


The Progressive Roots of Charter Schools

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INTRODUCTION

Improving public education has long been a cornerstone of the Democratic platform. Because progressives understand that access to a quality education is the gateway to a better life, our decades-long struggle to promote equal rights and opportunity for all Americans has been deeply tied to our struggle to create an effective public school system.

In the late 1980s and early 1990s, progressive thought leaders conceived of a new organizational model for our public schools, a system designed for the Information Age rather than the Industrial Era.

In this new system, the state or local school board could grant performance contracts to groups of individuals or organizations that applied to open new public schools. These would be exempt from many of the rules and mandates that constrained district-operated schools. They would be encouraged to innovate, to create new learning models that would appeal to children bored or otherwise dissatisfied with traditional public schools. If a school succeeded, its contract would be renewed. If the school failed to educate children effectively, it would be closed. Families could choose between a variety of schools, and because tax dollars would follow children to the public school of their choice, districts would lose their monopoly on taxpayer funded education. Neighborhood schools could no longer fail students for generations;

the competition from new public schools would force them to improve or close.

Today, we know these new public schools as “charter schools,” because their performance contract is called a charter. Over the past two decades, cities that have embraced chartering, such as New Orleans, Washington, D.C., Denver, Newark, and Indianapolis, have experienced profound student growth and school improvement.¹ The charter formula—school-level autonomy, accountability for results, diversity of school designs, parental choice, and competition between schools—is far more effective than the centralized, bureaucratic approach that developed more than a century ago.

The charter sector has created opportunity for millions of underserved children. But teachers at charter schools tend not to unionize, so as the charter sector grows, union membership shrinks. As a result, union leaders and their allies have gone to war against charters. They claim that charters are a product of “corporate reformers,” a right-wing effort to “privatize” our public schools. These accusations are nonsense. More accurately, they are lies born of self-interest, designed to protect the jobs of mostly white, middle-class teachers and union officials, at the expense of mostly poor, minority kids.

Democrats should know better than to fall for this anti-charter propaganda. For three decades charter schools have been a progressive initiative, brought to us by reform-minded Democrats such as Bill Clinton and Barack Obama. Unfortunately, in the age of President Donald Trump and Education Secretary Betsy DeVos—who also support charters—it’s become far too easy for liberal policymakers, facing pressure from the teachers unions, to cut their

historic ties with America’s most successful education reform.

As we move into the 2020 election season, Democrats should remember the progressive roots of chartering and think twice before turning their backs on millions of children who have benefited—and could benefit in the future—from charter schools.

THE ORIGINS OF THE CHARTER CONCEPT



In the early 1970s, University of Massachusetts Professor Ray Budde began thinking about a new structure for America’s public school system. Budde, a former principal, had come to believe that the current system stifled innovation and resulted in poor outcomes for students.² He developed an outline for a book that introduced that concept of chartering as one method for restructuring school districts and empowering educators. Budde circulated the outline among friends and colleagues, many of whom were superintendents, principals, and education professors. The response, as Budde wrote in a 1996 reflection, was “zero. Nothing.”³

He explained:

Oh, some of my friends thought the idea was ‘interesting.’ But even though there was considerable dissatisfaction with public schools, no one felt that things were so bad that the system itself needed to be changed. *Innovation* was the theme of the times, and innovation could take

place within the present system. Find some new idea or program, and then all that was needed was some inservice training and presto: education in your school would be improved!⁴

After the seminal 1983 report *A Nation at Risk* documented the dire situation of U.S. public schools, Budde decided it was time to try again. In 1988, he published *Education by Charter: Restructuring School Districts*, in which he proposed that districts allow teams of teachers to “charter” a program within a school for three to five years. These teams would report directly to the school board, so no one – not the principal, superintendent, or central office staff – could interfere with their programs.⁵



The following July, Albert Shanker, then president of the American Federation of Teachers, brought Budde’s idea into the national spotlight when he expanded on the concept in his *New York Times* column, suggesting that teams of teachers charter whole schools, not just programs.⁶ Shanker had already written about chartering in the *Peabody Journal of Education*, where he argued that the U.S. needed school systems that provided educators with autonomy and “genuine accountability” for results.⁷

Anti-charter activists often claim that, by the end of his life, Shanker had become wary of the charter school movement.⁸ Some add that while Shanker encouraged charters as a fringe

experiment where teachers could test out new instructional practices, he never intended for them to compete with district-operated schools.⁹ Neither statement is true. As early as 1988 he wrote approvingly about competition, urging that school systems charter schools with a variety of teaching approaches, so that “parents could choose which charter school to send their children to, thus fostering competition.”¹⁰

In 1995, just two years before his death, Shanker met with Republican Congressman Steve Gunderson and his staff member, Ted Rebarber. Gunderson and Rebarber were writing an education reform bill for the Washington D.C. school system, and Rebarber had concluded that all public schools should be charters or something like them. Gunderson was skeptical, so he asked Shanker what he thought of charters, unaware that the union leader had been a key originator of the idea.¹¹

“Every school should be a charter school,” Shanker told him.

