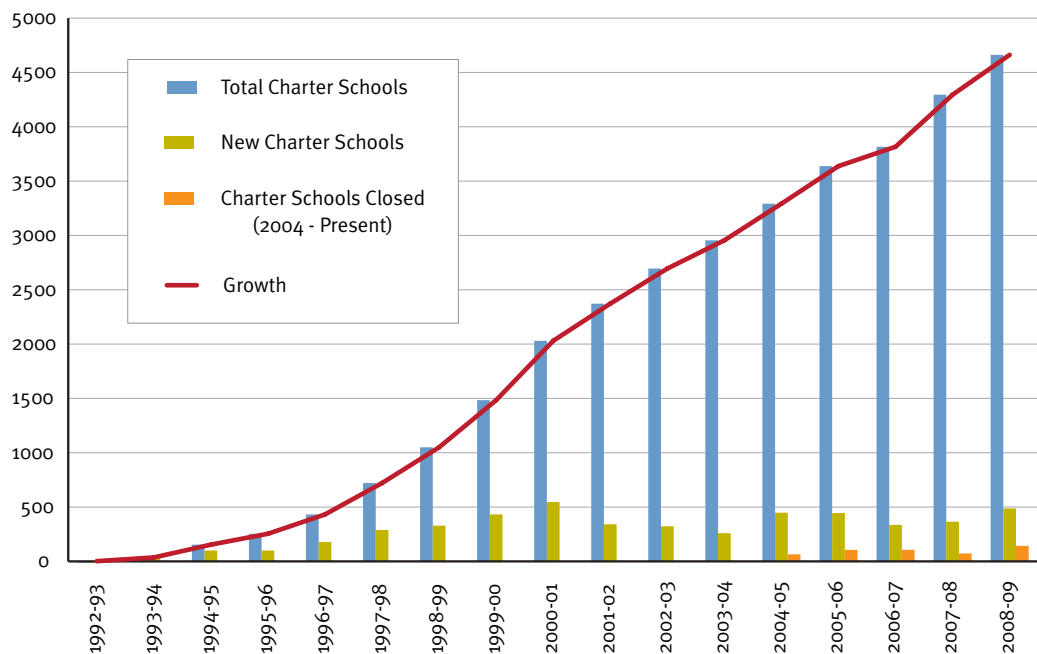
- Charter growth nationally has been robust and consistent.
- However, charter schools are still not a mainstream option for most American families.
- Charter school growth remains confined to certain states and to big cities within them.
- Charter closure rates vary by state; some states rarely close a charter school.

- Charter schools continue to enroll the same proportion of minority and low-income students as nearby district schools.
- Nonprofit charter management organizations and for-profit education management organizations (CMOs and EMOs) now operate about a quarter of all charter schools.
- Despite the 20-year history of the charter concept, most charter schools are relatively new.

**FINDING #1: NATIONALLY, CHARTER SCHOOL GROWTH HAS BEEN REMARKABLY CONSISTENT OVER THE PAST FOUR YEARS.**

To date, no state has adopted a new charter school law since NCSR’s 2005 report was published.<sup>3</sup> (As was true four years ago, charter schools operate in 40 states and in Washington, D.C.) However, as figure 1 indicates, charter school growth since 1992 has been significant, and the sector has continued to grow fairly steadily in the last four years.

**FIGURE 1. NET CHARTER SCHOOL GROWTH 1992–2008**



**SOURCE:** Traditional public school data are from the National Center for Education Statistics; charter school data are from the National Alliance for Public Charter Schools.

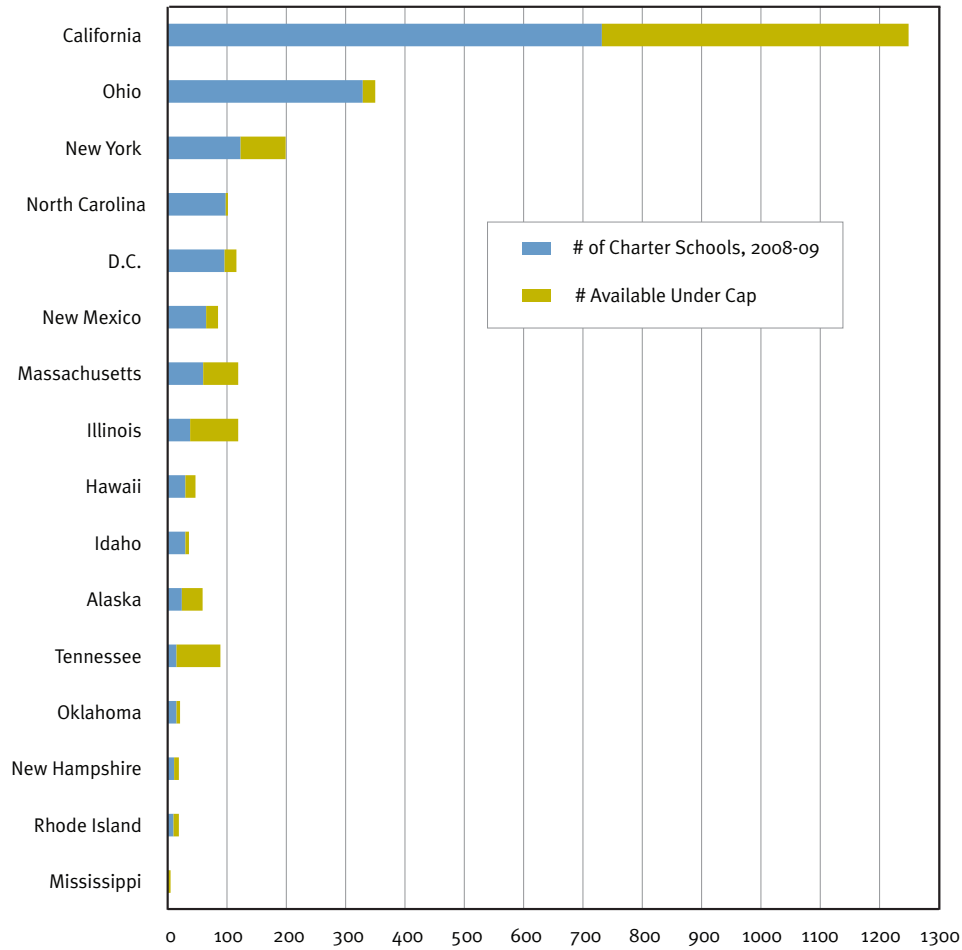


Since 2004–2005:

- The number of students attending U.S. charter schools grew from approximately 900,000 to more than 1,400,000 (an increase of 55 percent).
- The total number of charter schools grew from approximately 3,300 to 4,662 (a 41 percent net growth rate).<sup>4</sup>
- The annual net rate of charter school growth varied between 5 percent and 13 percent over the past four years. In 2008–2009 there were 9 percent more charter schools than in the previous year.
- Net growth rates, however, do not tell the complete story. Over the past four years, 2,081 new charter schools opened their doors, but 495 charter schools closed. This equates to one charter school closed for every four that opened over the same period.
- Seven states expanded their laws to allow more charter schools to operate, while two states (Oregon and Indiana) further restricted growth through caps. These two states placed restrictions only on enrollments in virtual charter schools.
- Charter caps severely restrict growth in some states, but nationally there is room for 955 charter schools under current caps, with over half of these in California (517). (See figure 2.)

By any measure, these are indications of continuing interest in and demand for charter schools. Those who imagined that charter schools might be a short-lived fad in school reform appear to have been mistaken.<sup>5</sup> So too were those who imagined that the initial supply of principals, teachers, and parents who would want to start new charter schools would dry up after an initial burst of entrepreneurial interest. With continued growth and national attention, charter schools are clearly an established part of the public school landscape.

**FIGURE 2. NUMBER OF NEW CHARTER SCHOOLS POSSIBLE UNDER CURRENT STATE CAPS**



**SOURCE:** Traditional public school data are from the National Center for Education Statistics; charter school data are from the National Alliance for Public Charter Schools.

There is good reason to believe that charter schools may continue to grow. In the past year alone there has been substantial legislative movement on state charter caps, perhaps in response to U.S. Secretary of Education Arne Duncan’s encouragement through the \$4.5 billion Race to the Top Initiative.<sup>6</sup> Secretary Duncan has made it clear that states that do not authorize charters or lift charter caps will be at a competitive disadvantage in applying for Race to the Top funds. Louisiana removed its cap altogether. Illinois doubled the number of charters allowed, from 60 to 120. Tennessee upped the limit from 60 schools to 90. Meanwhile, the Massachusetts Attorney General approved an initiative for the 2010 ballot to remove the cap on charter schools. In each case, these changes position the states for substantial charter growth in coming years.

## **FINDING #2: TWENTY YEARS AFTER THE FIRST CHARTER SCHOOL OPENED, SUCH SCHOOLS ARE STILL NOT A MAINSTREAM OPTION FOR MOST AMERICAN FAMILIES.**

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Although each year charter schools assume a more prominent position in the education landscape, they still account for only a small fraction of the overall public school picture. Four years ago, when NCSRP began reporting on the charter landscape, charter schools made up about 3.6 percent of all public schools in the country. This year, despite their growth, they account for only about 5 percent. However, since charter schools tend to serve fewer students per school than traditional public schools, the overall share of students served in charter schools during 2008–2009 was only about 3 percent (up from 2 percent four years ago). Although this represents a substantial growth rate described above (i.e., 55 percent), charter schools still serve a very small proportion of all students in public schools in the United States.

Of more importance to the visibility and accessibility of charter schools, roughly 89 percent of American school districts have no charter schools within their boundaries. (The geographic concentration of charter schools is discussed further in finding #4.)

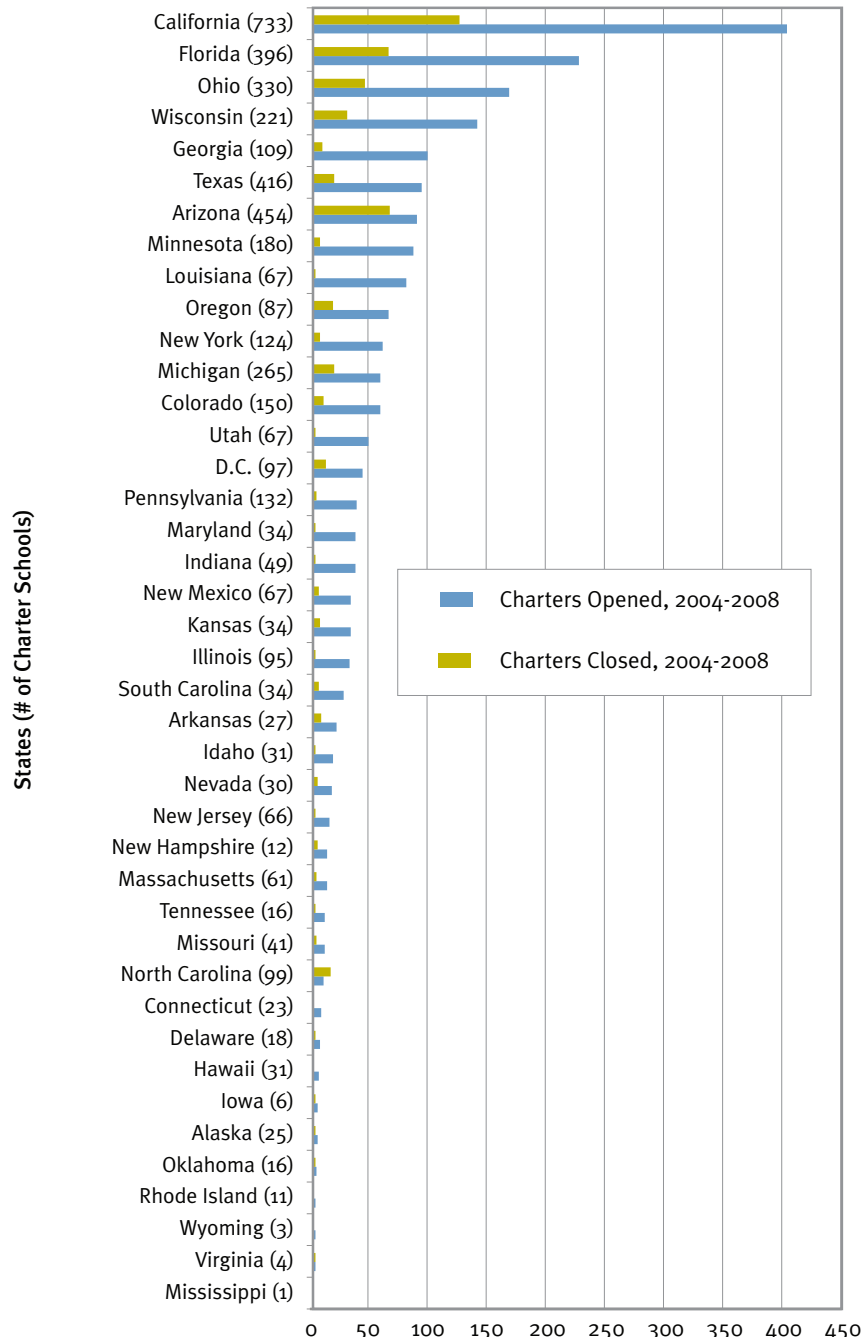
Overall then, while the number of charter schools and students has continued to grow, the chance that a typical American student will attend a charter school (or even know someone who does) is still extremely small. This may help explain recent Gallup Poll results showing that the general public lacks a clear understanding of what charter schools are.<sup>7</sup>

## **FINDING #3: CHARTER SCHOOL GROWTH REMAINS LARGELY CONFINED TO CERTAIN STATES.**

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Charter growth is heavily concentrated in certain areas of the country. Figure 3 shows that most charter school growth since 2005 occurred in just a few states. More than half of new charter schools in this period opened in just six states: California, Florida, Georgia, Ohio, Texas, and Wisconsin. Ironically, caps are in place in four of the six (California, Ohio, Texas, and Wisconsin). Between them, California and Florida opened almost a quarter of all charter schools in the country by the end of this period (1,129 schools opened in the two states since 2004, out of 4,662 total schools that existed nationally).

**FIGURE 3. NUMBER OF CHARTER SCHOOLS OPENED AND CLOSED, 2004–2008, BY STATE**



**SOURCE:** Traditional public school data are from the National Center for Education Statistics; charter school data are from the National Alliance for Public Charter Schools.

Table 1 provides more detail on the concentration of schools and students in a small number of states. Although there has been some lessening of concentration (for example, in 2004–2005 the top ten states enrolled 79 percent of all charter students, a proportion that fell to 71 percent in 2008–2009), the top-ten dominance continues. However, this concentration may lessen as other states lift caps on charter schools and/or expand their state charter laws in other ways.

