SB

88

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 3, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/5/95

The FINANCE Committee considered: CSSB 88(FIN)

CS FOR SENATE BILL NO. 88(FIN) PILOT PROGRAM FOR CHARTER SCHOOLS

"An Act establishing a pilot program for charter schools; and providing for an effective date."

recommends it be replaced with the following committee substitute CSSB 88(FIN) [✓] the same title [ ] a new title

[ ] additional referral to _____ Committee

[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal note(s) _____

_____

[ ] zero fiscal note(s) _____

_____

APPROVES PREVIOUS: (Dept/Date)

[✓] fiscal note(s) Education 3/9/95

_____

[ ] zero fiscal note(s) _____

_____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
Richard Foster	FOSTER			X	
Fay Brown	Brown			X	
Adam Mulder	Mulder	X			
Mark Hanley	Hanley	X			
Terry Martin	Martin	X			
Leah Parnell	Parnell			X	
Vic Kohring	Kohring	X			
Bruce Grussendorf	Grussendorf		/	X	
Pete Kelly	Kelly	✓			
Gene Therriault	Therriault	X			

CO-CHAIR'S SIGNATURE Mark Hanley Richard Foster

No. 1

FISCAL NOTE

Bill Version: SB 88

(S) Publish Date: 3.9.95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____

Title: An Act establishing a pilot program for charter schools

Sponsor: Senator Sharp

Requester: Senator Sharp

Department Affected: Education

BRU: Education Program Support

Component: Basic Education and Instructional Improvement

COMPONENT SERIAL NO. 171

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	2.0	0.0	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: $ 0.0

ANALYSIS: (Attach a separate page if necessary.)

Senate Bill 88 establishes a pilot program for charter schools. The State Board of Education will need to develop, notice, and promulgate regulations to implement SB 88.

Prepared by: Sheila Peterson, Special Assistant — Phone: 465-2803

Division: Commissioner's Office — Date: February 18, 1995

Approved by Commissioner: _____ Jerry Covey

Agency: Education — Date: February 18, 1995

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Alaska State Legislature

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BERT SHARP
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Senate

SPONSOR STATEMENT

CSSB-88(FIN)

BY: SENATOR BERT SHARP

THE ISSUE OF CHARTER SCHOOLS WAS DISCUSSED AT LENGTH DURING THE TWO YEARS OF THE 18TH LEGISLATURE. UNFORTUNATELY, CHARTER SCHOOLS WAS JUST ONE PART OF SB-61, WHICH IN ALL ASPECTS, WAS AN "OMNIBUS EDUCATION BILL" THE BILL TRIED TO ADDRESS DIVERSE ISSUES, EACH OF WHICH, WERE CONTROVERSIAL AND IN SOME WAY, TAINTED THE OTHER BY ASSOCIATION.

I'VE TRIED TO CRAFT SB-88 TO BE A SINGLE ISSUE BILL ON CHARTER SCHOOLS. MY GOAL IS TO SET AS FEW LIMITATIONS AS POSSIBLE IN SETTING UP AND OPERATING CHARTER SCHOOLS. THIS BILL WILL ALLOW SCHOOL DISTRICTS, TEACHERS AND PARENTS THE SPACE TO BE CREATIVE. IT ALLOWS THE CHARTER SCHOOLS TO UTILIZE EXISTING SCHOOL FACILITIES, NEW FACILITIES AND/OR THE OPTION OF LEASING PRIVATELY OWNED STRUCTURES FROM THE OWNER. A GEOGRAPHICAL ALLOCATION HAS BEEN DONE TO ASSURE FAIRNESS STATEWIDE.

ALL CHARTER SCHOOL PROPOSALS MUST BE SUBMITTED TO THE LOCAL SCHOOL BOARD FOR CONSIDERATION, AND UPON THEIR APPROVAL, FORWARDED TO THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION FOR REVIEW AND COMPLIANCE TO STATE LAW.

ALL STAFFING OF CHARTER SCHOOLS MUST BE DONE ON A VOLUNTEER BASIS, WITH THE PRINCIPAL OR ADMINISTRATOR HAVING THE RIGHT OF FINAL APPROVAL OF ALL STAFF SELECTION.

SECTION 3. FUNDING FOR CHARTER SCHOOL. (a) A LOCAL SCHOOL BOARD SHALL PROVIDE AN APPROVED CHARTER SCHOOL WITH AN ANNUAL PROGRAM BUDGET. THE BUDGET SHALL BE NOT LESS THAN THE AMOUNT GENERATED BY THE STUDENTS ENROLLED IN THE CHARTER SCHOOL LESS ADMINISTRATIVE COSTS RETAINED BY THE LOCAL SCHOOL DISTRICT, DETERMINED BY APPLYING THE INDIRECT COST RATE APPROVED BY THE DEPARTMENT OF EDUCATION. THE "AMOUNT GENERATED BY STUDENTS ENROLLED IN THE CHARTER SCHOOL" IS TO BE DETERMINED IN THE SAME MANNER AS IT WOULD BE FOR A STUDENT ENROLLED IN ANOTHER PUBLIC SCHOOL IN THAT SCHOOL DISTRICT

A CHARTER SCHOOL DOES NOT DILUTE THE AMOUNT AVAILABLE TO THE SCHOOL DISTRICT'S OTHER SCHOOLS.

BY CHALLENGING STUDENTS TO ACHIEVE AT THEIR HIGHEST CAPABILITIES, I FIRMLY BELIEVE CHARTER SCHOOLS MAY LEAD THE WAY TO A MORE EFFECTIVE EDUCATION SYSTEM FOR THE NEXT CENTURY.

I URGE YOUR SUPPORT ON THIS IMPORTANT LEGISLATION.

Report 2, 1994

Policy Briefs

A Publication of the North Central Regional Educational Laboratory

Policy Briefs are reports on the status of current issues in education from a national perspective, descriptions of actions and agendas in the NCREL region, commentaries by experts from their particular point of view, and resources for further information.

