

Charter Schools

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Abstract: Charter school movement in the USA: Would that be a new school model for the world? In this presentation, the charter school movement in the USA will be highlighted based on the questions below: Is there a Constitution article for charter schools? What is the legal status of charter schools in other states and in Wisconsin? Who can apply? Who can grant a charter? What degree of freedom do the charter schools have? How are the charter schools funded? What is the historical background of the charter schools? What does Instrumentality and Non-instrumentality mean? What is their current status? What is the impact and implications of charter schools for other schools?

Key words: Charter, school funding, choice schools, hybrid schools

Is There A Constitution Article For Charter Schools?

“The sanctity of such charters was guaranteed as a constitutionally protected interest under the Obligation of Contracts provision of U.S Constitution.” (Alexander, Alexander, 2001) “Charter schools are public, nonsectarian schools created through a businesslike “contract or charter” between the operators and the sponsoring school board or other chartering authority.” (DPI, website). Actually, charter schools *are* public schools. That is why they are exempt from most state laws but not from the federal laws. The biggest difference between a public charter school and a regular public school is the existence of a very specific contract between the charter granting authority and the person(s) opening the charter school. The contract is spelling out the requirements the charter school needs to meet at the end of the charter term, which is usually five years.

What Is The Legal Status Of Charter Schools In Other States And In Wisconsin?

“The most obvious and direct federal involvement in charter schools comes through the Federal Charter School Grant Program, initially authorized by Congress in 1994. Legislation creating a federal start-up grant program was originally proposed in 1992 by Senators Dave Durenberger (R-MN) and Joseph Lieberman (D-CN). It has also consistently attracted bi-partisan support in the U.S. House of Representatives. The program provides competitive grants to states, which, in turn, make grants to individual charter schools. Grants can be used for both planning and start-up expenses of charters. A new program authorized in 1998 also gives states the option of making “Dissemination Grants” to more established schools to help start new charters and to spread their experience and best practices to other charters and to district public schools.” (Charter School National Network, 2003)

“No two states’ charter school laws are the same.” (Odden, Bush 1998) There is no one right way of doing things. Charter schools are certainly another fruit of the fertile educational system in the States.

Wisconsin:

- ❑ “The original law was passed by the state in 1993 (Assembly bill 631). In June 18, 1998, Wisconsin Act 238 (1997) changed charter school law. In 1997, the state legislature made another revision to the law. This revision gave chartering authority to the Chancellor of the University of Wisconsin-Milwaukee (UWM), to the Milwaukee Area Technical College (MATC), and to the Common Council of the City of Milwaukee.
- ❑ In 1998, the state legislature made additional changes to the law, allowing a district to contract with a cooperative educational agency (CESA) to operate a charter school as long as it is located within the CESA.

- ❑ Another change requires that a school board receiving a petition to establish a charter school or to convert a nonsectarian private school must hold a public hearing on the matter and must consider the fiscal impact of the decision.
- ❑ The changes that occurred in 1999-2001 Biennial Budget revolved around Milwaukee per pupil aids and state assessments.
- ❑ In the 2001-2003 budget bill, limited chartering authority was granted University of Wisconsin-Parkside.”(Wisconsin State Summary, 2003)

Who Can Apply?

“In some states, only public schools can apply for charter status; in others, groups of teachers or citizens, universities, and even regional education organizations can apply for a charter.” (Odden, Bush 1998).

Wisconsin:

- ❑ *“Any person”*: an individual, partnership, association, or political or corporate body can operate a charter school.
- ❑ *Prohibits a school board from entering into a contract that would convert a private, sectarian school into a charter school. This new law applies to Milwaukee Public Schools (MPS) as well: MPS formerly was allowed this option.* “(Odden, Bush 1998).

Who Can Grant A Charter?

“States have created different entities for granting charters; in some states, only school boards grant charters, in others, the state grants charters; in some cases, both the state and the local school board must approve the charter”. (Odden, Bush 1998). The variety of charter school issuing agencies in state laws is also another reflection of how diversity is emphasized in this culture. It might be beneficial to take look at the achievement differences, if there is, when the granting authority is state or the local school board. Ohio legislation has changed its charter school law in the last year.

Previously, Ohio was both issuing and sponsoring the charter schools. This was regarded as a kind of “conflict of interest”. After a lot of criticism that the state should not be both the money-provider and the sponsor, the state asked all the charter schools to find a sponsor. In that way, an independent local authority will audit the schools. Now, many schools are in a hurry to find a sponsor in one year, or they will go out of business.