**TABLE 1. STATES' SHARE OF NATIONAL CHARTER SCHOOL POPULATION, 2008-09**

	SHARE OF ALL U.S. CHARTER STUDENTS (%)	SHARE OF ALL U.S. CHARTER SCHOOLS (%)
<b>Top Ten</b>	<b>71</b>	<b>69</b>
California	20	16
Florida	8	9
Texas	7	9
Michigan	7	5
Arizona	6	10
Ohio	6	7
Pennsylvania	5	3
Colorado	4	3
Georgia	4	3
Wisconsin	3	5
<b>Second Ten</b>	<b>20</b>	<b>19</b>
North Carolina	3	2
New York	2	3
Minnesota	2	4
Illinois	2	2
Utah	2	1
Massachusetts	2	1
Louisiana	2	1
D.C.	2	2
New Jersey	1	1
Missouri	1	1
<b>Remaining 21</b>	<b>9</b>	<b>12</b>

Since the 2004–2005 school year, charter schools in all states (except Virginia and Arkansas) increased their overall state presence, or market share. For most states, this growth was moderate (i.e., 3.5 percentage points or less increase over the four years). Washington, D.C., charter schools expanded most quickly relative to all other public schools, with market share growing nearly 13 percentage points between 2004–2005 and 2008–2009.

#### **FINDING #4: CHARTER SCHOOL GROWTH IS ALSO LARGELY CONFINED TO URBAN AREAS.**

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As was true in 2005 and earlier, charter schools remain largely an urban phenomenon in 2009. Charter school enrollment is heavily concentrated in areas that are classified as cities.<sup>8</sup>

Nationally, roughly 50 percent (2,177) of all charter schools are located in cities. Specifically, 70 percent of charters schools in New York State are located in the New York City area. In California, 41 percent of all charter schools are located in Los Angeles Unified School District. Every charter school in Washington, D.C. (one of the areas experiencing the most growth) is by definition within an urban district. Fully 90 percent of charter schools in Illinois are located in the Chicago Public School District.

Because charter schools are so much an urban phenomenon, roughly 89 percent of all school districts in the United States do not have a charter school within their boundaries. While that sounds dramatic, it is not altogether surprising. It may simply reflect the reality of district structures in the United States. Although public discussion of American schools is dominated by developments in large districts, frequently urban and exurban, the overwhelming majority of school districts in America are small and rural. The data make that crystal clear: According to National Center for Education Statistics data, only 27 percent of all districts are city districts (either small, midsize, or large),<sup>9</sup> and fully 46 percent of districts enroll 999 students or fewer (including 20 percent that enroll 299 or less).

#### **FINDING #5: CHARTER CLOSURE RATES VARY SUBSTANTIALLY AMONG STATES, WITH SOME STATES RARELY OR NEVER CLOSING A CHARTER SCHOOL.**

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The number of charter school closures nationally between 2004 and 2009 ranged from a low of 65 in 2004–2005 to a high of 143 in the 2008–2009 school year.

As illustrated in figure 3, the number and proportion of both openings and closures of charter schools differed significantly by state. Just five states (California, Florida, Ohio, Arizona, and Wisconsin) accounted for two-thirds of all closures, and four of these (the exception is Arizona) experienced the most openings. In virtually all other states, there

were very few or no closures at all. States with a large number of charter schools or with older charter schools would obviously have more of them at risk for closure, while states with only a handful of charter schools or with newer charter schools would be expected to have fewer losses. However, some of the states with few or no closures host a substantial number of charter schools, and a couple of states with very few charter schools have had one or more close.

School closures are difficult to track or explain because states simply do not provide adequate information. Some charter school operators close a school when it cannot maintain enrollment or sustain its original vision. Other schools are closed down by an authorizer, sometimes quietly, but sometimes within the glare of newspaper headlines.

National data available at this time do not permit analysis of the reasons for the closures that occurred over the past four years, nor do they allow for a parsing of the effects of economic and political interests on the decisions to close a school. If researchers are to answer questions about charter school effectiveness, it will be necessary for states to carefully document the reasons for school closures. If indeed some states are more likely to close poor performers, states with low rates of closure may need to ask themselves whether they are doing enough to weed out their lowest-performing schools.

### **FINDING #6: CHARTER SCHOOLS CONTINUE TO ENROLL THE SAME PROPORTION OF MINORITY AND LOW-INCOME STUDENTS AS SCHOOLS IN NEARBY DISTRICTS.**

In the 2005 edition of *Hopes, Fears, & Reality*, NCSRP reported that charter schools served a larger proportion of minority and low-income students than all traditional public schools, due largely to the disproportionate number of charter schools located in urban areas. This situation has not changed.

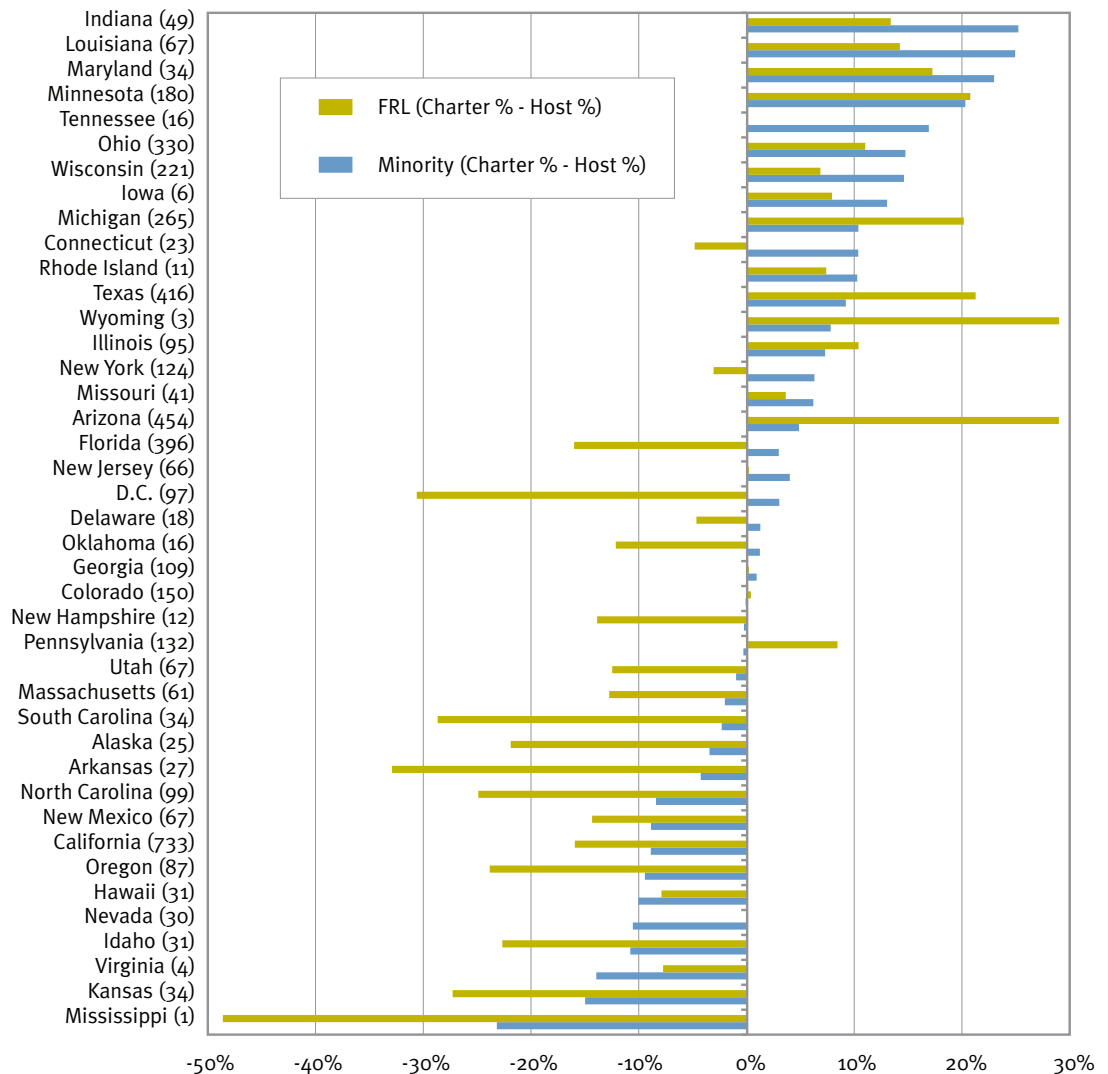
Nationally, minority enrollment in charter schools is 61 percent, compared to 47 percent in traditional public schools in the states where charter schools are located. However, the difference between charter and traditional public schools is nearly erased when the comparison is between schools in the same districts (61 percent minority in charter schools versus 60 percent minority in school districts in which charters are located).

The same pattern is seen with regard to low-income students. Nationally, almost half (49 percent) of charter school students are enrolled in the Free and Reduced-Price Lunch

(FRL) program, compared to 45 percent in traditional public schools. Sharpening the comparison to host districts, the difference shrinks slightly to 47 percent in charter schools compared to 45 percent in school districts in which charters are located.

Again, however, the national figures mask stark variation between states. Figure 4 shows both comparisons (minority and FRL) and displays the differences by state.

**FIGURE 4. COMPARISON OF FRL COUNTS AND MINORITY ENROLLMENT IN CHARTER AND REGULAR PUBLIC SCHOOLS, BY STATE**



**SOURCE:** Traditional public school data are from the National Center for Education Statistics; charter school data are from the National Alliance for Public Charter Schools.

**NOTE:** Positive numbers indicate the percentage of minority or FRL students in charter schools is greater than in the host district; negative numbers indicate the percentage is smaller than in the host district.



Charter schools in 22 states enroll *fewer* low-income students (as defined by FRL counts) than their host districts. The 22 include such charter bellwethers as California, Florida, and Washington, D.C. By contrast, charter schools in 17 states enroll *more* low-income students than their host districts.

The results for minority students are almost reversed. Here, charter schools in 21 states enroll *more* minority students than do their host districts. In three states there seems to be little or no difference. Meanwhile, charters in 15 states enroll a *lower* proportion of minority students than their host districts.

**FINDING #7: NEARLY ONE-QUARTER OF ALL CHARTER SCHOOLS ARE NOW OPERATED BY MANAGEMENT ORGANIZATIONS, EITHER NONPROFIT OR FOR-PROFIT.**

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Charter school management organizations typically provide schools with educational designs and back-office services (such as payroll and facilities management). In many ways, these organizations perform the function of a school district. They also have operational control over their schools, meaning they can intervene directly if dissatisfied with a school's performance.

Approximately one-quarter of all charter schools in the country are operated by management organizations. About 45 percent of those schools operate as part of a nonprofit CMO. The other 55 percent operate as part of a for-profit EMO.

Four years ago, NCSRP reported that 10 percent of charter schools were operated by either nonprofit or for-profit management organizations. However, it is highly likely that this figure was inaccurate. We relied on states to identify such schools and the information supplied at the time was incomplete and inconsistent: many states did not track such data, while others were unclear about the definition of a management organization. NCSRP has since developed its own database of CMOs/EMOs as part of the National Study of Charter Management Organization Effectiveness,<sup>10</sup> so we are reasonably confident that the current estimates are correct. But there is no way to say with any confidence how much the overall proportion of EMO- or CMO-run schools has changed since 2005.

**FINDING #8: ALTHOUGH THE CHARTER SCHOOL SECTOR IS NEARLY 20 YEARS OLD, MOST CHARTER SCHOOLS ARE STILL RELATIVE NEWCOMERS WITHIN PUBLIC SCHOOL DISTRICTS ACROSS THE COUNTRY.**

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Nationally, the average time that a charter school has been open is 6.2 years. A great majority of charter schools (77 percent) have been in operation for less than 10 years. Just 2 percent of charter schools have been open more than 15 years. So while the charter school movement has been active since the early 1990s, the majority of schools are still relatively new.

This suggests that most charter schools may not have had a chance to build a track record that would permit an accurate assessment of the effectiveness of individual schools, nor of the charter school movement as a whole. A legitimate overall analysis may not be possible until a majority of charter schools have had the time to establish themselves and graduate complete cohorts of students.

**IN SUM...**

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This review indicates that the charter movement is beginning to mature into the shape that it might be expected to take. Growth is surprisingly robust. It is, however, confined to certain states and largely to urban areas. Charter schools consistently enroll minority and low-income students. Meanwhile it appears that charter management organizations (both for-profit and nonprofit) play a larger role than previously thought.

The willingness of authorizers to close low-performing charters may be the key to the charter sector's continued long-term growth. The premise for charters was always a bargain: in return for freedom to ignore onerous oversight and regulation, charter schools would deliver improved student performance. If government agencies cannot demonstrate their ability to close weak schools, the rationale for the original bargain is seriously undermined.

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**NOTES**

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## CHAPTER 2

# A Cautionary Tale: School Turnarounds and Charter Leadership

*Terry Ryan*

*“We need everyone who cares about public education to take on the toughest assignment of all, and get in the business of turning around our lowest-performing schools. That includes states, districts, nonprofits, unions, and charter organizations.”*

These words, spoken by U.S. Secretary of Education Arne Duncan at the National Charter School Conference in June 2009, point the way toward the Obama administration’s mandate for the public school system in America. President Obama and his Secretary of Education have committed themselves to turning around 5,000 of the country’s lowest-performing schools (about 5 percent of all public schools). This is a bold challenge and even supporters caution that 70 percent or more of the turnaround efforts will fail.<sup>1</sup> So why attempt it? Because, simply, we have too many schools miserably failing our neediest children, and thus far these schools have been largely impervious to change.

Consider that 38 percent of African American students and 33 percent of Latino students attend high schools that researchers at Johns Hopkins University call “dropout factories.” These “2,000 dropout factories turn out 51 percent of the nation’s dropouts; they produce 81 percent of all Native American dropouts, 73 percent of all African American dropouts, and 66 percent of all Hispanic dropouts.”<sup>2</sup> Further, despite hundreds of millions of dollars invested over the last decade in the new schools sector, including charter schools, the supply of new high-quality schools has not come close to meeting the need. Consider that the top five charter school models in the country—

*We have too many schools miserably failing our neediest children, and thus far these schools have been largely impervious to change.*

*Despite hundreds of millions of dollars invested over the last decade in the new schools sector, including charter schools, the supply of new high-quality schools has not come close to meeting the need.*

Achievement First, Green Dot, High Tech High, Knowledge Is Power Program (KIPP), and Uncommon Schools—make up a total of 141 schools serving only 48,000 students.

There is nothing harder in public education than turning around persistently failing schools. It is precisely for this reason that those who can do it are immortalized in books and films like the 1988 film *Stand and Deliver*. Hard, however, is not synonymous with hopeless. Both the President and Secretary point to Chicago as an example of what can be done with a handful of troubled schools. Duncan, the former Chicago schools superintendent, led efforts to turn around eight targeted public schools during his last year as district chief.<sup>3</sup>

It is too soon to say whether these school turnaround projects are definitive successes. Further, skeptics point out that even if they turn out to be successes, the sample is too small to mean very much. In a district of 599 schools, 8 schools are not enough to declare the district's turnaround efforts a success, much less call it a model for the rest of the country to follow.

*There is nothing harder in public education than turning around persistently failing schools.*

Despite these doubts, the Administration is backing its rhetoric with \$545 million in 2009 federal spending; a further \$1.5 billion is being sought in the fiscal 2010 budget. Such spending seems reasonable given how difficult successful turnarounds have proven to be. Tom Vander Ark, the former executive director of education for the Bill & Melinda Gates Foundation, expressed his sense of the challenge when he told a reporter from *Education Week*, “I worry that we don't have the capacity to do it, and I've worried about it for ten years.” Despite such doubts, Vander Ark maintains that “it's time to take on this issue. We'd never solve this problem if we didn't have a leader pushing on it. We didn't know how to go to the moon when Kennedy put that out, either. This is a bigger challenge than that. This is our moonshot. And it's not one moonshot, it's thousands.”<sup>4</sup>

*This is our moonshot. And it's not one moonshot, it's thousands.*

## SCHOOL TURNAROUNDS: THE BASICS

What exactly constitutes a “turnaround?” There are at least five different definitions. Mass Insight, a Boston-based nonprofit group focused on helping districts lead school turnarounds, defines it as “a dramatic and comprehensive intervention in a low-performing school that produces significant gains in student achievement within two academic years.”<sup>5</sup> According to Mass Insight, what makes a school turnaround distinct from

the more traditional approach of school restructuring is the speed at which results are expected.