Charter Schools Update

Editor's Note: NCREL's special issue of Policy Briefs on "Charter Schools: A New Breed of Public Schools" (Special Policy Report 2, 1993), has been distributed widely throughout the United States since its publication in August. This Policy Update was developed to respond to numerous requests for further information on the topic and to follow up on recent developments concerning Charter Schools, particularly in the NCREL region. It cannot possibly be as inclusive as the original report, but provides information that was not available when the original report was published. The opinions expressed in this update do not necessarily reflect the views of the NCREL staff or board of directors. We hope you find the information useful.

Other Points of View on Charter Schools

We received letters from Senators David Durenberger (R-MN) and Paul David Wellstone (DFL-MN) requesting that we publish the views of students and parents from the Toivola-Meadowlands, Minnesota, Charter Schools. The students wrote a "Letter to the Editor" in response to the original report on Charter Schools, and we interviewed for this update two parents who have been involved in the school.

Unedited Letter to the Editor from Toivola-Meadowlands Charter School Students

November 5, 1993

Dear Editor,

We, the students of Toivola-Meadowlands Charter School, would like to respond to the interview given by Daniel Mobilia concerning our school. Mr. Mobilia was not updated on the events occurring within TMCS at the time of the interview, and we would like to take this opportunity to make some corrections. It is true that Charter Schools are exempted from some requirements to allow them to be innovative, but the examples given in that article are not true. Mr. Mobilia stated that charters are exempt from hiring certified teachers. That is not the case in Minnesota. The Minnesota law requires charters to have certified teachers, and that includes the Toivola-Meadowlands Charter. Also expressed in the interview was the exemption of having principals. Charters have that exemption, but so do all other independent school districts in Minnesota. Under the Laws of Minnesota for 1993 amended from the Minnesota Statutes of 1992 under Sec. 15 it states that each public school building in an independent school district may be under the supervision of a principal who is assigned to that responsibility by the board of education for that school district upon recommendation of the superintendent of that school district. The word "may" gives the choice to the TMCS to take an alternative plan of a board of directors and a site base management team instead of a traditional principal. These options make the school run more smoothly and efficiently. As a matter of fact, TMCS recently elected a new board of directors on October 27, 1993. We had an excellent turn out of 65% of all parents/guardians and staff members of the voting membership.

Many people do not understand charters, and it's hard to explain how one works without inviting a person to see one in operation. Charters allow students to be creative and to have more responsibility in their education. Students here have the chance to explore interests in a style that makes it very educational and fun. Charters also give the students actual experiences of dealing with the business world. Right now we have students who have started their own businesses within the school, such as piano lessons and wood crafts. By starting their own business the students learn a number of things. Communication skills, organization, problem solving, budgeting, and responsibility are just a few. Other students are involved in the coordination of activities for the school. Organizing a rock climbing trip to UMD or skiing at Giants Ridge are some examples. And unlike many other schools, we encourage our students to do community service. This can involve the examples above plus anything from janitorial to working in a day care center to doing projects in the community.

Charter schools are definitely a jump from traditional schools, but if not given the chance to succeed, we will never know what they can accomplish.

The TMCS Speech Drama Class

Illinois Update

Legislation on Charter Schools has been introduced by Lee Daniels (R-Elmhurst). Governor Jim Edgar, in his "State of the State Address" in January, praised Charter Schools as an innovation in education for Illinois that he would propose. Patrick O'Malley (R-Palos Park) has sponsored the Governor's Charter School legislation. The legislation is now pending in the Illinois General Assembly. Mayor Richard Daley of Chicago has made Charter Schools one of his goals for 1994. The Illinois State Board of Education is discussing "Principles for Evaluation of Legislative Proposals on Charter Schools." Seven principles intended to be safeguards in governing the formation of Charter Schools are under discussion. However, no agreement on the support of Charter Schools or the principles has been made at this time. The Illinois PTA convention recently adopted the "Illinois PTA postion on Charter Schools."

Proposed Illinois State Charter Legislation Sponsored By Representative Lee Daniels

Legislation proposed by Rep. Lee Daniels (R-Elmhurst) would amend the School Code, authorizing the creation of Charter Schools in all school districts. It would establish a seven-member Illinois Charter Schools Commission to administer the Charter Schools Law and provide that members of the Commission are to be appointed to staggered four-year terms by the Governor. If the governing body of a Charter School is a college or university or public community college, the proposed legislation provides that the Illinois Board of Higher Education must approve the charter before it takes effect. The proposed legislation also adds provisions concerning the manner of approval of a Charter School contract, material contract revision, and release of a charter school from state laws and regulations. It provides that a Charter School shall be:

- a public school accountable to its sponsor
- operated in a nonsectarian, nonreligious, non-home-based manner
- subject to statutory and constitutional prohibitions against discrimination
- prohibited from charging tuition
- administered by a governing body in a manner provided by the charter

The proposed legislation authorizes Charter Schools to negotiate for the use, operation, and maintenance of school buildings and grounds on a rent-free basis with colleges, universities, and other entities. It also prescribes certain terms that are required to be included in a Charter School application and contract. If the Charter School is to be established by converting an existing public school to Charter School status, this move must have the approval by a majority of the certified teachers at the school, by a majority of the parents and guardians of pupils enrolled in the school, and (in Chicago) by the local school council before an application may be submitted or received for consideration to establish the designated school as a Charter School. Finally, the proposed legislation adds provisions relative to charter terms and renewals, employee options, financing, evaluation, and reporting.