A restructured school system built around autonomy, accountability, competition, choice, and a diversity of teaching models – that was Shanker’s vision. And that is exactly what strong charter sectors have delivered.

Needless to say, Shanker was no Republican.

FROM VISION TO IMPLEMENTATION: MINNESOTA DEMOCRATS PASS THE NATION’S FIRST CHARTER LAW

In 1988, after reading Shanker’s column, members of the education study committee at the Citizens League, a nonpartisan civic organisation in Minnesota, began working on a report that outlined the framework for charter legislation.¹²

Minnesota was already at the forefront of embracing public school choice as a strategy for improving student outcomes, thanks to almost a decade of work by the Citizens League and others. Earlier in 1988, the legislature had passed the nation's first inter-district open enrollment law—allowing students to choose public schools in other districts—three years after Democratic Governor Rudy Perpich introduced the idea.¹³



In October 1988, the Minnesota Foundation hosted its annual Itasca Seminar, focused on improving public schools. Shanker appeared as a guest speaker and reiterated his vision for charter schools. Democratic State Senator Ember Reichgott Junge and Democratic State Representative Ken Nelson were in the audience.¹⁴

That afternoon, Ted Kolderie, a leading education activist and former Citizens League executive director, drove Shanker to the airport. On the way, he and Shanker discussed the potential for charter legislation in Minnesota. Kolderie wondered if the teachers union would be on board, especially if the law allowed for teachers to open schools that were cooperatives, where they weren't district employees and didn't need bargaining.¹⁵ "[Shanker] said that there are lots of things a union can do besides bargaining," Kolderie recalls. "The AFT had a million members before it bargained for anybody. It could still have teachers as members."¹⁶



After the Itasca Seminar, with the help of Kolderie and other Citizens League members, Reichgott Junge began drafting charter legislation. In 1989, she and Nelson introduced the bill.¹⁷ It passed the Senate as part of an omnibus education bill but failed in the House. Reichgott Junge tried again in 1990 and met the same resistance. However, after the House conference committee hearing, Democratic Representative Becky Kelso approached Reichgott Junge and said, "If you'd like to try that charter idea again next year, I'd like to help you." Reichgott Junge decided to try one more time.¹⁸

Later that year, the Progressive Policy Institute published Kolderie's landmark paper on chartering: *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education*.

Kolderie wrote that “school districts’ exclusive monopoly on public education is the heart of the problem.”¹⁹ States should create new public schools, overseen by an independent entity, then let parents choose between these schools and district-operated schools, he argued. Kolderie’s work gained national attention and influenced the thinking of then Governor Bill Clinton, who

would go on to campaign as a charter supporter in 1992.²⁰

In 1991, with Rep. Kelso's help, Sen. Reichgott Junge introduced a revised charter bill. After much debate, the House-Senate conference committee agreed to pass a weakened version, with last-minute amendments added by Rep. Nelson to garner the necessary House votes.²¹

After three years of hard work by Reichgott Junge and her fellow Democrats, the nation's first charter law had finally passed. In the fall of 1992, a group of veteran public school teachers opened City Academy in St. Paul, the nation's first charter school.²²

FINDING A 'THIRD WAY' IN CALIFORNIA

The following year, two lifelong California Democrats advocated for charters under drastically different circumstances. At the time an initiative set to appear on the ballot in 1994 proposed a statewide voucher program that would allow all Californians to use tax dollars to send their children to any school they chose, public or private.²³



State Senator Gary K. Hart and Sue Burr, then principal consultant for the California Senate Appropriations Committee, understood that the electorate had become deeply frustrated with public schools. They believed that some aspects of vouchers were attractive to voters: choice of schools, school-level autonomy, and responsiveness to families and students. But