Under the *No Child Left Behind* (NCLB) Act of 2001, schools that persistently fail to make adequate yearly progress (AYP) face a series of escalating sanctions over multiple years. Further, schools that fail to meet AYP targets for five years must develop a plan to restructure the school. If a school fails to make the grade by the sixth year, it must implement a restructuring plan. NCLB allows several options for restructuring. A school may:

- convert to a charter school;
- replace all or most of the school staff if they are part of the school's inability to improve;
- outsource the operation of the school to private managers;
- turn the operation of the school over to the state; or
- implement any other major restructuring that might improve the school's governance arrangements.

Despite the law, many of the efforts to restructure troubled schools under NCLB have been half-hearted at best, and have led to little real change as most districts have treated this sanction more as a paper compliance exercise than a real opportunity to force dramatic changes in their schools.

Consider Ohio, where 99 public schools serving about 66,500 children have failed to make AYP for six or more consecutive years and, according to federal law, should be undergoing serious restructuring. An additional 90 schools in the state, serving another 58,000 students, have failed to make AYP for five years and should be drafting restructuring plans this year. These persistently struggling schools, which make up about five percent of Ohio's public schools, mirror national trends overall, and it is clear that state and local leaders need to take action to improve education for children. Unfortunately, that has not happened in many places in the Buckeye State. The problem is not just a lack of will on the part of state and local leaders, but the fact that "no one knows how to do it, at least not at the scale required."<sup>6</sup> The *Columbus Dispatch* captured the frustration and skepticism in Ohio in early 2009 when it reported that, although the state

*Many of the efforts to restructure troubled schools under NCLB have been half-hearted at best, and have led to little real change.*

*No one knows how to do it, at least not at the scale required.*

had spent \$48 million over five years to improve struggling schools, few had actually improved.

According to the *Dispatch*, “Statewide, and in Columbus, the most popular option has been to change the principal and some or all of the teachers, and try new curricula.”<sup>7</sup>

This was consistent with the principles of turnaround laid out in NCLB; however, the expected turnaround never materialized. As the official in charge of turnaround efforts at the Ohio Department of Education lamented at the time, “the ‘hero model’ of bringing in a new principal to turn around a school simply hasn’t been effective.” The head of the Columbus teachers union saw these disappointing results as evidence for doing away with turnaround efforts entirely. She stated bluntly, “This hasn’t worked. I have seen that students are worse off than they were before.”<sup>8</sup>

In its May 2008 report, “Turning Around Chronically Low-Performing Schools,” the U.S. Department of Education’s Institute of Education Sciences could not identify any research studies that fit the scientific rigor of the research standards required of the Institute’s “What Works Clearinghouse.” In short, the research is thin when it comes to successful turnaround models.

*The ‘hero model’ of bringing in a new principal to turn around a school simply hasn’t been effective.*

Or, as an official from the Columbus Public Schools observed, “If there were a simple model you could just plop down and say, ‘This is what you’d do,’ everybody would have done it already.”<sup>9</sup> The best we can do is look to the few case studies of successful school turnaround efforts available to the field (efforts like Mastery Charter Schools in Philadelphia) and build on lessons from similar turnaround efforts in other sectors. We can also learn from charter school innovations and from failed turnaround efforts (one example of which is described below).

The education researchers Bryan Hassel and Emily Ayscue Hassel of Public Impact reviewed turnaround case studies across a wide range of organizations, including the New York City Police Department (NYPD) and Continental Airlines. Pivotal to successful turnarounds in any environment, according to the Hassels, is a “point-guard leader who both drives key changes and deftly influences stakeholders to support and engage in dramatic transformation. To be sure, staff help effect a turnaround, but the leader is the unapologetic driver of change in successful turnarounds.”<sup>10</sup> Turnaround leaders use consistent actions and the Hassels identified six strategies from their case studies:

*The leader is the unapologetic driver of change in successful turnarounds.*



1. *Focus on a Few Early Wins.* Successful turnaround leaders start with a few high-profile successes, which help to build morale and attract students and teachers.
2. *Break Organization Norms.* Successful turnaround leaders tend to break rules and norms that have held the organization back in the past.
3. *Push Rapid-Fire Experimentation.* Successful turnaround leaders are comfortable with trying multiple strategies quickly and remaining flexible. They can turn on a dime, using real-time data to adjust tactics on an ongoing basis.
4. *Get the Right Staff, Right the Remainder.* Successful turnaround leaders make changes at the top and identify trusted deputies to mandate change throughout the organization. They are not afraid to make the tough personnel decisions required.
5. *Drive Decisions with Open-Air Data.* Successful turnaround leaders use data to draft goals and make decisions, create organizational transparency, and hold staff accountable.
6. *Lead a Turnaround Campaign.* Finally, successful turnaround leaders are excellent communicators with both staff and customers/clients. They are able to build consensus and get everyone playing on the same team. But finding a point guard with those skills is no easier in schools than it is in Division I basketball.

Yet, the Hassels concede, even with this knowledge and experience in the private sector and government, “bad-to-great turnaround efforts and ‘major change’ succeed about only 30 percent of the time.”<sup>11</sup>

## A CAUTIONARY TURNAROUND TALE FROM THE CHARTER WORLD

The Thomas B. Fordham Foundation has worked in Ohio since the late 1990s on a range of school reform issues. One area we have focused a lot of time and attention on is how charter schools can play a role in turning around troubled districts while also providing quality school options for children in need. For the past decade, we have worked with charter schools in almost every way imaginable: as a donor, as a source of technical assistance, as a school operator, and, most recently, as a charter school authorizer or sponsor. Sponsors are the entities that “license” charter schools to operate, oversee their performance, and hold them accountable for results. Fordham is currently the only private national foundation in America that also serves as a charter school sponsor. Ohio

*Successful turnaround leaders make changes at the top and identify trusted deputies to mandate change throughout the organization. They are not afraid to make the tough personnel decisions required.*

is one of two states that permit nonprofit organizations to function in that capacity. In 2006, Fordham launched an effort with school reform partners in Dayton to “turn around” a troubled charter school that Fordham had sponsored.

Founded in 2000, the Omega School of Excellence was one of Dayton’s first charter schools. The co-pastors of the giant (2,500-member) Omega Baptist Church, Vanessa and Daryl Ward, founded the school because they realized Dayton had very few high-performing schools for their parishioners’ school-age children to attend. Organized to serve fifth through eighth graders, Omega was modeled after the acclaimed Knowledge Is Power Program (KIPP) schools. At the outset, it had a KIPP-like intensive 57-hour instructional week with an emphasis on leadership, self-discipline, and academic achievement. At its peak enrollment, the Omega School was serving about 250 middle schoolers. The school’s graduates won scholarships to top local private high schools and several of the country’s elite prep schools.

*In 2006, Fordham launched an effort with school reform partners in Dayton to “turn around” a troubled charter school.*

However, by 2005, the school had fallen off the tracks both academically and operationally. Its initial success had been largely driven by Vanessa Ward’s vision, energy, and commitment, which is consistent with the idea that turnaround is driven by a committed leader who can build consensus and morale in the community. But when her husband became seriously ill, Vanessa Ward had to shoulder more church responsibilities. While she tended to him and their church, the academic leadership of Omega suffered. School heads came and went, and the culture of the school fell apart. According to Vanessa Ward, “We never found a school leader that understood the (school’s) vision.”<sup>12</sup> The final blows came to the school in the form of poor academic results in 2005 and 2006, when Omega was rated among the lowest-performing schools in the district.

Omega being rated among Dayton’s lowest performers was not acceptable to Fordham (the school’s authorizer), the school’s board, or the Wards. We at Fordham thought about just closing the school, but when we looked at the performance of the other schools available to the children in Omega we knew we had to try and do better. In 2006, for example, four-fifths of the 22,000 public school students (charter and district) attended schools rated D or F by the state of Ohio.

*In the fall of 2006, Omega underwent a complete turnaround effort: a new school leader, new teachers, new curriculum, longer school hours, and a new grade configuration.*

In the spring of 2006, the school’s board opted for a school turnaround effort. In the fall of 2006, the Omega School of Excellence was totally reconstituted, meaning it underwent a complete turnaround effort: a new school leader, new teachers, new curriculum, longer school hours, and a new grade configuration.

This effort was audacious at the time, or as the *Dayton Daily News* observed, “The process of ‘reconstitution,’ a major overhaul of the instructional staff, has regained popularity in recent years as it is endorsed as a primary reform option by the *No Child Left Behind* Law. But a total reconstitution of all staff is rare. Even Dayton Public Schools, which has been hailed for using the approach well in four troubled schools, has not come close to replacing all the staff at any school. The goal is a fresh start.”<sup>13</sup>

This was, in short, not tinkering, but rather a radical transformation. Omega was the first charter school in Ohio to enthusiastically undertake such a profound overhaul. For the school, turnaround meant partnering with a charter management organization (CMO) based outside of Dayton that, under contract, ran the school’s day-to-day activities. All eyes were on Omega as an example of “reconstitution” in action.

Considerable financial assets were committed to the effort. Although the federal government provides up to \$450,000 in charter start-up dollars through the U.S. Department of Education’s Public Charter School Program, there are no state or local tax dollars available to meet the costs of a turnaround, which include buying new curricular materials, hiring new teachers and providing them with professional development, and meeting the day-to-day costs over and above the per-pupil revenues generated by a small charter school. Fordham, the Bill & Melinda Gates Foundation, and local private partners funded the turnaround to the tune of about \$1 million over two years.

The push to turn Omega around faced a number of challenges from the start, but it was the talent challenge that would prove its undoing. In the case of the Omega School, the first school leader—a traditional school principal from a local school district—hired for the turnaround lasted less than a month before it became clear she was not up to the task. This early mistake in hiring the wrong leader proved catastrophic to the effort. First, it meant the school was largely rudderless at the top during its re-launch and it would take several months before a competent leader could be identified and put into place. Second, rather than being perceived as a “quick win,” it was seen as a painful, possibly terminal, stumble at the starting line. This damaged the morale of the teaching staff and seriously hurt student enrollment efforts (which mattered greatly because all state funding was based on per-pupil counts), and it created significant doubts about the effort in the larger community (supporters and funders).

A quality school leader was ultimately identified and put into the school midway through the first year of the turnaround: a Teach for America graduate who was an

*All eyes were on Omega as an example of “reconstitution” in action.*

*Hiring the wrong leader proved catastrophic.*

able young educator, though without any previous experience as a school principal. But by this time, the damage had been done. Even though the school actually made academic gains in the following year, the damage caused to the school's reputation by its inheritance of troubled academics and turnaround setbacks at the outset could not be overcome.

Despite the best effort of the school's board, leadership, and teachers to recruit children to the school, the enrollment over the two years of the turnaround effort never got much above 100 students. This low enrollment drained private dollars and obliterated the school's business model. Parents had given up on Omega, and there was not enough private funding to keep it open beyond two years without more students and the state dollars that followed them. After a year and a half, the capable replacement leader, who seemed able to lead the school out of its crisis, was wooed away by the KIPP program to run their new school in Columbus. In June 2008, the school closed its doors.

*There is a practical lesson here, and it is not surprising: leadership is pivotal to any successful turnaround effort.*

### LESSONS LEARNED: IT IS ABOUT LEADERSHIP

The Omega story is a cautionary tale, but it is shared to make a point, not as an argument against school turnaround efforts. There is a practical lesson here, and it is not surprising: leadership is pivotal to any successful turnaround effort.

As the Hassels observed, all successful turnaround efforts need a transformative leader who can drive key changes. Further, they argue, this leader must pull off a few early wins. In the case of the Omega School, the early problems with hiring leadership during the turnaround amounted to a blunder from which the school never recovered. By the time effective leadership replaced the original choice, even when performance improved, it was too late to make a difference in the school's reputation.

*Having a plan for reform is important, but equally or more important is having a team in place that can implement the plan and see it through to its conclusion.*

Without clear and consistent leadership, turnaround efforts fall apart quickly. Researchers and turnaround advocates know this, and that is why administrators in the Chicago system, for instance, have focused so much attention on finding and developing high-quality school leaders and teachers. Having a plan for reform is important, but equally or more important is having a team in place that can implement the plan and see it through to its conclusion.

As straightforward and simple as this conclusion may be in theory, in practice it is hard for many mid-size cities to act on it. There are simply not enough gifted school leaders and teachers ready and willing to jump into the fray. Even if educators are truly gifted and committed, the challenge of turning around a broken school in a place like Hartford, Dayton, Peoria, Topeka, Pueblo, or San Jose is not something they all embrace. Frankly, the difficulty of identifying and placing great leaders in schools has been one of the reasons too many of Ohio's 330 plus charter schools have struggled to deliver academic results superior to their district competitors.<sup>14</sup>

So, it is clear that any serious turnaround initiative has to be coupled with an equally serious school leadership and teacher recruitment and development effort. It is for this reason innovative school leadership programs are taking root and expanding. New Leaders for New Schools is one well-known example, but there are others. Rice University has created an MBA program for "education entrepreneurs" that will provide rigorous business training for school leaders, and Notre Dame is launching a similar program in 2010. These efforts are focused on developing school leadership talent that can both launch successful charter schools and turn around troubled schools. Turnaround advocates should push hard for expanded innovations in the recruitment, certification, and training of school leaders. Federal dollars could also be put to good use in trying to launch new models of school leadership—not exclusively owned by schools of education—that focus on the unique challenges of school turnaround. This emerging field of education turnaround specialists is also supported by the work of NewSchools Venture Fund, and researchers such as Frederick Hess encourage close study of efforts like the Louisiana School Turnaround Specialist Program.<sup>15</sup>

We also know that school turnarounds will not come cheap. Mass Insight estimates that turnarounds cost from \$250,000 to \$1 million per school, per year.<sup>16</sup> This figure comes close to what Fordham paid in trying to turn around the Omega School of Excellence in Dayton. Further, there will be failures and some of them may be very high profile. As with the charter school efforts of the past decade, there will be critics who jump on every failure and argue that each one is reason for giving up on the innovation entirely. Each failure also makes it more difficult to recruit new leaders—and the cycle continues.

However, the alternative is to continue doing what we have been doing, and to accept the statistic that half of the children in America's urban areas do not graduate from high school on time. Innovators and reformers should follow the President and embrace the

*Turnaround advocates should push hard for expanded innovations in the recruitment, certification, and training of school leaders.*

*School turnarounds will not come cheap. Mass Insight estimates that turnarounds cost from \$250,000 to \$1 million per school, per year.*

school turnaround effort, while also encouraging the continued growth and expansion of quality charter schools.