Excerpt from the Illinois State of the State Address to the 88th General Assembly by Governor Jim Edgar

January 12, 1994

> This year, I will propose legislation to create at least a dozen Charter Schools throughout Illinois. Schools that are organized from the bottom up, schools where principals, teachers, parents and, yes, even students can act to make education more responsive, more relevant, and more exciting without having to answer to layers of bureaucracy and being shackled by overly restrictive mandates.
>
> Indeed, Illinois is ready, I believe, to experiment with having the private sector manage our schools as has occurred in Baltimore and Minneapolis.
>
> Some reforms will work. Others may not. But we're not going to know the answers unless we try, and we do know right now that the status quo is not working in many schools throughout the state.
>
> So let us be innovative—let us help pioneer Charter Schools.

Excerpt from *Springfield Scene* (The Illinois Chamber)

April 4, 1994

"Charter schools proposal advances"

> The Governor's Charter School legislation, S.B. 1716, sponsored by Senator Patrick O'Malley (R-Palos Park), advanced out of the Senate Education Committee on a 6-2-1 vote. It will receive a second reading in the Senate. The Illinois Chamber, with its fellow statewide business groups and the school management alliance, testified in support of the measure.
>
> Statewide labor groups, including both statewide teachers' unions, registered opposition to the legislation, primarily on the basis that all of the personnel mandates embedded throughout the school code (notably collective bargaining, tenure, teacher certification) and curricular mandates would not be required for Charter Schools.
>
> A previous *Springfield Scene* stated that Charter Schools should have maximum freedom to devise programs that allow their students to demonstrate the highest level of competencies in given topic areas. By reducing the number of state-mandated processes, the school board and the charter applicant can focus programs on performance.
>
> The Illinois Chamber is working with Senator O'Malley and the Governor's office to draft an amendment that clarifies several provisions of the bill. This amendment will be considered by the Education Committee this spring.

Illinois PTA Legislation Position Statement

Position on Charter Schools

> It is the position of the Illinois PTA that charter schools could be a viable part of the reform initiative. They could provide a vehicle for change and innovation by creating new kinds of schools within the public school structure. The Illinois PTA also considers charter schools to be only a small piece of school reform. They should not be viewed as a means of

improving the overall quality of education in Illinois, nor as a means of solving the school funding issue. Charter schools are but one option in a continuum of educational reform.

The Illinois PTA will support legislation creating charter schools that meets the following specific conditions:

1. Charter schools must not be operated for a profit; nor affiliated with a non-public sectarian, religious or home-based school. (Public funds must not be used for private schools. An Illinois PTA Continuing Position)
2. Charter schools must be open to all students regardless of sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.
3. Charter schools must not charge tuition or fees which might preclude attendance and full participation by economically disadvantaged students.
4. There must not be any negative impact on currently existing schools.
5. New monies must be made available to fund charter schools; and the state must work to improve funding for existing elementary and secondary schools until it provides the primary cost of public education.
6. Charter schools must be subject to all federal and state laws which deal with health and safety, and prohibit discrimination; and must be subject to the Freedom of Information and Open Meetings Acts.
7. A charter school must be accountable to the local board of education of the district in which it is located.
8. In order to insure the highest standards of teaching, teachers must be certified.

Michigan Update

Michigan Legislation on Public School Academies

Michigan passed Public Act 363 late in 1993 that allows the creation of Public School Academies—Michigan's version of the Charter School concept. According to the legislation, "A public school academy is a body corporate and is a governmental agency." The Governor strongly supports the concept.

The following are major features of Michigan Public School Academies:

1. Any individual or organization (except a religious group), such as governing boards of any local school district, intermediate school district, community college governing board, or the governing board of a public state university, may propose and be authorized to run a public school academy.
2. No numerical limit is placed upon the number of public school academies established.

California has 45 Charter Schools. The state does not offer start-up monies to get the schools going, so progress in numbers has been slow compared to states where start-up monies are available, such as Massachusetts.

California and Arizona Updates

As mentioned in the original issue of *Policy Briefs* on Charter Schools, California's general election ballot in November 1993 included a referendum (Proposition 174) that would have allowed parents to use vouchers to pay for private schooling. This referendum was viewed by many as a threat to the future of California's Charter Schools. In California, as in Oregon and Colorado, the voucher referendum was defeated by a margin of at least two to one. Colorado voucher proponents have begun a new campaign on the issue, hoping to put it on the ballot in 1994. Why the referendum in California—which was very popular when first proposed—was so strongly defeated is being discussed widely. If nothing else, it is obvious that if such referendums are to pass, they must appeal to middle-of-the-road as well as conservative voters.

California has 45 Charter Schools. The state does not offer start-up monies to get the schools going, so progress in numbers has been slow compared to states where start-up monies are available, such as Massachusetts.

Today, people are looking to Arizona, where the voucher issue is very alive if not altogether well. Both Charter Schools and a pilot voucher program are included in education reform bills. House Bill (HB) 2585 includes the voucher program; Charter Schools are included in both HB 2585 and Senate Bill (SB) 1375. Both bills have been discussed by the education committees in their respective houses and referred to the appropriations committees. SB 1375 has tied significantly more monies to the Charter School proposal alone. Both bills have created a stand-off. The most contentious disagreements have been over the voucher issue, which has brought to the surface "wars" not necessarily related to vouchers. Both the Governor and the Republican majorities in the House and Senate support vouchers and Charter Schools as an essential part of their education reform package. Vouchers, however, have *not* turned out to be a partisan issue; there is some support for vouchers on both sides. Democrats had expected a division along party lines, but it did not occur. It appears that Arizona will see a long struggle to decide these issues.

Massachusetts Update

Massachusetts has given initial approval to 15 applications for Charter Schools. The Massachusetts charters will be run by teachers, parents, and community groups, but also by private management for-profit groups, such as the Edison Project, created by Whittle Communications Corporation. The Edison Project won charters in three cities.

Minnesota Update

New Charters

Three Charter School applications were submitted to the Minnesota State Board of Education (MSBE) for approval, according to Bill Allen, who coordinates Charter School proposals for the Minnesota Department of Education.