Hart felt that voucher programs relied too much on a free-market approach, threatening the equal opportunity that should be built into public education. He and Burr decided they needed legislation to counter the voucher movement. A former high school teacher, Hart believed in decentralization; he'd already sponsored a bill that gave 200 public schools more autonomy in exchange for more accountability. Chartering seemed like the next logical step; it offered a third way between voucher programs and traditional public school systems.²⁵

Other Democrats in the California Legislature had also developed an interest in the charter concept. Democratic Assemblywoman Delaine Eastin introduced a charter bill at the same time as Hart, but it required sign-off by the collective bargaining unit for charter approval. Under Hart's proposal, charter school organizers only needed the signatures of 10 percent of teachers in the district for the creation of a new school or, for a school conversion, 50 percent of teachers in the building.²⁶

Local unions sought to defeat Hart's bill, favoring Eastin's. Their leaders pressured Hart, offering their support if he amended his bill to require collective bargaining. He refused. He also stood his ground when the state parent teacher association (PTA) demanded he add language about the nature of parent involvement at charter schools. Likewise, he wouldn't budge when the state credentialing commission insisted that the bill include an amendment requiring that all charter school teachers have teaching credentials.²⁷

Hart believed these decisions should be left up to school founders and leaders. He feared that concessions

made to interest groups would result in state-level mandates that would restrict charters' freedom and ultimately make them indistinguishable from traditional public schools. He wanted a simple bill that would create a system with limited bureaucracy, in which schools were judged on the basis of student outcomes, not compliance with rules.²⁸

Both bills passed the legislature. However, Republican Governor Pete Wilson vetoed Eastin's bill and signed Hart's into law. The legislation took effect on January 1, 1993.²⁹ That fall, 44 charter schools opened in California.³⁰

CONTENTION IN COLORADO: THE LONG ROAD TO A CHARTER LAW

Throughout the 1980s, homeschooling had grown rapidly throughout Colorado, as had support for vouchers.³¹ In 1985, Colorado's Democratic Governor, Richard Lamm, co-chaired a Parental Involvement and Choice Task Force for the National Governors Association.



At the time, Barbara O'Brien, who would later serve as the state's lieutenant governor, oversaw education policy for the governor. Lamm believed that the established education system needed to be challenged. He and O'Brien also believed that giving parents a choice between

different types of public schools could serve as an effective response to the voucher threat, so, in December 1985, they held the nation's first conference centered on public school choice at the Colorado State Capitol Building.³² While doing research, O'Brien learned about the work of Minnesota's Ted Kolderie. She reached out to him, and he proved instrumental in the organization of the conference. "He was our thought partner," says O'Brien. "I was on the phone with him pretty often throughout that time."³³

After Lamm's lieutenant governor, Democrat Roy Romer, replaced Lamm in 1987, O'Brien left government service. In 1990, she became executive director of the Colorado Children's Campaign, a left-of-center, nonprofit advocacy organization for children.³⁴

Shortly afterwards, in 1992, the Piton Foundation began convening sessions to draw up a strategy to improve the state's failing education system.³⁵

One session looked at how Minnesota's charter law might be adapted for Colorado. Attendees approached Republican Senator Bill Owens and Republican State Representative John James Irwin about writing legislation for "self-governing" schools, and the two policymakers introduced the "Independent Public School District" bill, which allowed for the creation of a new, independent school district to authorize and oversee self-governing schools.³⁶

Because of O'Brien's work on public school choice, the Piton Foundation asked her if she would be interested in promoting the bill. O'Brien thought carefully about the offer; she knew that the teachers unions would turn on her should she support the legislation. However, she also knew, from research done by the Children's Campaign and others, that the current education

system was failing children—especially children from impoverished families. She decided that the Children’s Campaign would support the bill.³⁷ She approached Governor Romer, asking if she could count on his support. “I knew there was no point in going through with the bill if he was going to veto it, but he gave me the green light,” O’Brien says.³⁸

Like several previous public school choice bills, the self governing schools bill died in the Senate Education Committee. The committee’s chairman, Republican Senator Al Meiklejohn, was the biggest obstacle to choice and charters.³⁹



Encouraged by Minnesota’s and California’s success, Irwin and Owens decided to introduce a charter bill in the 1993 session, but Irwin died unexpectedly in December 1992. So O’Brien approached Democratic State Representative Peggy Kerns, who had voted in favor of the “Independent Public School District” bill. Inspired by Kolderie’s writings, Kerns agreed to sponsor the charter bill in the House. Together, Owens, Kerns, and O’Brien drafted the legislation.⁴⁰