Despite the obvious turnaround challenges, and despite widespread and perhaps justified skepticism about the efficacy of reform efforts in the public schools, we are seeing that both school districts and charter school leaders across the country are actively heeding President Obama's call to pursue turnarounds. For example, in Cincinnati, Superintendent Mary Ronan has committed to turning around four schools in 2009–10. When it comes to school turnarounds, Ronan says, "I think this is definitely the wave of the future nationally. I don't see us stopping. I do think we need to move forward."<sup>17</sup> Ronan expressed this optimism despite the fact that union leadership in the district had made clear they opposed "radical redesigns"<sup>18</sup> and despite questions about the district's capacity to actually complete turnarounds successfully.

*District leaders may want to convert their most troubled schools to charter status in order to create flexibility in things like school calendar, teacher pay and retention, and academic programs.*

Further, Ronan and other district leaders must deal with a number of collective bargaining and contract issues to launch successful turnarounds—issues that charters simply don't face. Building on options under NCLB, district leaders may want to convert their most troubled schools to charter status in order to create flexibility in things like school calendar, teacher pay and retention, and academic programs. But as the Omega story illustrates, making these organizational changes without also having great school leaders to lead the turnaround efforts is apt to make little difference on its own. Operational freedoms and flexibility only make a difference if you have leaders that can use them to create the conditions for success.

In the charter school sector, groups like the San Francisco-based NewSchools Venture Fund are also jumping into the turnaround struggle. NewSchools' Jordan Meranus argues that charter school operators like Mastery Charter Schools and Green Dot are "demonstrating that [turnaround] is possible. Combine that with school operators—scores of them—that will partner with reform-minded districts and states to take on this work, and we have the makings of a new cohort that can do this successfully."<sup>19</sup>

*Operational freedoms and flexibility only make a difference if you have leaders that can use them to create the conditions for success.*

To be sure, there are risks associated with the turnaround efforts, and those of us who have been operating in the charter school sector know these well. We at Fordham, for example, have learned the lessons through our first-hand experience as a charter school sponsor and in trying to help turn around Omega in Dayton. Ronan, Meranus, and other school administrators and reformers across the country are right to intervene on behalf of the children and families who are underserved by persistently failing schools.



With the right leadership, teaching talent, smart strategy, and financial support—and a lot of courage and risk-taking—turnarounds promise to transform the toxic culture of low-performing schools and create real opportunities for better student achievement gains. Reformers at least need to give it a shot.

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## CHAPTER 3

# High-Performing Charter Schools: Serving Two Masters?

*Katherine K. Merseth*

*“It must be remembered that the purpose of education is not to fill the minds of students with facts . . . it is to teach them to think.”*

Robert Hutchins

In today’s super-charged, often contentious debates about charter school performance, few refer explicitly to the actual practice of teaching in charter schools. However, if teaching has something to do with student performance, then describing how instructional practice plays a role in high-performing charter schools is important.

Even though much of the current rhetoric about school reform stresses the importance of instruction (as one Boston Public School educator wryly stated, the secret to improving student performance is about three things: “Instruction, Instruction, and Instruction”), it is surprising that instruction does not appear to be the only magic ingredient in high-performing charter schools. Some charter schools achieve impressive results by paying significant attention to factors other than instructional practice. For example, when asked about the instructional practices of teachers, a leader of a high-performing charter school stated,

*Our philosophy is [that] . . . our culture allows fifty-six minutes of learning to really be fifty-six minutes . . . It’s not like we have unique, amazing ideas of how to teach math . . . We don’t have an overarching philosophy of “How to actually teach,” “How to actually instruct.” It’s more of making sure that there is no time wasted. And how to use that time is up to you.<sup>1</sup>*

*Instruction does not appear to be the only magic ingredient in high-performing charter schools.*

Indeed, a recent study confirms the importance of school culture. In 2009, the Chartering Practice Project at the Harvard Graduate School of Education published the results of a two-year qualitative study of five high-performing charter schools in Massachusetts.<sup>2</sup> This study found that these schools achieve strong results not because of particularly innovative instructional practices, but because of coherent, schoolwide cultures focused on hard work and student outcomes. Findings from the study documented several essential elements that contributed to the academic success of these schools:

- a clear sense of mission and a broadly shared institutional culture;
- purposefully chosen teachers and administrators who “fit” the organization’s culture;
- organizational structures designed to support student learning; and
- behavioral systems and codes of conduct that enforce a “No Excuses” commitment to hard work and a palpable sense of urgency.

*Five high-performing charter schools in Massachusetts achieve strong results not because of particularly innovative instructional practices, but because of coherent, schoolwide cultures focused on hard work and student outcomes.*

The study suggests that these five schools are paragons of nonprofit organizational coherence. In many ways, they are like finely honed machines, highly motivated and carefully designed to achieve better student outcomes than traditional schools on the common measure used to compare schools in this *No Child Left Behind* (NCLB) era: statewide high-stakes tests. These schools engage in the same activities as their rivals: serving breakfast and lunch, enforcing disciplinary codes, collecting homework, and teaching students to respect the possessions of others. Yet, using the metric of high-stakes tests (in Massachusetts it is called the MCAS—Massachusetts Comprehensive Assessment System) that require that all students be tested, the schools in the study produce impressive results with children who are often “left behind” in traditional public schools. For example, in 2009, the three charter high schools in the study achieved the highest scores on the MCAS tenth grade verbal and math tests of any public high school in the state.<sup>3</sup>

*These five schools are like finely honed machines, highly motivated and carefully designed to achieve better student outcomes than traditional schools on the statewide high-stakes tests.*

At the same time, however, these three high schools are achieving less impressive results on college entrance exams, raising questions about whether policymakers and leaders of the charter movement are asking charter schools to serve two masters—high achievement on state basic competency measures and outstanding results on college readiness tests. Clearly, college entrance measures like the SAT and high-stakes state tests assess different attributes and have different purposes: the MCAS is intended to provide

information on whether the state standards were mastered, while the SAT “assesses the critical thinking skills students need for academic success in college—skills that students learned in high school.”<sup>4</sup> If charter schools are held accountable by these two differing accountability systems, then instructional practices within the schools may need some adjusting in order to meet the demands of multiple measures.

## EXTERNAL STRUCTURES THAT GUIDE INSTRUCTION IN HIGH-PERFORMING CHARTER SCHOOLS

Observations in over 70 classrooms over multiple days uncovered a remarkable similarity and coherence in the external structures that guide classroom interactions between teachers and students in high-performing charter schools. Classes in these schools often start in a similar way, with a short “Do Now” exercise that focuses students on prior work and sets up instruction for the day. In all classes, a common blackboard configuration presents the objectives for the lesson, an outline of the day’s activities, and homework assignments. The routine is very familiar to teachers and students.

The classrooms in these high-performing urban charter schools also exude a palpable urgency that communicates that the work is important—not a minute will be wasted. Behavioral codes focusing on conduct and decorum as well as a clear culture of working hard—all the time and for everyone—leave no doubt about the seriousness of the task at hand.

These successful charter schools also work to tightly align the content of their lessons to state curriculum documents through careful planning and explicit attention to state standards. This work may begin in the summer before students arrive, but it also continues on an ongoing basis throughout the year using student performance data. Some schools produce documents such as “curriculum alignment templates” and “curriculum calendars” to assist teacher planning. These materials act as year-long pacing guides in addition to content outlines that ensure a tight connection to state standards. What happens if students do not keep up with the pre-determined pacing guide? Students must come after school or on Saturdays to receive massive doses of tutoring and extra help to avoid falling behind. One teacher answered this question as if talking to a student: “If you’re not going to move at this pace, then you know what? You’re going to be doing it after school with somebody.”

*In 2009, the three charter high schools in the study achieved the highest scores on the MCAS tenth grade verbal and math tests of any public high school in the state.*

*Instructional practices within the schools may need some adjusting in order to meet the demands of multiple measures.*

Another common element in these high-performing schools is that all students experience frequent formative assessments that mirror high-stakes test conditions and items. In some high schools, students spend one day per month taking practice exams that mimic the MCAS or the SAT. Through such exposure, students learn both the format and the likely content of high-stakes tests so that there are few surprises when the tests actually count.

Observations of classrooms in these successful charter schools found an emphasis on elements external to the actual classroom interactions between teachers and students in the presence of content. Factors such as communication about objectives or assignments, student attention and decorum, curricular planning, and test awareness were highly consistent both across and within these high-performing schools. However, as successful charter schools raise their sights beyond state performance measures to college access and completion measures, a more intense focus on the academic tasks and cognitive demand made of students by teachers will become critical if schools are to meet multiple performance expectations.

*As successful charter schools raise their sights beyond state performance measures to college access and completion measures, a more intense focus on the academic tasks and cognitive demand made of students will become critical.*

## TEACHER AND STUDENT INTERACTIONS AROUND CONTENT

Data from *Inside Urban Charter Schools* suggest that despite school leaders' awareness and monitoring of instructional practices, substantial variation in academic tasks and cognitive demand exists across classrooms within individual schools.<sup>5</sup> For example, observations documented instructional tasks in mathematics ranging from repetitive practice of procedures and drill and rote memory exercises to asking students to find and present two possible solutions to an unfamiliar problem. The range of academic tasks and cognitive demand in English Language Arts (ELA) classrooms was also large; students might spend class time finding facts from a short passage, while in another class they could work on something as challenging as emulating an author's style. Further, the data show that instances of lower cognitive demand were more frequent in the classrooms than instances of higher cognitive demand.

While variation in teaching practice across classrooms is not unusual in schools, the finding surprised the researchers because these schools are so coherent and consistent across every other dimension of the organization. The finding also suggests that the significant success that these charter schools experience may derive more from the combined impact of the purposeful alignment of school culture, structures, systems, and the

right people than the presence of consistently high-level, across-the-board instructional tasks. Indeed the combined impact of the non-instructional factors appears to trump variation in the classroom practice.

Several reasons help explain both the variation and the observation of lower-level tasks in these classrooms. First, charter schools, both in Massachusetts and nationally, are being held accountable to statewide performance measures, often called high-stakes tests. While several have suggested that the MCAS is one of the more demanding state-level tests, it nonetheless is a paper-and-pencil metric that includes multiple choice, short answer, and open response items.<sup>6</sup> Creating and implementing measures of higher cognitive thinking (tests that measure problem solving, decisionmaking, and creative thinking as well as habits of mind) are notoriously hard to design, expensive to develop, and beyond the scope of most state-level performance measures. Therefore, charter schools understandably peg their instruction to state-specific accountability systems and tests. No one should blame charter schools for targeting instruction to these external measures of performance; after all, if they do not meet these standards, their charters can be quickly revoked.

A second reason for variation and a presence of lower-level cognitive tasks and drill-based instruction is that many students enter charter schools well below grade level. Therefore, the belief is that the first task of a school must be to build a strong, skill-based foundation. Get the basics down first, the argument goes, and investigate, create, analyze, and explore later. Thus, if the performance measure is state-level, high-stakes tests, charter schools can be and are successful in meeting these challenges, as individual schools and networks such as Achievement First, the Knowledge Is Power Program (KIPP), and Uncommon Schools demonstrate. Evidence of the success of schools in this study is included in figures 1 and 2.<sup>7</sup> In both ELA and math, tenth graders in these three charter high schools are on a par with and generally surpass all other tenth graders in Massachusetts.

*The combined impact of the non-instructional factors appears to trump variation in the classroom practice.*

FIGURE 1. TENTH GRADE MCAS ENGLISH LANGUAGE ARTS RESULTS 2008

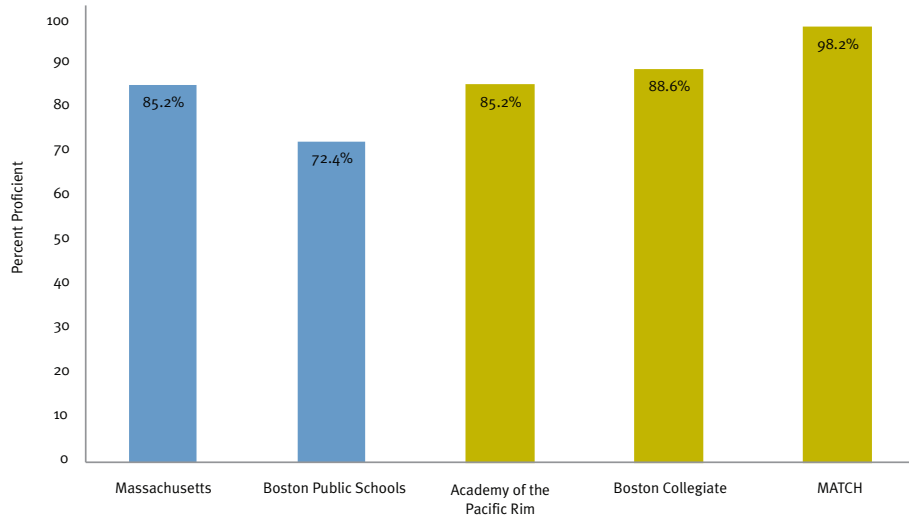
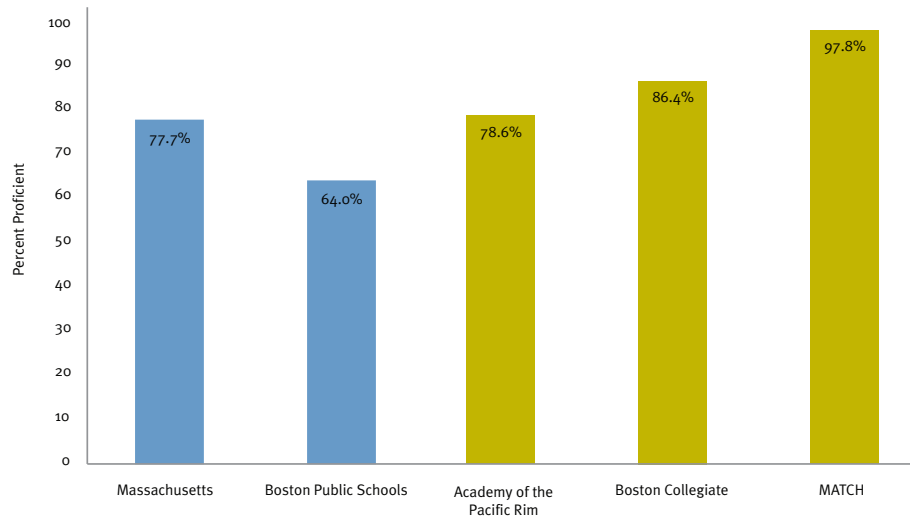


FIGURE 2. TENTH GRADE MCAS MATHEMATICS RESULTS 2008



*Charter schools understandably peg their instruction to state-specific accountability systems and tests: if they do not meet these standards, their charters can be quickly revoked.*

*If the performance measure is state-level, high-stakes tests, charter schools can be and are successful in meeting these challenges.*

## ARE HIGH MCAS SCORES SUFFICIENT TO SATISFY EXPANDING COLLEGE MISSIONS?

Many secondary charter schools now embrace the additional goals of college entrance and success. For example, KIPP states that it is “helping all students climb the mountain to college,” while Achievement First promises to provide “all of our students with the academic and character skills they need to graduate from top colleges, to succeed in a competitive world, and to serve as the next generation of leaders of their communities.” In the Boston area, Boston Collegiate Charter School (BCCS) offers a mission “to prepare each student for college,” while the MATCH Charter Public High School “prepares Boston students to succeed in college and beyond.”