The following application was approved:

New Country School in LeSueur will be a secondary school with a "computer-infused curriculum" and appren-

ticeships and activities in the community. It will receive support from the Community Learning Centers project that has grant money from the New American Schools Development Corporation. The project was approved by the LeSueur Board of Education.

The following applications are still pending:

Emily Community School in Emily is a K-12 program already open with private funding, serving about 75 students. The Crosby-Ironton School Board voted 3-3 on the proposal, meaning that the decision rests with the MSBE.

Sudbury School in Roseville is based on a Massachusetts model that organizes the school as if it were a small town. It has some elements of the Summerhill model. The Roseville Board voted against the proposal 3-2. Board members indicated that their reluctance was based on the inability of the district to provide adequate performance assessment.

Wisconsin Update

The issue of *Policy Briefs* on Charter Schools featured new legislation in Wisconsin to create Charter Schools. In the months following enactment of Wisconsin's Charter School law, it became apparent that some provisions in the 1993 legislation would cause difficulties for ten participating districts in their efforts to create Charter Schools. In a cooperative effort to correct the situation, the school districts, the Department of Public Instruction, and the Governor's Office developed legislative proposals to increase the flexibility of school districts and clarify areas of uncertainty and confusion in the law. The proposals have been included in the governor's review bill, which will be addressed by the state legislature.

In brief, according to an analysis by the Legislative Reference Bureau, the proposed bill includes the following changes in the provisions for governing Charter Schools:

1. The requirement that all Charter School employees remain school district employees is deleted; but private Charter School employees would not participate in the Wisconsin Retirement System (WRS).

2. The contract between the school board and the Charter School is allowed to specify which provisions in the laws that govern public schools will apply to the Charter School.

3. The proposed bill directs the state superintendent to establish requirements for licensure as a Charter School instructional staff member. To teach in a Charter School, an individual must hold a regular license or permit to teach, a Charter School instructional staff license, or a Charter School instructional staff permit from the state superintendent.

4. Eliminated is the provision that prohibits the school board from spending on average more per pupil enrolled in a Charter School than it spends on average per pupil enrolled in public schools. But it will require the petition or contract that establishes a Charter School to specify the anticipated average amount that the Charter School will spend per pupil enrolled in the Charter School in

the first year of the contract. Other explanations, justifications for spending, and reporting procedures also are specified on finances.

5. The school board will be allowed to enter a contract on behalf of the Charter School with other governmental units for services or joint power or duty required or authorized by law.

6. The bill allows a pupil to attend a Charter School located outside of his or her school residence district, as allowed for any public school outside the residential district.

7. The requirement to give preference in awarding contracts for the operation of Charter Schools to those that serve at risk children is eliminated.

8. Exemption from civil liability is extended to include Charter School employees.

9. The names of Charter School employees charged with or convicted of certain crimes or dismissal because of immoral conduct are to be reported to the state superintendent.

According to Raich, Charter Schools allow in-house decision-making, which eliminates "all of the bureaucracy of getting things done" and leads to better communication among parents, students, and teachers. Decisions are made by the teaching staff, paraprofessionals, community members working in the schools, and licensed educators, who meet several times during the week.

Parent Cannot Envision the Community Without a Charter School

Interview with Dick Raich, Parent, Meadowlands, Minnesota

by Aurelio Huertas, Jr., NCREL

In less than one year, student enrollment at Toivola-Meadowlands Charter School has increased from 162 students to 197, a 22-percent student increase, says Dick Raich, parent and board member of this recently established Charter School in Minnesota. He attributes the increase to the school's "flexibility" and its ability to bring local businesses and community expertise into the school. "I think under the present structure of education, this is one thing where small school districts fail. They don't have this type of flexibility to move within the structured system."

According to Raich, Charter Schools allow in-house decision-making, which eliminates "all of the bureaucracy of getting things done" and leads to better communication among parents, students, and teachers. Decisions are made by the teaching staff, paraprofessionals, community members working in the schools, and licensed educators, who meet several times during the week. "If a problem arises and you want to change something or bring in something new, you can do it right away," Raich says.

The Toivola-Meadowlands Charter School's open-door policy encourages parents to become more involved in their children's education, which Raich says was not the case several years ago.

Today, teachers at the school promote and solicit parental involvement as much as possible. "Teachers welcome parents in. They welcome ideas. They want to exchange ideas. The one thing they have worked on so much is communication within the community." Not surprisingly, Raich attributes much of the school's success to the community.

However, Raich is careful to point out that Charter Schools are not right for every community. "Why would you want to change something in a community where education is acceptable? They have the outcomes they want. They see what they want coming out of the public schools."

Moreover, Raich warns that the process of setting up a Charter School is very strenuous. He believes that the biggest problem is meeting the legal requirements for establishing a Charter School. "It takes a long time to set this up. Your letters of intent and the contracts—these sorts of things can be made easier." He points to the experiences of other districts that are in the process of setting up Charter Schools: "I know of several other schools that have been working on this for two and three years. They are having a heck of a time."

The Toivola-Meadowlands community has adapted so well to its Charter School that Raich finds it difficult to imagine not having a Charter School. "If Charter Schools fail, I really don't know how we are going to adapt back to the public education in the sense that it was before. Once the programs are set up, they have a track record, and everyone is comfortable with the direction, it can really take off."

Charter Schools: "I would like to see every district have the option to do this."

Interview of Tim Robinson, Parent, Meadowlands, Minnesota

by Aurelio Huertas, Jr., NCREL

Imagine a school where all members of the school community share a common vision for the school and are involved in decisions affecting curriculum, school structure, and instruction techniques. Now, stop imagining. Such a school really exists: Toivola-Meadowlands Charter School in Meadowlands, Minnesota.

Tim Robinson, who is one of the school's board members and has three children attending the school, says that community feedback on Charter Schools has been "very positive" since the decision was made to establish a Charter School. "Parents like the thought of having programs that are centered on learning in the community, teaching real world applications, and in which their children go out in the community to see what they learned."