The two sponsors asked O’Brien to develop a strategy to get their bill passed.⁴¹ She sought guidance from her friend, Democratic political strategist Jim Monaghan, who suggested that O’Brien make “charter schools as real as possible.”⁴² Under her leadership, the Children’s Campaign put together a coalition of parents, teachers, and school board members who

wanted more choices. They gathered hundreds of signatures from parents who would enroll their student in a charter school if the option were available.⁴³

Owens decided to introduce the charter legislation into the Senate first so that he could face Meiklejohn’s Education Committee straightaway. O’Brien testified in favor of the bill, as did Democrat Royce Forysth, a former Colorado AFT president and the first congressional district’s representative on the State Board of Education. Royce revealed that the State Board had unanimously passed a resolution to support charter schools. Democratic Governor Roy Romer also testified, arguing that bureaucracy was strangling public education and children were suffering the consequences.⁴⁴

Opposition to the bill organized quickly. The Colorado Education Association (CEA), Colorado Association of School Boards (CASB), Colorado Association of School Executives (CASE), and Colorado PTA came together to form a Coalition for Great Schools.

The coalition proposed a series of amendments—one limiting the number of charters statewide to 20, another allowing only local school boards to act as charter authorizers. Meiklejohn incorporated many of them into a new bill, which passed the Senate.⁴⁵ Unfortunately, it barely resembled the original draft.

In the House, Kerns and fellow Democrat Peggy Reeves amended the bill so that it more closely resembled the original. Lobbyists representing

the coalition instructed legislators to vote no on Kerns's version. But Kerns recruited Gov. Romer to shore up Democratic support. He met with the Democratic caucus and rallied Democratic support on the House floor. The bill narrowly passed the House, the two bills were reconciled in conference committee meetings, and Reeves then guided the amended bill back through the House for final approval.⁴⁶

On June 3, 1993, Romer signed the Charter Schools Act into law.⁴⁷ Three months later, on September 10, 1993, science teacher John Mikular opened The Connect School, Colorado's first charter.⁴⁸

MASSACHUSETTS: LIBERALS LEAD THE WAY

In Massachusetts, Democratic State Senator Thomas Birmingham and Democratic State Representative Mark Roosevelt, then co-chairs of the Joint Committee on Education, spent several years developing the 1993 Massachusetts Education Reform Act, which sought to reform the state's education financing system while increasing academic expectations and school accountability.⁴⁹



Across the nation, funding inequities between schools in wealthy and poor communities had culminated in lawsuits challenging their constitutionality. The Massachusetts Supreme Judicial Court was preparing to rule on one such lawsuit, and the experts expected the plaintiffs to win. In 1993, a few days before Roosevelt and Birmingham's legislation passed, the court ruled

that Massachusetts had violated the civil rights of its children, stating that ultimately, it was the responsibility of the state, rather than the individual localities, to ensure that every child receive a quality education.⁵⁰

Members of the Massachusetts business community had been pushing the legislature to implement more rigorous academic standards.⁵¹ In 1988, Jack Rennie, CEO of Pacer Systems, Inc., founded the Massachusetts Business Alliance for Education. By 1991, it had begun petitioning the legislature to require that all students pass a standardized exam to graduate high school.⁵²

Like other states across the nation, Massachusetts struggled with social promotion and grade inflation, and many of its low-income children were trapped in chronically failing neighborhood schools.⁵³ Roosevelt and Birmingham decided that the state should implement standardized tests, including a graduation exam, and hold the districts accountable for results. Anticipating the Supreme Judicial Court ruling, they also offered increased state funding for low-income districts.

In the fall of 1991, a mutual friend introduced Roosevelt to David Osborne, a PPI fellow who had recently finished a new book, *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Roosevelt described for Osborne the accountability measures he planned to include in the legislation.

"I said, 'That's great; standards are important. But what are you going to do when districts don't meet them?'" Osborne recalls.⁵⁴

Roosevelt explained that the state would be responsible for taking over underperforming

districts. Massachusetts has about 500 school districts, so Osborne asked Roosevelt how many he thought the state could take over. He pointed out that takeovers would stir up intense resistance, severely limiting their use. Roosevelt agreed. You need another strategy, Osborne told him. You need choice and competition.⁵⁵

Shortly afterwards, he introduced Roosevelt and his staff to the concept of charter schools. He explained that because school districts had a monopoly on public education, they had little incentive to change, but that competition created by chartering would encourage them to innovate, at the risk of losing students and the per-pupil funding that came with them.⁵⁶ A few weeks later, when Ted Kolderie told Osborne he was planning a trip to Boston, Osborne put him in touch with Roosevelt. Kolderie helped Roosevelt and his staff write charter language for the bill.⁵⁷