Wisconsin:

- ❑ *The legislation allowed the Milwaukee Area Technical College, MPS, the University of Wisconsin-Milwaukee, and Milwaukee's Common Council to authorize or operate charter schools in the city of Milwaukee.*
- ❑ *With the exception of Milwaukee, as established in Wisconsin's original 1993 charter school law, the local school board remains the only entity that can grant a charter for a period of one to five years.*
- ❑ *Schools authorized by these government entities receive the shared state aid, currently at \$5,600 per pupil.*
- ❑ *The state has the final approval for a charter school.*
- ❑ *“The state sets a statutory limit on the number of charter schools allowed in operation at any given time. The state simply receives the charter school application and approves them at the state level unless the state limit on the number of charter schools would be exceeded.”*
- ❑ *No appeal.* “(Odden, Bush 1998).

What Degree Of Freedom Do The Charter Schools Have?

“In some states, the waiver of the state rules and regulations is automatic and wholesale, while in others, individual charter schools have to specifically request each proposed waiver.” (Odden, Bush 1998). This freedom is the greatest reason why charter schools are like private schools. Why do people choose charter schools? One of the important reasons charter schools will provide a better education for their children. (Manhattan Institute, 2003)

Now the states are creating their own private schools with only one difference. Charter schools cannot charge tuition. Being independent from the state law is also attracting a lot of public schools. Most charter schools are converted from regular public schools.

Wisconsin:

- ❑ *“Charter schools in Wisconsin are exempt from most state requirements regarding public education. However, teachers in charter schools must be licensed by the DPI.*
- ❑ *Charter schools are not exempt from federal laws governing regular or special education or civil rights policies, nor are they exempt from local school board policies unless negotiated in the contract. This last provision does not pertain to the non-instrumentality charter schools.*
- ❑ *A charter school cannot charge tuition and must be equally accessible to all students in the district.*
- ❑ *Nonresident students may enroll in a district and be assigned to a charter school under the Wisconsin public school open enrollment program*
- ❑ *Charter schools may not discriminate on the basis of sex, race, religion, national origin, ancestry, pregnancy, marital status, sexual orientation, or physical, mental, emotional, or learning disability.*
- ❑ *Attendance at a charter school must be voluntary, and the district must provide alternative public education for pupils who do not wish to attend the charter school or who are not admitted to the charter school.”* (Wisconsin State Summary, 2003)

How Are The Charter Schools Funded?

“Some states finance charter schools directly, some require charter schools to negotiate the budget with the local board, and some –Arkansas, Georgia, and Kansas- do not even address funding!” (Odden, Bush 1998). Charter schools are the prototypes of the school-based financing system model.

“It (charter schools) places great store in the importance of competition improving the quality of schools.” (Alexander, Alexander, 2001) With a serious rival, other public schools would be forced to be competitive. The race is based on equal terms at least in terms of finance.

All public schools are paid the same amount per-pupil state aid. The real difference is with the way the charter schools spend their money. As they are intended to be a model of school-based financing system, the state aid is paid in a lump sum. They spend their money the way they want to. Most charter schools are established by teachers or parents.

Wisconsin:

- ❑ *Funding is not specified in the law. It is negotiated locally between the charter school and school district (there is a maximum per-pupil funding level, which is set by law, though)*

How Does Wisconsin Do Overall In Dealing With Its Charter Schools?

A recent report assessing the states’ performances in opening charter schools rated Wisconsin’s as B-. In the study, 13 states are graded B, 7 states graded C, and 3 states graded D.

“Based on scores of 56 criteria, Wisconsin earned a C for its policy environment, a B for authorizer practices, B- for charter school support, B- for application processes, B+ approval processes, and B for oversight and renewal revocation processes. Overall, Wisconsin’s charter school system, although complex, rates rather well. However, support and external accountability for authorizers are lacking. Policymakers are advised to carefully review the criterion-based scores for that category.” (Palmer, Gau, 2003)

What Is The Historical Background Of The Charter Schools?

The first charter school was established in Minnesota, in 1991. “During the five years from 1991 to 1996, twenty six states enacted charter school laws and many other states debated charter school legislation.” (Odden, Bush 1998) There are various reasons why charter schools have flourished so rapidly in the last decade. Just like choice and voucher programs, charters provide a choice for the parents who are not happy with the regular public schools.