The Charter School represents a unique partnership between the local school district and the Meadowlands community. The school seeks to revitalize education by involving the whole community. Parents are more involved in the educational process. Students have regained an interest in learning. Teachers are experimenting with innovative techniques.

Education at Toivola-Meadowlands Charter School extends far beyond pencils, paper, and textbooks. Students have input into what they believe they

need to learn, which encourages them to share the responsibility for learning. They also explore real-life applications of what they have learned through innovative, hands-on activities in the community.

"Parents like the thought of having programs that are centered on learning in the community, teaching real world applications, and in which their children go out in the community to see what they learned."—Tim Robinson

"All the hands-on stuff is what really connects it for the kids," explains Robinson. "What connects it for the parents is that they can be directly involved and they don't have 50 layers of bureaucracy to go through when they want to have input of how things are done."

Toivola-Meadowlands Charter School believes in challenging its students, especially in the use of technology. "A lot of the course offerings are geared towards high technology, communications, and interpersonal relationship skills," says Robinson. The school also focuses on everyday skills from a new perspective. "We are taking family learning a little differently—*life skills* we call it," explains Robinson. "It is not just cooking skills and how to do your laundry, but about going out and interacting with young kids and seeing how they learn. Parenting is not as easy as kids think."

Although Robinson believes that Charter Schools offer many benefits, he also admits that even the most successful programs include a measure of failure—not every problem has a practical solution. For example, transportation is a concern echoed by many Meadowlands residents. "I feel the transportation issue is inadequately addressed in the law," says Robinson. "When there is a transportation problem, there is no solution. This should be fixed."

Nevertheless, Robinson feels that Charter Schools are at the cutting edge of educational reform. He notes that "things may seem rocky at first," but he would like to see more states experiment with Charter Schools. "I would like to see every district have the option to do this."

Aurelio Huertas, Jr., is a staff writer for the North Central Regional Educational Laboratory. He writes extensively on educational topics as well as alcohol, tobacco, and other drug-related prevention issues.

Excerpts from President Clinton's State of the Union Message

The New York Times (National), January 26, 1994

We must set tough world-class academic and occupational standards for our children. And give our teachers and students the tools they need to meet them. Our Goals 2000 proposal will empower individual school districts to experiment with ideas like chartering their schools to be run by private corporations or having more public school choice, to do whatever they wish to do as long as we measure every school by one high standard: Are our children learning what they need to know to compete and win in the global economy?

Goals 2000 links world-class standards to grass-roots reforms, and I hope Congress will pass it without delay.

Product List

Regional Policy Profiles

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____	SSAP-U1-93-94	State Student Assessment Program Database, Update disk & hard copy, 1993	$49.95
____	SSAP-B-92-93	State Student Assessment Program Database, hard copy, 1993	$29.95
____	RPIC-1R-93	*Issues and Recommendations Regarding Implementation of High School Graduation Tests*, William. A. Mehrens, 1993	$ 5.95
____	RPIC-1R-93-ES	*Issues and Recommendations Regarding Implementation of High School Graduation Tests*, William. A. Mehrens, Executive Summary, 1993	$ 3.00
____	PPD-921	*Policy and Practice Toward the Improvement of Teacher Education*, Nancy L. Zimpher and Kenneth R. Howey, 1993	$ 8.95
____	RPIC-SB-93	*Source Book on School and District Size, Cost and Quality*, 1992	$ 6.00
____	TCP-921	*Defining Education's Role in Telecommunications*, 1993	$ 8.95
____	RPIC-AA93	*Academic Achievement - A View from the Top*	$ 5.95
____	RPIC-AA93-ES	*Academic Achievement - A View from the Top*, Executive Summary	$ 3.00
____	ISM-DDC-93	*A Database and Catalog of Alternative Assessments, focuses on math and* science and includes disk, 1993	$ 9.80
____	ISM-AB-94	*Annotated Bibliographies of Alternative Assessments in Math & Science*	$ 7.45
____	RPIC-HS-93	*Legal Implications of High-Stakes Assessment: What States Should Know*	$19.95
____	ED-AS-094	*Surveying the Landscape of State Educational Assessment Programs*, Linda Bond, 1994	$ 5.00
____	RPIC-TT-94	*The Test of Testing: Making Appropriate and Ethical Choices in Assessment* Gregory Bell, 1994	$ 4.95

Policy Briefs - *No Charge*

____	1994	#2	Charter Schools Update
____	1994	#1	Building Collaborative Education Systems: New Roles for State Education and Higher Education Agencies
____	1994	W-94	Funding Crisis Forces Action in Michigan
____	1993	#3	Integrating Community Services for Young Children and Their Families
____	1993	#2	SPECIAL POLICY REPORT: Charter Schools: A New Breed of Public Schools
____	1993	#1	SPECIAL REPORT: Decentralization: Why, How and Toward What Ends?
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Charting a NEW COURSE

Parents eager to throw out the old rules are leading a movement to create and operate new publicly funded charter schools.

FOR YEARS A group of concerned parents in Franklin, Massachusetts, gathered at school functions and library story hours to compare notes, complain about local schools, and discuss the need for a better education for their kids. "We talked excessively about what we wanted our schools to be," recalls Peg Murphy, a former teacher and suburban mother of five. Just about a year ago, Murphy learned that Massachusetts was one of a handful of states that had passed charter school legislation, allowing parents and teachers to fashion and run their own publicly funded schools.

With only two weeks left before the deadline to submit a charter proposal to the Massachusetts Department of Education, Murphy worked fast. "I threw all the educational materials I had collected into a laundry basket and went to the home of a friend, who's a kindred spirit on these issues," she says. The writing came easily. Today she is president of the governing board at the Benjamin Franklin Classical Charter School, slated to open its doors this September for students in kindergarten through grade four.