Embracing success in college is clearly desirable, but it introduces greater complexity and a new set of standards for charter schools that reach beyond state competency skills. For example, the Knowledge and Skills for University Success (KSUS) project developed by the Association of American Universities outlines the habits of mind, cognitive skills, general principles and concepts, and specific content knowledge deemed important for college success. A sample of suggested cognitive skills and habits of mind from KSUS are:

- analytical and critical thinking;
- problem solving;
- the ability to discern the relative importance and credibility of information; and
- the ability to draw inferences and reach conclusions independently.<sup>8</sup>

These skills are different and obviously more demanding than basic skills and rank at the higher end of commonly used cognitive demand continua.<sup>9</sup>

Assessing such forms of thinking and aptitude for college is difficult. One commonly used proxy for college readiness is the SAT. Table 1 presents data on the performance of the three high-performing Massachusetts charter high schools on the verbal and mathematics portions of the SAT test for 2007 and 2008.<sup>10</sup> The table outlines average scores for these schools as well as participation rates for Boston Public Schools, Massachusetts, and the nation. (Readers should note that these are raw averages and do not consider the various factors that can affect test scores.)

*Embracing the goals of college entrance introduces greater complexity and a new set of standards for charter schools that reach beyond state competency skills.*

TABLE 1. BOSTON PUBLIC (AND CHARTER) SCHOOLS PERFORMANCE ON THE SAT IN 2007 AND 2008

	Entity	Year	SAT verbal	SAT mathematics	Percent taking test
Reference group	United States	2008	502	515	45%
		2007	502	515	48%
	Massachusetts	2008	514	525	83%
		2007	513	522	85%
	Boston Public Schools	2008	438	457	64%
		2007	432	449	67%
Selected Charter Schools	Academy of the Pacific Rim	2008	not reported	not reported	
		2007	442	462	~100%
	Boston Collegiate (BCCS)	2008	494	545	~100%
		2007	460	464	~100%
	MATCH	2008	430	490	~100%
		2007	470	490	~100%

Average SAT scores remained steady nationally from 2007 to 2008 at 1017 (combined verbal and mathematics) but improved somewhat in Massachusetts (+4 points) and the Boston Public Schools (+14 points). However, among the two high-performing charter schools for which data were available (repeated attempts to gain 2008 SAT data from Academy of the Pacific Rim failed), only BCCS shows a year-over-year improvement (an impressive 115 points), while MATCH dropped more than 40 points. However, of particular note for years where data are available, all three charter schools outperform the Boston Public Schools on average, which is a significant achievement since Boston tests only 64 percent of their students (presumably those interested in college), while nearly 100 percent of charter school students take the SAT.

What might explain the apparent gap between the stellar performance of these charter high schools on the MCAS and their less impressive results on the college entrance SAT measure? Why, for example, do MATCH and BCCS rank in the top 20 high schools in the state on the MCAS scores in the spring of 2008, testing 100 percent of their tenth graders, while in the following fall of 2008 they receive combined SAT math and verbal scores of 920 (MATCH) and 1039 (BCCS)?

*For years where data are available, all three charter schools outperform the Boston Public Schools on average.*



These different results are intriguing, even though there are limits to their generalizability for policymakers. This is because the MCAS and the SAT are different exams, normed to different populations and on different scales. In order to complete a fair comparison between these tests, it would be necessary to conduct an item-by-item analysis and then look at scale scores and standardize them to reach a common scale. However, the MCAS scoring system will not permit such a comparison. Thus, readers can be left to ponder possible explanations for these test score differences.

Two possibilities are worth mentioning. First, it may be that these charter schools are stressing classroom activities that are more consistent with the types of questions and items found on the MCAS than on the SAT or ACT. Classroom observations in these schools documented far fewer instances of tasks at the higher end of the cognitive continua, and thus students may receive less preparation for SAT-type questions that ask students to understand and analyze written material, reason quantitatively, solve problems, and interpret data, all higher-order cognitive tasks.

Second, the differences may suggest that charter schools that try to serve two masters—the state-level proficiency tests (upon which they are evaluated) and the SAT college readiness indicator (to which their students aspire)—may be particularly challenged, especially in secondary schools of only four grades. Moving underperforming students to a level of proficiency on state tests is a critically important and ambitious goal; however, helping students gain the skills and habits of mind to enter and succeed in college may be quite another. The policy question is, can charter schools do both?

## POLICY IMPLICATIONS: THE 21ST CENTURY AND CHARTERS

These findings suggest a number of issues, not simply for charter schools but for state and national leaders as well. First, it seems clear that the sort of focused, no-nonsense approach exhibited by these highly successful Massachusetts charter schools can produce impressive results on high-stakes state assessments. An important lesson is that the means by which these schools produce these results—focused mission, committed adults, purposeful and carefully designed structures and systems—are well within the grasp of all schools, charter or non-charter.

Second, the evidence presented here suggests that state accountability systems may be good policy as far as they go, but they may not encourage the kinds of conceptual,

*Students may receive less preparation for SAT-type questions that ask students to understand and analyze written material, reason quantitatively, solve problems, and interpret data, all higher-order cognitive tasks.*

*Achieving proficiency on state tests is a critically important and ambitious goal; gaining the skills and habits of mind to enter and succeed in college may be quite another.*

higher-order thinking skills that intellectual work in college (or on the job) requires. This is a troubling finding in a policy environment that insists that the United States needs to dramatically increase, if not double, the proportion of young Americans who complete at least an associate's degree.<sup>11</sup> States with high-stakes exams need to revisit the extent to which their tests are defeating the larger purpose of producing graduates who can think for a living. This lesson should not be lost in the current efforts to develop national standards in language and mathematics by the Council of Chief State School Officers and the National Governors Association.

Finally, the intersection between lower-level state assessments and assessments of high-level cognitive skills suggests an intriguing potential role for charter schools as laboratories. Charter schools that have consistently demonstrated overall effectiveness on existing state assessments might be given an additional charter: the privilege of ignoring high-stakes state assessments to concentrate on demanding academic work that provides high school students with the intellectual skills required to do well in college. To retain this special charter, schools would be measured by their graduates' successful college completion, not simply their entry to college.

Will charter schools be able to serve two masters? Because task predicts performance, high-performing charter schools may need increased awareness and policy support to ensure the college success of their students. With their purposeful organizations, potential for innovation, and relative freedom, charter schools should be encouraged to move in this direction and focus more directly on classroom interactions that develop skills of critical thinking, problem solving, and the ability to sort through the masses of information available today. In so doing, these schools may become exemplars for all schools in how to prepare students not only for state-level and college entrance exams, but also for a future that no one can predict or define with certainty.

*The means by which these schools produce these results—focused mission, committed adults, purposeful and carefully designed structures and systems—are well within the grasp of all schools, charter or non-charter.*

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## NOTES

1. Interview with the author.
2. Katherine Merseth et al., *Inside Urban Charter Schools* (Cambridge, MA: Harvard Education Press, 2009).
3. *The Boston Globe*, "Top-Ranked 10th Grade Districts," [http://www.boston.com/news/special/education/mcas/scores09/10th\\_top\\_districts.htm](http://www.boston.com/news/special/education/mcas/scores09/10th_top_districts.htm) (accessed October 4, 2009).
4. <http://www.collegeboard.com/student/testing/sat/about/SATI.html> (accessed October 4, 2009).

5. Cognitive demand describes the “kind and level of *thinking* required of students in order to successfully engage and solve the task.” Mary Kay Stein et al., *Implementing Standards-Based Mathematic Instruction: A Casebook for Professional Development* (New York: Teachers College Press, 2000), 11. See also Walter Doyle, “Academic Work,” *Review of Educational Research* 53, no. 2 (1983): 159–99; Andrew Porter, “Curriculum Assessment,” in *Handbook of Complementary Methods in Education Research*, ed. Judith Green, Gregory Camille, and Patricia Elmore (Washington, DC: American Education Research Association, 2006), 141–59.
6. On the 10th grade MCAS in mathematics, for example, there are 42 items: 32 multiple choice, 4 short answer, and 6 open response.
7. The Massachusetts Department of Elementary and Secondary Education, <http://profiles.doe.mass.edu/> (accessed July 25, 2009). Note that these results reflect unadjusted averages, and could be due in part to factors (e.g., student background and prior achievement levels) other than the school climate and instructional program.
8. David Conley, *College Knowledge* (San Francisco, CA: Jossey-Bass, 2005).
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11. See Commission on Access, Success, and Admissions in Higher Education, *Coming to Our Senses: Education and the American Future* (New York: College Board, 2008); Bill & Melinda Gates Foundation, “Postsecondary Education Program Plans,” November 2008, <http://www.gatesfoundation.org/postsecondaryeducation/Pages/default.aspx> (accessed August 13, 2009); and “Remarks of the President on the Economy,” delivered August 5, 2009, in Wakarusa, Indiana, [http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-President-on-the-Economy-in-Wakarusa-Indiana/](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-the-Economy-in-Wakarusa-Indiana/) (accessed August 13, 2009).



## CHAPTER 4

# Still Negotiating: What Do Unions Mean for Charter Schools?

*Mitch Price*

The unionization of charter schools has been a high-profile issue over the past year. Recent newspaper coverage included a front-page story in the *New York Times* as well as editorials in the *Wall Street Journal* and the *Los Angeles Times*. One reason for the interest is the apparent growth in the phenomenon. The United Federation of Teachers (UFT, the New York affiliate of the American Federation of Teachers) opened two of its own charter schools in New York City in 2005 and 2006. In 2007, UFT entered into a partnership with Green Dot Public Schools (a charter school network that operates 17 unionized charter schools in Los Angeles) to operate a New York City charter high school. The past year saw a flurry of activity: teachers voted to unionize at one KIPP (Knowledge Is Power Program) school in New York, at three schools in the Civitas network in Chicago, and at four schools in the Accelerated School network in Los Angeles; a KIPP school in Baltimore announced plans to lay off staff and modify its daily schedule in order to comply with the local collective bargaining agreement; and the UFT and Green Dot reached a tentative collective bargaining agreement for their New York City charter high school.

All of this activity by the American Federation of Teachers (AFT) and its affiliates adds up to representing about 80 charter schools in thirteen states. AFT's activities are not entirely clear sailing from the union's perspective: while the Baltimore school made changes to comply with the local agreement, two other KIPP schools in New York City voted to decertify (withdraw from) their union. Meanwhile, although national figures are not available for the largest teachers union, the National Education Association (NEA), it seems to represent relatively few charter schools.

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Observers are split over the impact of charter school unionization. On one hand, Jeanne Allen of the Center for Education Reform contends that, “A union contract is actually at odds with a charter school.”<sup>1</sup> On the other hand, AFT president Randi Weingarten says, “We have often said that the charter school movement and unionization are things that can be easily harmonized.”<sup>2</sup> In fact, one of the earliest proponents of the charter school concept was one of Weingarten’s predecessors, legendary AFT president Albert Shanker.<sup>3</sup>

While the issue tends to polarize opinion, the reality is that charter unionization is not one concept; rather, there are different things going on in different schools motivated by different reasons and yielding different results.

The Center on Reinventing Public Education’s (CRPE) National Charter School Research Project (NCSRP) is conducting an in-depth study of charter school unionization.<sup>4</sup> With guidance from some of the very preliminary research completed so far, this essay explores how many charter schools form unions, why charter schools unionize, and the potential ways in which newly unionized charter schools can balance charter mission and employee rights.

### A TREND? OR A GOOD MEDIA STORY?

While charter school unionization has attracted much attention recently, to date relatively few charter schools have unionized. As noted above, the AFT and its affiliates represent teachers and staff in about 80 charter schools across thirteen states, whereas the NEA seems to represent a relatively small number of charter schools. This may be a reflection of the fact that charter schools are located primarily in urban areas, where teachers tend to be represented by the AFT. Of the high-profile cases noted at the outset of this essay, the KIPP AMP Academy in Brooklyn is still in negotiations with the UFT, while the Civitas network of schools in Chicago and the Green Dot/UFT school in New York recently signed collective bargaining agreements.

Given these relatively small numbers, it is hard to call charter unionization a trend. While some charter schools are becoming unionized, others are decertifying their unions. Also, unions have tried to organize charter schools in the past with little success. Still, these high-profile examples offer an opportunity to learn something about why

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charter schools unionize and how increased contact between charters and unions can affect both sides.

## TYPES OF UNIONIZED CHARTER SCHOOLS

One of the early lessons of NCSRP’s exploration of the merits and effectiveness of charter unionization efforts is that any such assessment depends on the individual charter school’s situation. Some charter schools are automatically unionized as a result of state law. Others are unionized only if management designs the schools to be unionized, or if teachers vote to accept union representation.

**UNIONIZED BY LAW.** Nineteen states currently require some or all public charter schools to be bound by the district collective bargaining agreements or personnel policies.<sup>5</sup> Eight states consider all charter schools to be bound by district collective bargaining agreements. Eleven states require that only certain types of charter schools—typically conversion schools or district-authorized schools—remain bound by the local district’s collective bargaining agreement. The vast majority of unionized charter schools are of these types.

**UNIONIZED BY DESIGN.** Green Dot Public Schools is an example of a charter school network that is unionized by design—that is, the schools have had a unionized teaching staff from the start, as part of the original model. Green Dot founder Steve Barr explains,

*You improve working conditions by having smaller schools, you have a clear vision of where you want the school to go so there is no gray area, you reward teachers ultimately with [the dollars getting into the classroom]. But you also ask them to be accountable, and performance has got to be part of it. If you are consistent with that, I think there is a lot in there for teachers and teachers unions.<sup>6</sup>*

Barr also contends, “I don’t see how you tip a system with a hundred percent unionized labor without unionized labor.”<sup>7</sup>

*Any such assessment of the merits and effectiveness of charter unionization efforts depends on the individual charter school’s situation.*

*I don’t see how you tip a system with a hundred percent unionized labor without unionized labor. Steve Barr, Green Dot*

**UNIONIZED BY TEACHER VOTE.** Except in the eight states that require unionization of all charter schools, teachers in newly formed charter schools may decide whether they want to be represented by unions. Charter school teachers are public employees and subject to the public employment laws in their respective states, most of which give all teachers the right to organize and bargain collectively. These state laws typically allow teachers to negotiate as a separate bargaining unit with the charter school governing body or to work independently; some of these same states also allow charter school teachers to remain covered by the school district collective bargaining agreement if they prefer.<sup>8</sup>

Teachers pursue unionization for a number of reasons, but it is hard to tease out the most important in the midst of controversial labor disputes and union and management efforts to spin messages. Teachers and union officials cite the need to reduce burnout and turnover, or to insure fair disciplinary and evaluation systems. They also talk about more abstract reasons, such as securing a stronger “professional voice” for teachers, developing a more collaborative workplace, and making sure educators are respected. Obviously, there are many sides to every labor dispute. It is almost certainly true that there are examples of charter schools not treating employees fairly, as well as examples of schools where disgruntled teachers have turned to unions but were disappointed by the results.