“Wisconsin charter school law was established with an authorization for 10 school districts to establish up to two charter schools for a total of twenty in the state wide. Thirteen charter schools were created under this law. In 1995, revisions to that first charter school law gave permission to all school boards statewide and eliminated the cap on the total number of charter schools. ” (Wisconsin State Summary, 2003)

“Charter schools are gaining momentum in the city of Milwaukee. From a modest beginning of less than 200 students in three schools in 1998-1999 school year, they have grown in five years to include 11,497 students in 31 different schools. Statewide 19,005 students are enrolled in 129 different charter schools. of this total, 60% are charter school students in Milwaukee. The pace of charter school is evidenced by the edition of seven new charter schools this fall and 2,055 students. Today charter school surpasses the enrolment in Milwaukee private school voucher program by 816 students, the chapter 220 program by 6,813 students, and the open enrollment program by 10,265.” (Public Policy Forum, 2002)

Parents, complaining a lot about the ineffectiveness of the public schools once, are encouraged to start their own schools. “A year ago, Mimi Rothschild burst on the scene with an idea so grand and irresistible to parents disgruntled with public schools that it propelled her to the forefront of educational reform in Pennsylvania. Rothschild, who has no background in education, set out to open the biggest cyber school in Pennsylvania, if not the nation, where thousands of students could learn at home, at any time, with a click of a mouse.”(Hirsch, 2002) Then, they see things are not as easy as they seem to! Another great privilege that most charter schools have is that they are exempt from many of the state law; bureaucracy. People who establish charter schools love this freedom and try to create very different schools than regular public schools. If you are a non-instrumentality charter school, you may even hire your own staff. That freedom is crucial in the success of the charters, as they do not have to get stuck with ineffective administrators or teachers. Most of them offer a one-year contract.

What Does Instrumentality And Non-Instrumentality Mean?

“When a charter school is and instrumentality of the district, it can best be viewed as attached to the district.” (Wisconsin Charter School Center, 1999) Thus, we can simple infer the meaning of non-instrumentality as a school not part of a district. “Teachers in "non-instrumentality" charter schools are not district employees and are eligible to negotiate as a separate unit with charter school governing body, or work independently.”(CER, 2002) “One attorney described it as an arm of the district, with many of the policies and procedures affecting the district flowing through to the charter school.” (Wisconsin Charter School Center, 1999) Some other major elements of instrumentality charter schools in Wisconsin are listed in the article as:

1. “The employees remain the employees of the district.
2. “Teachers will keep whatever benefits they get as a result of their contract. Also, teachers will retain their access to the Wisconsin Retirement System, they get pension.”
3. “Unless it has been otherwise negotiated in the teacher’s bargaining agreement or through a memorandum of understanding, teachers in charter schools will be treated like other schools in the district around the issues of seniority.”
4. “The school board has the authority to determine which of its policies and procedures apply to charter school. This should be outlined in the contract between the charter school and the district.”
5. “Charter schools are waived from all but a handful of the statues regulating the schools. These include the rules about the number of minutes courses must meet and the number of days school must meet. Additionally, charter schools gain flexibility in terms of graduation requirements. They also gain some flexibility in teacher license requirements, similar to that of the provisional license.”
6. “Charter schools waived from the statues around issues of student health, safety and privacy. Additionally, state law does not and cannot waive charter schools from federal laws that apply to K-12 schools. .” (Wisconsin Charter School Center, 1999)

What is Their Current Status?

“When charter schools came onto the education scene in the early 1990s they were viewed as a reform that could turn traditional public schooling on its head.”(Public Policy Forum, 2002) Are they there yet? Are they now a model for all other public schools? It is too soon to draw conclusions. But still in a very short period of time, they have at least proved that some things might be better if there is more autonomy. (Manhattan Institute, 2003)

There are now 2,874 charter schools all over the nation. 400 new charter schools added in 2002-2003. (CER, 2002). Statewide 19,005 students are enrolled in 129 in different charter schools. Of this total, 60% are charter schools in Milwaukee. Considering the fact that each year 400 hundred charters are added, one day the market will be saturated, become wary of this new experiment and look for different possibilities. (CER, 2002).