The new school will be located

BY RUTH BAYARD SMITH
PHOTOGRAPHY BY MICHELE McDONALD

Parents on the governing board of the Benjamin Franklin Classical Charter School will oversee the budget, hire staff, and select textbooks. "We're hoping to launch a school with an unusual tone of cooperation and respect," says Peg Murphy.

in a former parochial school that has not been in use for several years. For now, in addition to Murphy and her husband, Robert, the board is made up of five other couples whose children will also attend the school. Says Murphy, "We are parents who are very involved in our children's education, and it's an attitude we want to foster in our school. Our existing schools encourage volunteers, but that usually means they're looking for parents to bake cookies. We've had a thirst to be more active."

Since Minnesota passed the first charter school law in 1991, the movement to establish independent, publicly funded schools has grown steadily. Currently, 11 states have charter school legislation on the books; laws in six of these—Arizona, California, Colorado, Massachusetts, Michigan, and Minnesota—give charter schools a greater degree of autonomy than the legislation passed thus far in Hawaii, Georgia, Kansas, New Mexico, and Wisconsin. (Debate over charter schools is expected to hit the agendas of legislatures in another dozen or so states this year.) Most of the states that allow charter schools have placed a limit on the number that can exist—100 in California, 25 in Massachusetts—largely in response to critics who charge that charters draw money and reform-minded professionals away from the public school system. Some 110 charter schools are now operating nationwide, according to Lori Mulholland, senior research specialist at the Morrison Institute for Public Policy at Arizona State University, and at least 50 more are expected to open in September.

Although states are beginning to give the go-ahead, establishing a charter school is by no means easy. Charters are granted only for a specified period of time, usually from three to five years; if the school does not meet its goals, the charter will not be renewed. Money is another problem. Charter schools receive the same per-pupil funding as do other schools in the district, but get neither start-up funds nor assurances of assistance with legal matters, insurance, payroll, or other support services. Perhaps the largest hurdle, however, is finding a place to hold classes. While some charter schools are established within existing schools, others are left to scramble—one Michigan charter school was established in a suburban garage, and one in California operates out of a group of trailers in a local park.

Though accountable to either a local or 'a' state educational authority, charter schools are virtually exempt from the restrictive regulations that have typically plagued public education. For example, charter schools are free to spend money as they choose, hire and fire staff, and select textbooks and other educational materials. By blending the more conservative elements of school choice with a strong commitment to public education, charter schools have appeal across political lines. They provide groups of parents, educators, business leaders, and community organizations with the opportunity to form schools bearing their own stamp. The schools are then governed by their own boards—with varying configurations of faculty, parents, and even students—whose members make decisions about academics and policy.

From the beginning, a key component of the charter school movement has been family involvement, which can mean anything from writing the charter proposal to working a specified number of hours in the school.

From the beginning, a key component of the charter school movement has been family involvement, and some states require that specific guidelines for families be included in the proposal and governing bylaws. "Charter schools were meant to be collaborative," explains the Morrison Institute's Mulholland. "They provide a huge potential for involvement of parents, community groups, businesses, whoever can work to improve the outcomes of children's education."

But, says Mulholland, parental involvement can mean different things to different people, depending on the school and its phase of development. Some parents, like Peg Murphy, get involved from the beginning, developing their vision for the school, writing the charter proposal, drafting governing laws, and actually hiring a director and teachers. At certain charter schools, parents are required to work a stipulated number of hours during the school year.

When attorney John Hedges decided to send his daughter to the International Studies Academy, a charter school that was converted from an existing high school in San Francisco's predominantly Hispanic Mission district, he jumped at the chance to become part of the governing process. Says Hedges, whose daughter had been in a private school, "Public school was politically where I always wanted to be." Now president of the school's board, Hedges typically spends one day a week in planning and preparation. "We have a major amount of work to do to make the major educational changes we want," he says.

At the Parents Allied with Children and Teachers School (PACT) in Anoka, Minnesota, which opened last September, school board member Pam Rother estimates that 70 percent of the parents are involved in making the K-8 school work. This includes spending time in the classroom, helping determine curriculum, renovating the physical plant, and working in the school office. According to Rother, PACT's special-education coordinator and the mother of four children who attend the school, "We want to find parents' strengths and gifts and plug them into those areas. The last thing we want is for parents to burn out." Yet Rother does worry whether "volunteerism can continue at this pace. We have a vested interest in having the school succeed. The commitment level is high, but sometimes I wonder how I am going to capture the enthusiasm for next year."

Ironically, sometimes parents who have devoted large amounts of time and energy to shaping their schools are loath to relinquish control to other parents. Says James Griffin, executive director of the Lakewood, Colorado–based State League of Charter Schools, "Frequently, a group of parents has put at least 1,000 hours into the school. Their attitude is 'If other parents want to follow, great. But this is our program.' They're reluctant to turn it over. I understand their feelings, and that turning over control, particularly in the first year, can be very chaotic for the school."

From an educator's perspective, however, more pressing are the problems that can ensue when parents want too much authority. "As far as parental involvement is concerned," says Griffin, "a balance needs to be struck between the governing structure and day-to-day involvement. A lot of personal dynamics are at work and sometimes people have to bend. On the one hand, we can't change the nature of charter schools, which are heavily parent-oriented, but on the other hand, sometimes schools want to keep parents at arm's length."

In any case, says Eric Premack, charter schools consultant at the Berkeley,

(continued on page 47)

Robert and Peg Murphy see themselves as the "primary educators" of their children.

Charting a New Course

(continued from page 29)

California–based Institute for Policy Analysis and Research, "Parental involvement doesn't just happen *because* it's a charter school. Schools need to develop a structure and specific plans. In my view, there has been little substantive parent involvement at the typical non-charter school."