It is also worth noting that we are currently in the midst of a concerted effort on the part of the AFT to organize charter school teachers, so the schools taking this third option—unionizing by teacher vote—are not all simply doing so spontaneously.<sup>9</sup> AFT president Randi Weingarten has called the gains of the past year “a precursor.” “You’re going to see far more union representation in charter schools,” Ms. Weingarten said. “We had a group of schools that were basically unorganized, groups of teachers wanting a voice, a union willing to start organizing them, and now money in our organizing budget to back that up. And all of that has come together in the last 6 to 12 months.”<sup>10</sup>

### CAN CHARTER SCHOOLS AND UNIONS COEXIST?

The logic of teachers unions is to serve all of their members equally and is based on a one-size-fits-all approach—for example, a core element of most collective bargaining agreements is a standard salary schedule that treats all similarly situated teachers alike. Meanwhile, the logic of charter schools is to create unique, distinctive, innovative

*It is hard to tease out the real reasons that teachers pursue unionization in the swirl of controversial labor disputes and union and management efforts to spin messages.*

*We are currently in the midst of a concerted effort on the part of the AFT to organize charter school teachers.*



schools that give teachers and parents new choices for learning and work. Charter applications are typically reviewed by authorizers on a case-by-case basis, with charters being granted one at a time—essentially the opposite of a one-size-fits-all approach. Is this an inherent conflict? Or can it be reconciled?

The motivation for unionizing in charter schools is complex—everything from charter schools that are forced by law into district contracts (whether or not teachers wanted to be unionized) to charter schools unionized from the start by management to support the school's priorities. In the middle are charter schools that for one reason or another have lost teachers' confidence in management and are forced to the bargaining table.

The first group, charter schools unionized by law, has always been around. The question is whether these schools can use the autonomies they do have to improve student achievement. The research is not clear on that front. There is some evidence from NCSRP's *Inside Charter Schools* study that charter schools operating under typical district and union regulatory constraints are less likely to experiment with alternative teacher compensation policies. Such contracts may provide some room for determined and entrepreneurial leaders,<sup>11</sup> but there is a real question whether charter schools under district labor agreements offer enough flexibility for schools to realize breakthrough innovations and gains in student learning. States that only allow unionized charters may also dissuade entrepreneurial leaders from starting schools in the first place.

On the other hand, some charter schools required to operate under district contracts have found creative ways to expand their autonomies, sometimes by just ignoring the contract and keeping their own teachers happy. These schools retain their freedom of action, but only as long as the union contract is not strictly applied.

The second group, charter schools unionized by management strategy, is a relatively new development in the charter sector. Will the Green Dots of the world demonstrate that an intentionally thin contract (featuring, for example, “just cause” employment protections instead of traditional tenure rights, and an untimed “professional workday” as opposed to a prescribed number of hours per day) is an effective strategy to attract a bigger labor pool and retain employees? Will the contract grow more complex and prescriptive over time and come to resemble a traditional district contract?<sup>12</sup>

The third group, charter schools unionized by their workers, is also a relatively new development and presents important questions for the charter sector. Will charter

*The logic of teachers unions is based on a one-size-fits-all approach. The logic of charter schools is essentially the opposite of a one-size-fits-all approach.*

*Will the Green Dots of the world demonstrate that an intentionally thin contract is an effective strategy to attract a bigger labor pool and retain employees? Will the contract grow more complex and prescriptive over time and come to resemble a traditional district contract?*

schools find ways, as they mature, to make teachers feel respected and productive, and thus head off union organization campaigns? If not, can the schools negotiate contractual language that preserves their ability to innovate, reward performance, and keep promises made to parents and authorizers? Can the best of the charter school concept be retained while working with union-negotiated collective bargaining agreements?

## MAKE-OR-BREAK CONTRACT ELEMENTS

Policy analyst Andrew Rotherham has argued, “What matters is what’s in the contract and not unionization per se.”<sup>13</sup> The specific contract language that matters most is a question NCSRP is exploring in the course of the next year. It is interesting to note, however, that the charter schools in current labor negotiations are converging on two priorities: trying to preserve what they see as mission-critical labor expectations, and the ability to build and sustain a high-quality team.

*Can the best of the charter school concept be retained while working with union-negotiated collective bargaining agreements?*

**CUSTOMIZING TO FIT THE MISSION OF THE SCHOOL.** Charter schools are supposed to be distinctive. They are supposed to have a clear mission and clear ideas about how that mission should be delivered in the classroom to improve student achievement.

It is not surprising, then, to see that charter school heads focus on mission-critical elements in contract negotiations. Jonathan Williams, the leader of the Accelerated School network in Los Angeles, told *Education Week* that, “I just want to be sure that our mission is a core part of the agreement. If that is there, I think everything else will come together.”<sup>14</sup> But the specific elements that matter to each school will likely vary tremendously based on each school’s priorities.

KIPP’s David Levin said, “For the past 15 years, it has been the ability of everyone to work together, and to do that with flexibility, that has been the key to our success. We were created as an alternative to the public schools, and we need to be committed to and maintain our work and focus on results.”<sup>15</sup> At KIPP, mission has very well-defined implications for teachers’ jobs, as reflected in the school’s core set of operating principles, known as the Five Pillars.<sup>16</sup> According to KIPP leaders, examples of the Five Pillars in practice include:<sup>17</sup>

- Evaluation of teachers and principals is performance-based.
- Students, parents, and staff are committed to an extended school day, week, and year.

*Charter schools in current labor negotiations are converging on two priorities: trying to preserve what they see as mission-critical labor expectations, and the ability to build and sustain a high-quality team.*

- Staff takes on additional responsibilities, such as meeting with parents, visiting students at home, supervising meals, covering for absent colleagues, and participating in cocurricular activities and field trips.
- Employment is subject to the discretion of school leadership, while a grievance process provides for multi-level review of principals' decisions.

Other schools will have different priorities. A school or management organization that rests its success on a specific curriculum and testing system, for example, may not be willing to allow teachers much flexibility about materials and methods but may be able to live with restrictions on the length of the workday.

Well-defined charter schools like KIPP are likely to have clear non-negotiables based on their school missions and core strategies for delivering effective instruction. Thus, a school that has definite criteria for the skills and attitudes of teachers is not likely to accept involuntary transfers from other schools; a school that is committed to using a particular method or curriculum is unlikely to open itself to grievances from teachers who would prefer to use different materials or methods. Non-negotiables can help guide school leaders in union negotiations, but they could also lead to bargaining impasses that destroy the schools. If management is determined to keep a core practice and organized teachers are determined to force a change, the school might be unable to function. Schools with less well-defined principles linking teachers' daily responsibilities and the school's mission could make concessions whose consequences become evident only later.

**ENSURING SCHOOL MANAGEMENT CAN BUILD A TEAM AND RELEASE LOW PERFORMERS WITH REASONABLE SPEED.** Though mission-critical areas will likely vary for each school, most charter schools will likely not be willing to compromise on hiring and firing authority. According to a spokesman, KIPP will fight in both New York and Baltimore to preserve the rights of principals to mold their teams.<sup>18</sup>

## CONCLUSION

CRPE's Paul Hill points out that "a charter school is a more fragile host than a school district. Labor unrest in a charter school can wipe it out fast. It won't go well for unions if the schools they organize decline in quality or go bust."<sup>19</sup> Hill contends that charter school teachers cannot negotiate collective bargaining agreements that make the school

*I just want to be sure that our mission is a core part of the agreement. If that is there, I think everything else will come together.*

Jonathan Williams,  
Accelerated School

*Well-defined charter schools like KIPP are likely to have clear non-negotiables based on their school missions and core strategies for delivering effective instruction.*

ineffective or unable to win customers (that is, parents), or cause operators (for example, KIPP) to close the school because they feel it is unable to fulfill its mission. Hill explains that if unions organize individual schools—that is, the individual charter school as the bargaining unit—then the union will be constrained by the need to not kill the host institution. This circumstance—which exists now in most charter school negotiations—will help unions focus on what matters.<sup>20</sup>

Charter heads fear that unionization will bring onerous process requirements and time demands on both administrators and teachers. This can be a worrisome change in new charter schools that were designed to minimize spending on formal administration and, by distributing leadership functions widely among the staff, blur traditional distinctions between labor and management. School leaders also fear that adult relationships in schools will become less collaborative and more adversarial, though union leaders make the opposite claim. It is possible that both sides are right in particular cases. Ongoing CRPE research will provide evidence on how unionization affects adult relationships in charter schools.

*A charter school is a more fragile host than a school district. Labor unrest in a charter school can wipe it out fast.*

Paul Hill, CRPE

On the other hand, the threat of unionization may serve as a healthy incentive for charter school leaders to treat their teachers well. Loss of collegiality in a school—whether due to poor leadership or reduced contact between teachers and charismatic school founders—is a precursor to union organizing effort. This is a likely cause of teacher receptiveness to union organizing in multi-school charter management organizations. Creating an environment that teachers feel is collaborative, supportive, respectful, and fair is a valuable and important task for charter school leaders, whether or not the school is unionized.

A critical but overlooked question is the need to understand whether charter schools are actively working to avoid unionization by putting in place effective labor management practices. Another question is what those practices would look like in a charter environment. These issues may be pivotal for the sector. Everyone will benefit if charter school leaders maintain collegiality and address teacher concerns, and if unionized charter schools retain the flexibility to pursue their missions effectively.

*It is too soon to say whether charter schools and teachers unions can adapt enough to accommodate one another's core concerns.*

It is too soon to say whether charter schools and teachers unions can adapt enough to accommodate one another's core concerns. Will unionized schools be a small and unstable minority of charter schools, or become more common? Will non-unionized charter schools use their freedoms so wisely that teachers do not want to unionize? The

answers are not predetermined; they depend on the actions of union leaders and charter school heads.

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3. In 1988 speeches before the Business-Higher Education Forum (where he talked about more school choice) and the National Press Club (where he advocated charter schools), Albert Shanker called for teacher-led charter schools where the only inviolate rules would be those governing health, safety, and civil rights. See Shanker, "Restructuring American Education," *Proceedings of a Roundtable on Urban Education, Business-Higher Education Forum*, October 1989. According to his biographer, Richard Kahlenberg, Shanker later came to worry that the charter concept had been hijacked by conservatives opposed to public education. See Kahlenberg, *Tough Liberal: Al Shanker and the Battles over Schools, Unions, Race and Democracy* (New York: Columbia University Press, 2007).
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The study will involve detailed analysis of collective bargaining agreements at both charter and traditional public schools, as well as interviews with charter school leaders, union officials, and policymakers. The analysis of collective bargaining agreements will compare and contrast provisions in both charter and traditional union contracts. The interviews will explore whether charter leaders in schools with collective bargaining agreements are constrained on hiring, work assignment, and use of time; how much time and money it takes to comply with collective bargaining provisions; whether interviewees believe instruction or use of staff time is affected by collective bargaining agreements; and whether principals and teachers see any advantages, such as improved staff morale or reduced turnover.
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## CHAPTER 5

# Achieving the Ripple Effect: How Can Charters Prompt District Improvement?

*Robin J. Lake*

A central purpose of charter school laws is to place pressure on school districts to change. Ted Kolderie argued that there would be a ripple effect in public education: widespread school improvement as districts experiencing enrollment loss to charter schools reformed themselves to compete for students.

Yet even in districts that are losing significant market share, the documented response has been disappointing to many. Most studies show districts responding to charter competition in seemingly superficial ways: by investing in intensive advertising to sell what they think they do best; by starting new theme-based schools, such as Montessori or single-gender schools; by requiring uniforms for students; or by starting new programs they believe will attract families, such as all-day kindergarten.<sup>1</sup> There is nothing wrong with these kinds of initiatives—they may even demonstrate growing specialization and responsiveness—but they do not go to the core of what reformers hoped districts would address: student achievement.

On the other hand, some districts have responded to charter competition in ways that come closer to the heart of teaching and learning. Such responses include extending the school day so that students have more overall learning time, and asking high schools to offer more rigorous, college-prep coursework. Some districts have created autonomous or theme-based in-district alternatives to charter schools (for example, Boston, MA, Washington, D.C., Dearborn, MI, and Appleton, WI). A few districts (such as New Haven, CT, and Oakland, CA) have actively sought to adopt the instructional strategies of high-performing charter management organizations (CMOs).

*Even in districts that are losing significant market share to charter schools, the response to competition has been disappointing.*



Other districts have gone farther to “co-opt” rather than compete with charters. These districts are actively using charter schools to replace failing schools (in Philadelphia and Chicago) or to tap new supplies of talented and entrepreneurial leaders and teachers (for example, New Orleans and New York).

But these examples are few and by no means measure up to advocates’ hopes for widespread district response.

Why is the competitive response from districts so uneven? Is the idea that charters can promote systemic reform a failed concept? More likely, reformers underestimated the district side of the equation. Most school districts see no reason to fundamentally change what they do, while only a few have taken responsibility for creating better schools in any way they can. Whether or not there is a ripple effect, as Ted Kolderie recently suggested, depends on the pond.

What prevents districts from responding to competition for students? And what can be done to inspire greater competitive response? The Obama administration is currently focused on making it easier for localities that want to create new schools—for example, by lifting state charter caps and investing in reproduction of quality charter schools. This is an essential first step to encourage districts to compete. However, it will also be essential to melt more ponds. States need to stop trying to protect districts from feeling the financial pain of competition, and must instead help districts develop competitive strategies.

*Whether or not there is a ripple effect depends on the pond.*

## WHAT PREVENTS SOME DISTRICTS FROM RESPONDING?

*States need to stop protecting districts from the financial pain of competition, and instead help districts develop competitive strategies.*

Districts that steadfastly refuse to revamp their schools in the face of charter or other competition are not all alike. Districts with growing student populations might not care if they lose some enrollment to charter schools. Other districts are feeling real competitive pressure from charter schools, but either do not know how to respond or are frozen in place by local politics. Some complain that charters have unfair advantages and assert that their districts don’t have the flexibility to compete effectively. A growing number of districts are, in fact, trying to compete, but in failing to understand why parents leave and what makes successful charter schools tick, they cannot respond effectively.



### WHAT COMPETITION?

The vast majority of U.S. school districts simply do not experience negative side effects from competition. This is in large part because most charter laws are schizophrenic about competition, promoting charters but protecting districts from financial losses when students leave them.<sup>2</sup> The most potent protections include “impact aid” (which provides funding to replace students lost to charter schools), statewide or city-specific caps on allowable numbers of charter schools, and unfriendly authorizing environments that put districts in charge of approving their own competition.

But even when such regulatory dampers on competition are removed, growing district enrollment can counteract the impact of charter growth. In fact, charter schools are sometimes more than welcome in growing districts where enrollment losses to charters are offset by increases in school-age population, immigration, or other reasons.

### WHY SHOULD WE?

The pain is real for a smaller but growing number of districts, but some of them are simply in denial that they need to—or should—compete. They may think charter schools are a passing trend and enrollment declines will stop once the most dissatisfied parents leave. Enrollment loss may occur so slowly that districts are simply making gradual adjustments to downsize and nobody notices or cares.

Many district personnel dismiss parent interest in charter schools as unsophisticated or misplaced. Some see uneven quality as a reason to dismiss the entire sector. Others downplay any learning gains in charter schools, attributing them to charters’ ability to hire and fire the teachers they want or to informally select their students.

### OUR HANDS ARE TIED

Other districts are experiencing significant enrollment loss to school choice but for various reasons cannot mount a response. School board politics can play an important role here. A forward-thinking superintendent might see the need to make controversial reforms in order to recapture enrollment, but can be stymied by boards that are too bound up in political infighting to agree on a new policy direction.