Virtual charter schools are now in the game. They are collecting more and more students from different districts. Just like home schooling, students who would like to stay away from buildings, they opt for other options. "Less than two weeks before the deadline, Wisconsin Virtual Academy - set to open this fall in a small, rural district in northern Ozaukee County - has more than 300 confirmed students who are coming from more than 100 districts around the state." (Davis, 2003) People, who actually do not want to be taught by a teacher, will enjoy their computer screen. But is this just another student trick to get away from their responsibilities? Time will tell.

"At last count some 30 cyber charter schools have already been established in 12 states." (National Association of States Board of Education, 2001) Although there are very few cyber schools in operation, they are already a big controversial issue. Advocates for home-schoolers are suing the districts opening charter schools. They argue that there is no legal basis to open a cyber charter school. Charter school advocates claim that "The Department of Education holds the position that cyber schools are permitted under Act 22 of 1997, our charter school law." There are two cyber schools in Wisconsin: Wisconsin Virtual Academy and Wisconsin Connections Academy. "Wisconsin Virtual Academy has 275 confirmed new students for next year and 653 approved applications. Wisconsin Virtual Academy - set to open this fall in a small, rural district in northern Ozaukee County - has more than 300 confirmed students who are coming from more than 100 districts around the state. Applications from some 600 more were pending after receiving preliminary approval." (Davis, 2003) Considering the fact that cyber schools are collecting students from all the districts in their states, more and more entrepreneurs would knock on the department of education's to submit their applications.

"As of October 2002, there are 194 closures which is 6.7% of the 2874 schools ever given charters. The percent includes the schools that gained the charter school status but never opened, schools were actually consolidated back to the districts and remain open." (CER, 2002). The report is a good analysis of why charter schools have been closed. It underlines that some of the closures are also because of districts. "Some groups, such as local school districts, and other in educational establishment that were threatened by these groups, are working to push them back. Why? Sadly, the closures are because most people do not like change, especially if that changes the affects one's livelihood." (CER, 2002). If a charter school gets closed because of poor academic results and therefore not meeting the contract requirements that would show what real accountability is all about.

The real problem is when charter schools are shut down despite academic achievement, student and parental satisfaction and community support. People who support "status quo" have always been and will always be. Like Dr. Fuller said, "in this country there is no way you can change things without controversy." (Alverno, 2003)

What Is The Impact And Implications Of Charter Schools For Other Schools?

If competition has anything to do with success, charter schools are challenging to regular public schools and private schools. The challenge is not just felt by the public schools but also by other choice schools and private schools.

"Today charter school surpasses the enrolment in the Milwaukee private school voucher program by 816 students, the chapter 220 program by 6813 students and the open enrollment program by 10.265" (Public Policy Forum, 2002) The pattern of growing numbers in student enrolment is, naturally, a big concern for regular public schools and private schools.

Schools that lose their students to other programs have two options. They either reduce their staff or find more students. In order to keep your current student body or to have more students, you need to build up a good reputation in your neighborhood. Parental satisfaction is the key factor in student retention.

As charter schools are tuition-free, parents who want to save up to thousands of dollars a year may choose to send their children to quality charter schools. Parents, who are dissatisfied with the performance of their children

in the regular public schools and cannot afford private school tuitions, choose charters. Small classroom sizes and innovative curriculum are top reasons that attract parents. They all result in the increase of student numbers in charter schools. “ There are 11,497 students enrolled in Milwaukee charter schools in 2002-2003, a 21.8% increase from the number of students 9,442 attended charter schools in 2001-2002” (Public Policy Forum, 2002)

Given that, it is still important to know that the number of students in charter schools is just 2.2% of the total student population in Wisconsin. That clearly proves that regular public schools are still the main education providers. It is believed that charter schools should stay as model schools that others can get inspired. They should keep trying new methods to improve the student achievement. It is also acceptable to fail now and then. People all learn from mistakes, sometimes even more than what they do right.

One important criticism that charter schools receive is that they are getting more white students than African American since they are selective. “The Civil Rights Project at Harvard University (CRP) announces a new study of segregation patterns in the nation’s charter schools. “Charter Schools And Race: A Lost Opportunity For Integrated Education” by Erica Frankenberg and Chungmei Lee.”(The civil Rights Project, 2003) According to a research on charter schools in Milwaukee area, the district has 60% of student population is black and the number is 61% in charter schools. (Public Policy Forum, 2002)

“ Whatever the condition of charter school, however, it is clear that, when compared with the failure of traditional public schools, charter schools are more likely to deliver on their promise providing an atmosphere that breed student achievement.” (CER, 2002)

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