By their very nature, charter schools empower parents by giving them an option they didn't have previously. Ted Kolderie, senior associate at the Center for Policy Studies in Minneapolis, cites an example of a Minnesota Montessori school where parents were so frustrated with problems concerning space, transportation, and faculty that they looked into starting their own charter school. As a result, says Kolderie, the existing administration responded and met their demands. "The presence of the charter law gave parents and administration the ability to do that. Parents looked at each other and said, 'All we were after was a district-run Montessori school with transportation. We weren't looking to have the hassle of running our own school.'"

Still, decision making by consensus is often frustrating. Steven Hirabayashi, principal of the San Francisco International Studies Academy (ISA), sounds a familiar chord among those involved with charter schools when he says, "Sometimes it seems that there are just too many opinions. The faculty and staff here really do believe that for successful education to occur, a school has to have strong partnerships among faculty, parents, and students, but the process can be time consuming and frustrating." Hirabayashi concedes, however, that the charter mandate has lifted layers of cumbersome state and local bureaucracy from the governance of the International Studies Academy. Now, says Hirabayashi, the school is "only accountable to the San Francisco Unified District, which takes a hands-off approach."

John Hedges, ISA's charter council president, also acknowledges that a shared governing process has some inherent problems. But he says, "Institutions always take a lot longer to make change than you expect. Taking a school that exists and giving it a self-governing body to control its own destiny is liking trying to change a tire while driving down a freeway." What makes the commitment worthwhile, according to Hedges, is that the school "seems to have a new spirit."

Most charter schools start slowly, either by mandate or by choice. For instance, the Benjamin Franklin Classical Charter School plans to open as a K-4 facility, then add one grade level at a time. The PACT school in Anoka, Minnesota, will add a ninth grade in its third year, using the intervening time to develop plans for a high school with strong ties to the community.

Parents of prospective students will have a chance to meet the governing board of the new charter school. They will sign family contracts to ensure participation by all.

MICHELE MCDONALD

And San Francisco's ISA functioned for an entire year as a non-charter school after its charter proposal was approved in order to become fully prepared.

The charter school movement seems to have energized many parents across the country with the sense that they can take control of their children's education successfully. Says Peg Murphy of the Benjamin Franklin Classical Charter School, "As parents, we want to keep abreast of what's happening in the classroom. My daughter recently completed a unit on planets. Because we were aware of what she was doing, my husband, who's an amateur astronomer, got out the telescope and we looked at the rings of Saturn. But the enrichment can be as simple as talking at the dinner table about what the children are studying in school."

No one could dispute the value of parents providing enrichment in their children's education. But with charter schools still in their infancy, many significant questions remain. Will these schools deliver the high-quality education they promise? Will those parents who founded a charter school stay involved and enthusiastic once their kids graduate—or will the job of keeping the school alive abruptly fall to a new generation of parents who may or may not have the necessary zeal? How seriously will the loss of resources and students to charters affect other schools in the district? And will charter schools ultimately set up their own bureaucracies, as cumbersome and impenetrable as those they're replacing?

For the time being, at least, charter schools show great potential. As Colorado's James Griffin says, "Charter schools can't be all things to all people, but they represent a whole new dynamic for teachers, parents, and anyone else interested in children's education." ■

Ruth Bayard Smith is a New Jersey–based freelance writer.

mas. Because Sissy was more like a little devil than an angel. And to get readers curious. To make them want to read my story."

"Aha! So authors hint at themes and try to entice you to read when they create titles. Perhaps this is what David's author did." I find students read more critically when they connect the decision making process in their own writing with the work of published authors.

Buyer Beware!

Strategies for choosing a book connected well with our study of persuasion. "Think like a consumer when choosing literature," I said. "Buyer beware!" We contrasted the purposes of jacket summaries (to sell the book), anthology editor's introductions (to motivate students to read), and card catalog summaries (to present content facts). We underlined persuasive language in cover summaries, eliminated it to see what facts remained, and then wrote blurbs to advertise our own stories.

I illustrated the persuasive purposes of cover art. David showed the class the menacing grizzly bear rearing and roaring on its hind legs and extending its razor-sharp claws across the cover of his novel and reminded us of "just 11 pages of grizzly."

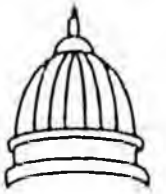
Then we contrasted the wholesome book jacket art of hardcover young adult novels (meant to be sold to grandmothers and librarians) with the racier paperback editions (to be sold directly to teens). Students could hardly believe the two book covers represented the same book.

school visit, author Joan Lowery Nixon said cover artists seldom read books they illustrate.

I recommended students use multiple strategies to choose literature. I modeled the use of title, author, pictures, editor's summary, and random samplings of text to predict plot and mood. Reading the first page and then pages a third and two thirds into the story ensures students will know in advance the density, complexity, and style of the language so they can decide if they choose to take on difficult text. We were often struck by the variety of literary tastes in class.

Finally, we talked about abandoning books. How long should you give a book to "get good"? Should you stay with literature that seems too hard? How can you tell if it is? I reminded students of the five-finger trick: Hold up a finger for each unknown word on a page. If you get to five, you may have trouble. I suggested they try visualizing: If they cannot get a mental picture from their reading, the book is too hard. I reminded pupils that skilled readers abandon dull or confusing books. And some reread favorites.

From two simple questionnaires, I learned how my students chose literature and what I could do to help them choose more effectively. More important, they opened a dialogue with my students. Meaningful class discussions and lessons resulted. My students showed me there is an important prereading strategy I should teach: How to choose literature wisely. Thus armed, our students will grow to love books. ED



Washington Seen . . .

. . . By Anne C. Lewis, Washington Correspondent

Charter Schools

The notion of charter schools, which at one time was regarded as being an eccentric fringe or else as some kind of move to destroy public schooling, has now become respectable. Not only have more than a half-dozen states passed bills which allow for charter schools, but the Clinton Administration's proposals for reauthorizing the Elementary and Secondary Education Act (ESEA) also include a new provision for charter schools.