Some districts claim that they are too constrained by regulations to be able to compete fairly with charter schools. They say they suffer from too many fixed costs to reduce their budgets in response to enrollment loss. Union contract provisions, they argue, tie their

*The vast majority of U.S. school districts simply do not experience negative side effects from competition.*

*Growing district enrollment can counteract the impact of charter growth.*

hands and prevent them from extending the learning day and undertaking other reforms common in charter schools.

### DEER IN THE HEADLIGHTS

Districts that do decide to mount a deeper response do not always understand the “secret sauce” in effective schools. It is not always obvious or easy to identify what is making a charter school effective and how it can be replicated, and few districts have taken the time to try to find out. One well-known CMO reports that their schools get visitors from around the world, but not from the surrounding districts (some of which have lost 30 percent of their students to this CMO). Districts find it easier to focus on incremental changes, like new professional development initiatives and new courses, than on replicating all the attributes of effective charter schools, which include:

- an unrelenting culture of high expectations;
- strict but positive student behavior norms and incentives;
- regular formative assessment data systems and teacher retooling based on the results; and
- intensive classroom-based coaching and professional development.

*Districts under heavy competitive pressure often act like a deer in the headlights, unable to take the first step to respond.*

Few districts have implemented exit interviews with departing families to understand the reasons parents are leaving and what it is charters are providing that the district is not. Even if districts come to understand the reasons that students succeed in some charter schools where their district schools fail them, they may not have the internal capacity to deliver those changes. Districts under heavy competitive pressure often act like a deer caught in the headlights, unable to know the first step to take toward a competitive response. Central office personnel rarely include people with experience running, or even knowledgeable about, successful charter schools. One large urban district is currently trying to redesign a set of schools to compete with local charter schools, but the program is overseen by a long-time district administrator with no charter school or turnover experience. That model is like asking General Motors to shift to engineering and manufacturing electric vehicles while keeping all the engineers and managers who were trained to build gas-powered vehicles.

## BARRIERS TO SYSTEMIC COMPETITION: REAL OR IMAGINED?

Some competitive handcuffs are real, some are excuses, and some are failures of imagination or political savvy, but they all need to be addressed if widespread systemic district change is to occur as a result of competition from charter schools and other forms of choice.

It is true, for example, that board and union politics make it difficult for some superintendents to mount a response. But some districts have discovered that steep enrollment declines give them perfect political leverage to implement new reforms or speed up fiscal, regulatory, or academic reforms that were already in development.

It is true that districts have fixed costs, but so do other industries that have to shrink and grow in competitive environments. As the Center on Reinventing Public Education's (CRPE) Marguerite Roza has shown, the real problem is that districts regularly overcommit themselves to long-term obligations, creating services and programs that feel like fixed costs because they are not tied to enrollment. By creating central office and school budgets that are constructed in isolation from enrollment, districts "make bulky, inflexible, and sometimes irreversible" expenditure decisions.<sup>3</sup> They do so by committing to defined-benefit pension systems and health benefits that are only viable if future enrollment is stable or grows, by negotiating union contracts with long-term salary escalation clauses, and through other inflexible practices.

By moving to enrollment-based budgeting practices such as weighted student formulas, to defined-contribution pensions, and to more flexible union contract provisions, districts can become much more fiscally nimble. This would serve them well in weathering state budget downturns and normal demographic enrollment fluctuations, as well as competition from charter schools, private schools, and other forms of choice. Such a transition would require political and technical savvy, and investments to support such changes.

It is also true that state regulations sometimes further tie the financial hands of districts by specifying how resources should be used per school or per district, without recognition of enrollment realities. States could help by providing financial assistance for district transitions to enrollment-based budgeting and by reducing fiscal mandates.

While it is true that charter school performance is often inconsistent, district personnel are foolish to believe they cannot learn something from charters. In almost every state,

*Steep enrollment declines give some districts political leverage to implement new reforms or speed up reforms already in development.*

*Districts often make bulky, inflexible, and sometimes irreversible expenditure decisions that are not tied to enrollment.*

the charter sector is producing examples of schools that are achieving breakthrough results that most districts cannot replicate and that cannot be explained away by student selection. Long wait lists and parent satisfaction ratings demonstrate that charter schools often offer something that is less easily measured by test scores, but may be equally important to students and parents.

Finally, it is clear that, in order to compete effectively, districts need to build new central office capacities and develop a better understanding of what makes successful charter schools work. And if policymakers truly want charter schools to inspire district improvement, state laws must stop protecting districts from the financial consequences of choice.

To address these barriers to productive public school competition, however, states, the charter school community, and teachers unions all have important roles to play.

*District personnel are foolish to believe they cannot learn something from charters.*

## THAWING THE POND: WAYS TO HELP DISTRICTS COMPETE

If the goal of charter schools forcing district transformation is to be realized, school districts will have to learn how to compete with quality just as charter schools are learning how to expand with quality. Districts were built around an old system that focused on compliance and rules, not outcomes. Competition calls for an intense focus on outcomes, quick adoption of new technologies and better ways of achieving results, strategic positioning, and nimble operations.

The first policy step is to stop protecting districts from the pain of competition. Using the Race to the Top Fund as incentive, Secretary of Education Arne Duncan is calling on states to lift arbitrary caps on charter growth and to level the financial playing field so that charter schools receive equal facilities funding. These steps will increase the heat on districts to compete, but are not sufficient to address the other reasons districts fail to transform themselves. *Policymakers* must also help district leaders by building and assessing district capacity to successfully compete:

- ***Invest in transformation grants, not impact aid.*** Transition costs are real and students need not suffer from loss of funding so long as districts have a strong plan to improve. But state impact aid is normally offered to all districts hard hit by charters, regardless of their capacity or willingness to compete. States should offer financial aid to hard-hit districts only if they can produce a viable plan to compete effectively. Special grants could pay for consultants whose expertise is competitive strategy, or for district turnaround specialists who analyze everything from

*School districts will have to learn how to compete with quality just as charter schools are learning how to expand with quality.*

*States should offer financial aid to hard-hit districts only if they can produce a viable plan to compete effectively.*

financial barriers to barriers in union contracts, and who are knowledgeable about practices in high-performing charter schools and CMOs.

- **Remove excuses for ignoring successful practices.** It is too easy for districts to believe the charter sector has nothing to offer them. States can help combat complacency by ensuring that district school performance is benchmarked against high-performing schools with similar demographics, whether they are charter or traditional public schools.
- **Develop a replacement strategy for districts and schools that cannot mount a competitive response.** Plans should be made to divest chronically low-performing school districts. Oversight of their existing schools could go to qualified charter authorizing agencies or a newly appointed community board. This divestment needs to be done carefully and would require planning to ensure that students did not suffer in the transition.

The conversation about district competition necessarily focuses on districts, states, and the federal government, but productive competition cannot succeed on government actions alone. The charter school community needs to move beyond the usual anti-district rhetoric to show they are serious about system transformation. *Federal and state charter associations* need to:

- **Encourage schools to reach out to neighboring schools to build relationships.** Most charter schools have very little to do with nearby district schools, in large part because of hostility from district central offices, principals, and teachers. In the National Charter School Research Project's (NCSRP) studies, we have come across examples of charter-district school collaborations that were difficult to establish, but that yielded great payoffs for both schools, including shared instructional strategies, leadership tactics, and networking. More such relationships are possible, but are unlikely to happen until charter advocates and school districts begin to promote their benefits.
- **Develop capacity to partner with districts on school turnarounds and district improvement.** If charter schools offer struggling school districts one advantage, it is their potential to replace districts' chronically low-performing schools. Yet few charter schools or even CMOs (besides Green Dot and Mastery Charter Schools) are prepared to partner with school districts to develop long-term new school supply strategies for the most difficult schools. Despite having developed promising technologies and school designs, few CMOs are prepared to help school districts adopt them. There needs to be greater investment to support the development of more turnaround options and technical assistance to school districts, where appropriate.

*Some charter-district school collaborations have yielded great payoffs for both schools, including shared instructional strategies, leadership tactics, and networking.*

*If charter schools offer struggling districts one advantage, it is their potential to replace districts' chronically low-performing schools.*

Finally, it is critical to acknowledge that districts cannot compete until teachers union leaders are willing to act as partners in district transformation. *Teachers unions* must be willing to:

- ***Be honest about the alternative.*** When districts make budget cuts in response to choice or other pressures, layoffs are inevitable. This is not good for teachers unions as it means job losses, and should be incentive enough for teachers to collaborate with districts to help them compete.
- ***Be honest about the impact of union contracts on districts' ability to compete.*** Because of union seniority rules, districts normally must cut the most junior positions without regard to qualifications. This can prevent schools from retaining their most qualified teachers and can deeply erode parent confidence when they see good, new teachers leaving in droves. Furthermore, it is not a sustainable financial strategy for districts that, as a result of losing junior teachers, see a rise in their average salaries and pension funds that cannot be paid out without a steady influx of new teachers. Union leaders need to be honest with members about these realities and be prepared to compromise in areas that can provide high leverage to district improvement plans.
- ***Provide leadership in district improvement.*** Union leaders need not wait for district leadership to propose reforms. As a result of competition from various choice options, Minneapolis Public Schools dropped in a few years from the largest to the fourth-largest district in Minnesota, resulting in massive teacher layoffs in mostly inner-city neighborhoods. District leaders were preoccupied with other issues, so the Minneapolis teachers union led the response, pushing for new state legislation to allow site-governed, but still unionized, district schools.<sup>4</sup>

*Teachers union leaders must be willing to act as partners in district transformation.*

*Stop asking why charter schools are not having large-scale competitive effects and start asking what will happen to districts that prove unable to mount a response.*

## CONCLUSION

Urban districts have been experiencing fierce competition for decades, having lost students to private schools, to homeschooling, and to surrounding districts.<sup>5</sup> In many cases, districts have shrunk dramatically with little or no competitive response. It is time to stop asking why charter schools are not having large-scale competitive effects and time to start asking 1) why districts will not—or believe they cannot—compete, and 2) what will happen to districts that prove themselves unable to mount a response.

In some districts, continued enrollment loss to charter schools without any response will create a financial and academic death spiral. States need to be prepared to take action to provide new, productive schools for the students in those districts. Past state takeovers

have rarely been successful. More policy attention needs to go toward addressing how states can effectively divest insolvent districts.

Other districts will use charters as an excuse to gain board or union acceptance for changes that would otherwise have been impossible. The challenge for these districts is figuring out how to mount an effective response. The state and federal technical assistance and policy actions outlined above can help.

Still other districts will limp along, experiencing continued enrollment drains and resistance to change. For these districts, things are unlikely to change until states and the federal government (via reauthorization of the Elementary and Secondary Education Act, ESEA) create clear consequences for failure to develop viable school improvement plans.

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## CHAPTER 6

# Missed Opportunity: Improving Charter School Governing Boards

*Christine Campbell*

What makes some charter schools more effective than others? How can policymakers and advocates increase the number of quality charters? Where are the funds to come from? Policymakers are increasingly interested in identifying and replicating successful programs (for example, more KIPP schools), but there are a host of other questions embedded in the larger policy issues. Which human resource practices are most effective? What role, if any, should unions play? What is the best way to structure financing, including capital expenses? How do we know when to expand successful programs—or curtail those that do not meet expectations?

All of these are important areas of research and policy investment. But often overlooked in these discussions are potentially quick and relatively low-cost approaches to making charter school quality more consistent: investments in recruiting and training high-quality school governing board members.

For the last three years, the *Inside Charter Schools* study at the National Charter School Research Project (NCSRP) has been examining the programs and people of charter schools.<sup>1</sup> Among many findings related to governing boards drawn from a survey and site visits, one finding stood out: surprisingly, given the central importance of governance to the charter school model, governing boards seem dramatically underutilized in many of these schools.

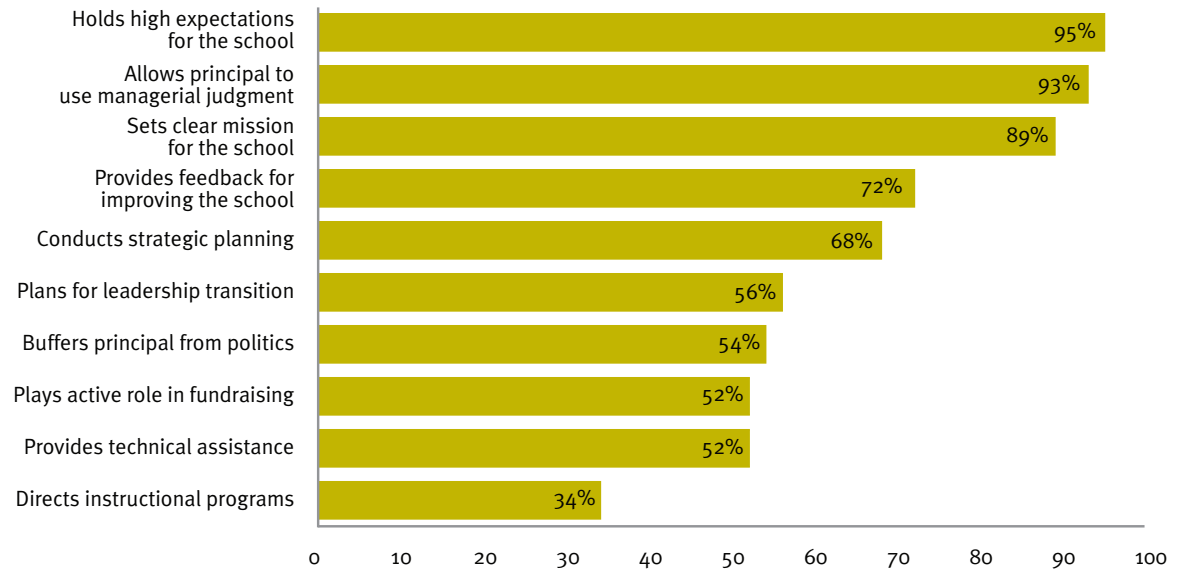
*Given the central importance of governance to the charter school model, governing boards seem dramatically underutilized in many of these schools.*

## TOO HANDS-OFF

It may be a carryover from a common criticism of district boards, but the perception is that charter boards are micromanagers. Some undoubtedly are; however, the more widespread problem appears to be that charter boards are uninvolved in strategic improvement.

In the NCSR survey, charter principals report several very positive features about their boards. They cite a lack of conflict with their boards; just seven percent of respondents reported board conflict to be a problem. Charter leaders report that, in many ways, boards can be quite helpful (see figure 1).

**FIGURE 1. PRINCIPALS' PERCEPTIONS OF HOW THEIR BOARD FUNCTIONS**



*The perception is that charter boards are micromanagers. However, the more widespread problem appears to be that charter boards are uninvolved in strategic improvement.*

In general, the board helps set a clear mission and high expectations, and offers helpful feedback. Charter boards, according to the survey responses, tend not to micromanage instruction, and they are very hands-off with regard to managerial decisions.

On the other hand, charter principals report a troubling and largely unexpected feature of charter board operations: charter boards are not as involved as they should be in some key elements of quality control and continuous improvement. As figure 1 reveals, only about half of the principals surveyed report that their governing boards:

- Help develop new sources of revenue (52 percent).