As intended, Roosevelt and Birmingham's bill offered substantially more state funding for low-income districts in exchange for increased academic standards measured by statewide assessments, including a graduate exit exam for high school seniors. However, it also gave the state board of education the power to authorize charter schools. Through charters, the state could oversee new public schools of choice available to all students. It could ensure that every child had access to a quality education, regardless of where they lived, while also creating competition that compelled districts to improve.⁵⁸ But when the teachers unions came out against the charter proposal, Roosevelt and Birmingham introduced a cap on the number of charter schools, as a compromise.⁵⁹

The 1993 Massachusetts Education Reform Act resulted in dramatic educational improvements

across the state, and it laid the foundation for the highest performing charter sector in the country. Today, Roosevelt and Birmingham stand by their work. In 2016, they advocated for Massachusetts to raise its statewide cap on charter schools, believing that it hindered the educational progress their bill had made possible.⁶⁰ As they explained it:

We included charter public schools in the 1993 law to provide poor parents with the type of educational choice that wealthy parents have always enjoyed... We now have enough data to conclude that charter schools have exceeded expectations. In our cities, public charter schools consistently close achievement gaps. No wonder more than 32,000 children are on charter school waiting lists. Imagine being one of the parents crushed with disappointment when your child is not selected.⁶¹

By the end of 1994, seven more states had enacted charter laws. Republicans spearheaded the legislation in Arizona and Wisconsin, Democrats in Georgia, Hawaii, and New Mexico, and there was overwhelming bipartisan support in Michigan and Kansas. As more and more states passed laws through the 1990s, bipartisan support was the norm. Of the 23 states that passed bills in 1995 through 1999, all had strong bipartisan support except New Hampshire, South Carolina, and Utah.⁶²

CHARTER SUPPORT AT THE FEDERAL LEVEL: OUR PROGRESSIVE PRESIDENTS

Both of the last two Democratic administrations supported charter schools. In 1990, nine months before Minnesota passed its charter law, soon-to-be President Bill Clinton endorsed chartering.⁶³ While president, Clinton advocated for the passage of a federal Charter Schools

Program (CSP), which provided start-up funding for new charter schools. And in 1998, he signed The Charter School Expansion Act, which incentivized states to expand charter sectors and improve existing charter schools.⁶⁴ By the time Clinton left office, the number of charter schools nationwide had increased from one serving 35 students to 1,993 serving 448,343 students.⁶⁵

President Barack Obama, another strong charter supporter, helped secure the largest increase in funding for the CSP since the Clinton administration. He used the American Recovery and Reinvestment Act as a vehicle to launch the first-ever federal program to replicate and expand high-performing charter schools. Over time, this program resulted in the expansion of 32 charter management organizations and created over 400 new schools, adding 278,000 charter school seats for students. Obama also used Race to the Top Funding – competitive U.S. Department of Education grants designed to spur innovation and reforms in state and local K-12 education practices – to incentivize states to lift their caps on charters.⁶⁶ During his time in office, more than a dozen states changed policies to allow for the creation or expansion of public charter schools, and the number of charter schools grew from 4,694 serving 1,433,116 students to 6,824 schools serving 2,930,600 students.⁶⁷

Both President Clinton and President Obama knew that charter schools increased opportunity. Regardless of the claims made by today's anti-charter activists, chartering and public school choice are deeply rooted in, and reflective of, Democratic values.

In fact, a recent study by the American Enterprise Institute (AEI) revealed the disconnect



between the national commentary about education reform and the reality. Reform critics, especially the unions and their allies, paint school reform as a right-wing enterprise, and members of the media too often accept this narrative. But AEI's research showed that 87 percent or more of the political contributions made by staff at education-reform organizations over the past decade were given to Democratic candidates. Ultimately, the authors of the report concluded, "The leading participants in the school-reform 'wars' are mostly engaged in an intramural brawl, one between union-allied Democrats and a strand of progressive Democrats more intent on changing school systems."⁶⁸

In other words, as reform-minded Democrats attempt to make changes necessary to disrupt the status quo and put children first, union-backed Democrats, hell bent on protecting the unions' interests, block them. Every step of the way, they betray America's children—particularly those whose parents lack the money to move into a district with strong public schools or to send their children to private schools.

Voters should ask presidential candidates: Which type of Democrat are you?

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