*Charter boards are not as involved as they should be in some key elements of quality control and continuous improvement.*

- Buffer the principal from politics and controversies (54 percent).
- Are involved in planning for leadership transition (56 percent).

A surprising number of charter boards also do not appear to be involved, according to the principals, in what might be considered central functions for any governing board:

- Almost one-third (32 percent) of responding principals report their governing boards do not involve themselves in strategic planning activities.
- More than one-quarter (28 percent) also say their boards do not provide feedback for improvement.

There appears to be significant room for improvement with respect to board operations in many charters. Beyond that, in a minority of charters, there are some very real governance challenges that need to be addressed:

- More than one-tenth (11 percent) of principals said their boards do not set a clear mission, arguably a core purpose of governing boards.
- One-third (34 percent) of principals reported their boards are directing instructional programs, a degree of board involvement in school functions uniformly frowned on as inappropriate.

It is easy to conclude that a substantial minority of charter governing boards is either disengaged (not providing guidance on planning, for example) or meddling too much in school affairs (trying to direct instructional programs). Many are not stepping forward to provide important guidance and support for school principals.

This absence of governing board involvement in high-level planning may come at a real price for school improvement. Principals in the survey express frustration about trying to strategically lead a school without a lot of board support. Because of the daily demands on their time, half of the surveyed charter school principals find they cannot spend as much time on strategic planning (developing a school improvement plan, including a vision, mission, and goals) as they feel they should.<sup>2</sup> It is also quite possible that many principals are new to working with a board and need more training to become better skilled at providing their boards with the right information to govern.

The NCSR field visits to 24 charter schools in Texas, California, and Hawaii revealed even less board involvement than the survey suggests. Charter leaders in these schools

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worked with boards that were, for the most part, unskilled and uninvolved. Some leaders felt they had to beg people to be on the board; others staffed their boards with members wielding rubber stamps. Only a quarter of the boards in these schools could accurately be described as active, critical, or making a positive impact in improving the school. Of those active boards, several only became involved after serious school crises demanded it of them.

## ROLE OF CHARTER GOVERNING BOARDS

By law, boards have an important role to play in ensuring quality. As the legal directors of the school, governing boards are meant to provide oversight, raise funds, and hire the administrator, among other things.<sup>3</sup> Every charter school has some kind of governing board. In many cases, charter schools must be organized as nonprofit organizations with a governing board that serves as the school's legal policymaking body. The board falls under the jurisdiction of the state and federal requirements of being a nonprofit organization and a 501(c)(3). In other cases, the school's legal governing board is the local school board, but the school may have an advisory board similar to a local site council.

A total of 40 states and the District of Columbia have passed charter school laws, and 38 require charter schools to have a governing board (the other states use the local school district's board).<sup>4</sup> In the case of nonprofit charter management organizations (CMOs), a single board may oversee more than one school.

## NOTABLE VARIATION IN BOARDS

As NCSRP researchers interviewed staff and board members across the 24 charter schools studied, the variation in boards was notable. Some charter school governing boards were made up of highly successful people in the community, well connected, with financial or political resources to draw on in support of the school. Other boards looked much weaker. They were made up of parents, community members, and, in some cases, more than a few school employees. As one board consultant put it: "A governing board is not meant to be a parent-teacher organization, but a group assembled to run a multi-million dollar public enterprise." Several of these boards were relatively small—just five members—while others were large and unwieldy, with fifteen members or more. Some functioned at very high levels and had a history of leading the school skillfully through

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transitions; others were perceived to be dysfunctional, oriented toward micromanagement and lacking the skills to provide solid leadership. It was evident that a good relationship, even a neutral or hands-off relationship between the board and school principal on matters of administration and curriculum, allowed a school to prosper. A negative relationship, or a tendency to meddle in the day-to-day affairs of the school, was seen as one of the causes for a school to break down.

## BOARD EFFECTIVENESS

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A board's opportunity to leverage quality is not a mystery; a great deal is known about effective board leadership, from the for-profit and nonprofit sectors. The work of nonprofit boards, for example, is well documented. Charter school boards were deliberately modeled after nonprofit boards, whose basic roles include the following:<sup>5</sup>

- Determine the mission and purpose.
- Select the organization's director (or principal).
- Support the director (or principal) and review his or her performance.
- Ensure effective organizational planning and assist with implementation.
- Attract and effectively manage resources.
- Determine and monitor the programs and services and their connection to mission.
- Enhance the organization's (or school's) public image.
- Assess board performance.

Observers of nonprofit organizations know that these tasks form the ideal board agenda. In reality, of course, many boards across the nonprofit world struggle with staying focused on policy, attracting the right mix of board members, and providing appropriate oversight. It is no surprise that charter school boards exhibit the same challenges.<sup>6</sup> Though the board "job description" may be clear in theory, a lack of experience, training, and guidance may cause some boards to misinterpret their charge.

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## BOARD ARCHETYPES

Boards serve important and critical functions. They make an organization official; they help set policy; they hire a director or principal; and they give the organization's leader the support required to be effective, while serving as a sounding board in decisionmaking. Of course, how they carry out these functions varies enormously. The variety of working styles of real governing boards is very broad, but some archetypes of board behavior are instantly recognizable. In the final analysis, it is easy to group board styles into three categories: meddlesome, rubber stamps, and stewards.

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It is always dangerous to generalize, but meddlesome boards (like the other archetypes) often display common characteristics. Individual members of these boards frequently have personal issues at stake in the school and find it difficult to separate their own preferences from their board roles. On occasion, they make no effort to distinguish between the two. Too frequently, one sees that a meddlesome board will have one or more members who either work in the school or whose children attend the school. While not always the case that board members have a personal axe to grind, it is not unusual for such board members to have an agenda they want to pursue. The agenda may involve an administrator, a colleague, or a particular teacher. It may be a preference for a particular instructional approach, or a special interest in something like foreign languages or athletics. Such board members frequently expect and demand involvement in all school issues, large and small. Sometimes they are more interested in micromanagement than in setting broader policy, paying attention to the reputation of the school, helping to raise funds, or promoting the school in the community. Indeed they may persuade themselves that adopting their preferred solution (weeding out a particular teacher, adopting a specific textbook, or winning a metropolitan basketball tournament) is the key to other policy challenges, including school reputation and success in fundraising.

*Rubber stamp boards tend to be relatively powerless and often serve at the pleasure of the principal.*

Rubber stamp boards exhibit a different shortcoming. They are often handpicked by the principal. They tend to be relatively powerless and often serve at the pleasure of the principal. These boards are often little more than figureheads for grant-writing purposes or firewalls to protect the principal from complaints from parents or staff. The big problem with rubber stamp boards, of course, is that they too frequently fail to perform the board's basic functions: where the micromanaging board inappropriately tends to interfere in management matters more properly decided in the principal's office, the rubber

stamp board often fails in its larger responsibilities to help set a course for the school (leaving that to the principal) or to call the principal to account for failures in leadership.

Stewards take their role seriously.<sup>7</sup> In many ways, the board as a steward is ideal. Such boards are drawn to the school because of a connection or interest in the school's mission. They are able to leave their personal preferences at the door. Frequently drawn from professional backgrounds, they tend to be comfortable establishing objective terms of performance for the principal and assessing the principal's performance against those terms. They often bring expertise in such areas as accounting, law, local politics, and business that is useful to the school as it negotiates the complex environment around it. Stewards tend to be supportive of the principal on big-picture policy goals, but quite demanding in terms of performance. Typically, a board made up of good stewards is very willing to play a significant role in strategic planning, fundraising, and promoting school growth.

It needs to be said that it is the rare board that is composed entirely of meddlers, rubber stamps, or stewards. Most boards have a mix of these archetypes. When a board can be characterized as one or the other, it is because some tipping point has been reached. Rubber stamps may suddenly outnumber stewards, or a meddler who is persistent and equipped with an especially powerful personality may come to dominate. The truth is that there are hybrids of all of these boards, and, as membership shifts, boards can evolve from one category into another. Boards set up correctly from the outset tend to deliver results and stay on track as stewards. Boards that start off as meddlesome have a very hard time recovering.

Ineffective boards exist at least in part because of missed opportunities: during the charter application phase, when defining the board and getting the right people involved; when the doors open and the founding board becomes a governing board, broadening the group and clarifying roles and responsibilities; and later in the charter life cycle and renewal process, when boards need to address the maturation needs of the school.

## TOWARD GREATER STEWARDSHIP ON CHARTER BOARDS

It may be the case that a well-functioning board is a base requirement for a quality charter school and for bringing charter schools to scale. In NCSRP's studies of charter school oversight, some of the authorizers who tend to be highly regarded (nonprofit

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entities like local school boards or universities that award charters) told researchers that they believe any charter school can be “fixed” as long as it has a functional board willing to make tough decisions about staffing and accept outside technical assistance.<sup>8</sup> The following are some ideas about how policymakers and philanthropies might improve the quality of charter boards quickly and at minimal cost.

### BROADEN THE POOL OF QUALIFIED BOARD MEMBERS

Local civic leaders might dramatically increase the pool of people interested in serving on a board through concerted outreach campaigns, networking, or building a board bank, such as ones started in New Orleans and Washington, D.C.<sup>9</sup> Efforts to match potential board members to local charter schools most in need of specific expertise would probably be very useful.

Current charter board members should also take greater responsibility for recruitment by seeking out volunteers and donors who could be encouraged to sign up. It is highly likely that a pool of untapped talent exists in most urban areas. However, in smaller communities, and especially in rural America, the pool of potential professional leaders is likely much smaller. Here the Internet might be of help. Web sources like boardnetUSA allow organizations to post openings while interested candidates can post their credentials. Regardless of the source, potential candidates need to understand and support the school’s mission.

### PROVIDE TARGETED TRAINING TO CHARTER SCHOOL GOVERNING BOARDS

The California Charter Schools Association (CCSA) offers training, tools, and documents to charter school boards in California, as do many other state and local charter organizations. One of the California schools that NCSRП visited praised the help received. The director recounted how a CCSA staffer came from Sacramento to the Southern California school and trained the new governance board:

*It was some of the best information I’d ever heard. Her presentation was very timely and we were able to ask a lot of questions of her . . . She was really open and will come back if we need her . . . The retreat really set a tone of professionalism for the board that wasn’t there before.*

The background hinted at here was a deeply dysfunctional board, with personal, non-school-related issues driving decisions. The school was quickly losing credibility with parents; when half the board turned over, it was viewed as an opportunity to improve

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*Local civic leaders might dramatically increase the pool of people interested in serving on a board through concerted outreach campaigns, networking, or building a board bank.*



both the board and its functioning. Broad, voluntary board training is fundamental, but for troubled boards, a tough love approach with targeted sessions for shaky school governance is needed.

While there are many resources for “best-practice” training for boards, there is not enough attention or willingness on the part of authorizers and charter associations to hold boards accountable. Authorizers need to observe boards in action and step in and demand professionalism from boards that are starting to sink their schools. If the boards do not change their habits and practices, new members must be brought in to reshape the board.

### BETTER ASSESS BOARD COMPETENCY BEFORE GRANTING CHARTERS

Clearly, relevant board training is necessary, but solutions need to go beyond professional development. As part of the application process, prospective charters should be expected to submit their list of board members and their biographies. Just as an entity applying for a charter should be able to demonstrate proof of community interest, it should also be able to show that solid leadership is part of the plan.

Many authorizers already assess charter school boards to some degree. Few, however, go as far as Chicago in looking at potential boards. In Chicago, the district works with a local organization skilled at assessing nonprofit boards to make a judgment about board makeup. A well-rounded board includes community members and educators, but it should also have people with practical skills such as fundraising, organizational leadership, finance, real estate, and law.<sup>10</sup> It may take time for a school to be able to produce such a board, but knowing what a healthy board looks like and seeking these people in advance of opening helps build the foundation for a strong charter school.

### MAKE THE MOST OF A GOOD BOARD AND SHARE IT ACROSS SCHOOLS

Another way to make the most of charter school board talent could include having states amend their charter laws to make it possible for one board to oversee multiple schools. This is common practice in many charter management organizations where the board oversees schools with the same educational design. But the model could also work for networks of schools with very similar management approaches. For example, the Chicago International Charter School board oversees a number of schools with quite different ideas about instruction.

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## NEEDED: VISION BEHIND THE SCHOOL PRINCIPAL

Charter school boards have in the past been viewed as a static element: some charters were understood to have strong boards; many were believed to have weak ones. That is just the way it was. This view needs to change so that governing boards are seen as a critical foundation that supports strong charter schools and, ideally, helps bring them to scale. Leaders of the charter movement need to ask more of charter boards and provide them with more tools to help them succeed. The success of the charter movement depends on visionary board members supporting the principal.

### NOTES

1. From 2006 to 2009, NCSRP researchers interviewed 24 charter school directors from large and midsize urban districts in Texas, California, and Hawaii, and surveyed over 400 charter school leaders to find out about their jobs, how they spend their time, what they feel confident with, and where they struggle. For more information and reports, see <http://www.crpe.org>.
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3. Frank Martinelli, *Creating an Effective Charter School Governing Board Guidebook*, Charter Friends National Network, 2000, <http://www.uscharterschools.org/governance/>.
4. National Resource Center on Charter School Finance and Governance, *Creating and Sustaining High-Quality Charter School Governing Boards*, 2008, [http://www.charterresource.org/files/Governing\\_Board\\_v3.pdf](http://www.charterresource.org/files/Governing_Board_v3.pdf).
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7. John Carver, *Boards That Make a Difference: A New Design for Leadership in Nonprofit and Public Organizations*, 3rd ed. (San Francisco, CA: Jossey-Bass, 2006).
8. Robin Lake and Meghan Squires, *Tough Calls: Identifying and Addressing School-Level Problems*, NCSRP working paper #2008-7 (Seattle: Center on Reinventing Public Education, 2008), [http://www.crpe.org/cs/crpe/download/csr\\_files/wp\\_ncsrp7\\_toughcall\\_aug09.pdf](http://www.crpe.org/cs/crpe/download/csr_files/wp_ncsrp7_toughcall_aug09.pdf).
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*States should amend their charter laws to make it possible for one board to oversee multiple schools.*

## APPENDIX

# About the Authors

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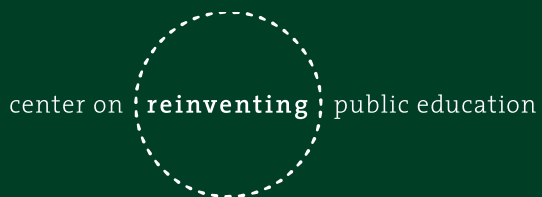
**KATHERINE K. MERSETH**, Ed.D., is Senior Lecturer in Education and Director of Teacher Education Programs at the Harvard Graduate School of Education (HGSE). Her work concentrates on charter schools, teacher education, and the case-method of instruction. Dr. Merseth frequently presents at the national and international level on topics related to school reform, and more specifically about alternative school designs such as charters. In addition to her charter publications, her other books include *Windows on Teaching Mathematics: Cases of Secondary Mathematics Classrooms* (Teachers College Press) and *Cases in Educational Administration* (Longman).

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5<sup>TH</sup> EDITION



The Center on Reinventing Public Education at the University of Washington Bothell engages in research and analysis aimed at developing focused, effective, and accountable schools and the systems that support them. The Center, established in 1993, seeks to inform community leaders, policymakers, school and school system leaders, and the research community.

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