The ESEA plan which the Clinton people are advocating would offer a competitive grants program for the purpose of demonstrating the concept of charter schools. Specifically, the Clinton plan would include these provisions:

- Authorize funds for planning a public charter school and other start-up costs, including developing new curriculum, redefining desired educational outcomes, securing necessary training for teachers, and reaching out to both parents and the community.
- Require each application for a public charter school to describe the educational results which the school will strive to produce. The criteria which are to be used in the process of awarding grants will include such considerations as the degree of flexibility provided by the state to the school, the amount of community support and involvement, and the likelihood that the school will meet its objectives and improve educational results for students. The state must sign off on the application to signify its commitment to freeing the school from rules and regulations.
- Reserve some funds to be used for school support team review, for evaluation of the charter schools, and for bringing the schools together to exchange information and learn from each other.

This inclusion of the charter school idea in federal legislative proposals is in sharp contrast to the struggle which proponents of charter schools had to make in the first state to adopt the idea—Minnesota. Although the state of Minnesota had been in the forefront of the public school choice idea, it took some strong political pressure to succeed in extending choice to cover schools designed and launched by change-oriented educators.

A part of the literature of school reform for more than 10 years, it was mostly conjecture until American Federation of Teachers President Albert Shanker suggested in the late 1980s that like-minded reform teachers be allowed to create schools within schools chartered by the school district. When the charter proposals turned out not to include safeguards

protecting teacher bargaining rights, AFT cooled on the idea.

But in the meantime, Minnesota reformers kept the idea alive. The charter school idea was enacted in that state in 1991, and California followed with its own plan for 100 charter schools in 1992. During 1993, charter bills have been approved in Georgia, New Mexico, Colorado, Massachusetts, and Wisconsin. Legislators in Illinois and Michigan also have the idea under discussion.

"Second-order effects are beginning to appear," notes Ted Kolderie, of the Center for Policy Studies in Minneapolis, an early architect of the charter school plan. "Districts respond quickly to the prospect that some other public body might offer public education in the community. Locally, some are moving to make changes they had resisted before. Legislatively, some are seeking authority to charter existing schools."

In its introduction to the idea in the ESEA reauthorization plan, the Administration states that one of the prime reasons for charter schools is the sense of personal responsibility and ownership "that the charter school concept seeks to build into public education, because each charter school would be created by teachers, parents, and other key stakeholders."

Community Service

The Corporation for National Service came into being on October 1, combining new initiatives of the Clinton Administration and existing community service programs. Receiving the most attention was the new avenue for helping to finance postsecondary education by placing youth in community service positions, allowing them to earn almost $10,000 for a total of two years of service, with the money to be available for further education.

The young people, starting at age 17, may serve in the fields of education, the environment, public safety, and health and human services. The $300 million appropriation for the first year of AmeriCorps would fund 22,000 enrollees. Increases are authorized up to $700 million by the third year of the program.

Of more interest to schools, however, is separate funding for service learning projects within schools. This is the Serve America part of the program. About $40 million has been set aside for it, largely based on what originally was separate legislation proposed by several senators to encourage greater use of service learning integrated into the regular school program. This is seed money for local projects, either from schools or community-based organizations, with applications going to a state commission for approval. The program emphasizes curriculum development and teacher training.

The new corporation, headed by Eli Segal, a domestic policy advisor to President Clinton who helped shepherd the bill through Congress, folds in other programs. These include VISTA, the Points of Light Foundation, and service programs in higher education. A new Civilian Community Corps will provide service opportunities in areas which have been adversely affected be defense cutbacks. And a new Investment Fund for Quality and Innovation will support models and activities to ensure high quality service programs.

Basica[illegible]e Commission on National and Community Service has gone out of business. Created by the community service legislation of three years ago, it laid the groundwork for many of the policies in the new legislation, funding projects in 47 states and selecting eight states as "leaders" in developing models for youth community service.

The Commission had recommended that service be a central practice across the curriculum at all levels of schooling, also indicating that all middle school students should have the opportunity to participate, ideally during the summer, in an intensive community service program, or at least once before high school.

Teacher Profile

The characteristics of the teaching profession in this country seem to have changed little while all around it, everything is changing. While it is true that teachers hold more advanced degrees, they are still moving in and out of teaching as they have traditionally, it is a profession which is still dominated by women and represents few minorities, and a large percentage of those who get teaching degrees never apply to teach.

Analyzing six major surveys of teachers which had been conducted during the 1987-88 school year (research studies which come out of the Department of Education usually take a long time to surface), the National Center for Education Statistics came up with a lengthy profile of teachers. It is titled *America's Teachers: Profile of a Profession.* Among the highlights contained in the report are the following:

- Seventy-one percent of all teachers were female, their average age was 40, 87 percent of female teachers and 90 percent of male teachers were non-Hispanic whites.
- Eight percent of teachers were coming into the profession as new members, and 7 percent were returning to teaching following an absence of one year or longer; 28 percent of new teachers did not apply for teaching jobs, but 50 percent of public school administrators reported that they had no difficulty in terms of filling vacancies; and relatively few public school districts or private schools offered teachers incentives for teaching in locations or fields of shortage.
- Thirty-nine percent of teachers majored in general education for their bachelor's degree; on average, teacher educators and other education faculty had lower base salaries and earned less income overall than did postsecondary faculty in other fields.
- Teachers in grades K-4 reported teaching math for fewer than 5 hours a week and science only 2.5 hours a week; 21 percent of eighth-graders in 1988 had science teachers who never actually conducted science experiments or conducted them less than once a month; a majority of the eighth-graders said that their teachers as-

again next year. An even more unruly class of congressmen will have entered by then, presumably boosting A-to-Z. This will not endear Messrs Andrews and Zeliff to the leadership. "Does this mean I'm not going to be deputy whip?" asks Mr Andrews.

Property regulation

Government, keep out

BIG HORN, WYOMING

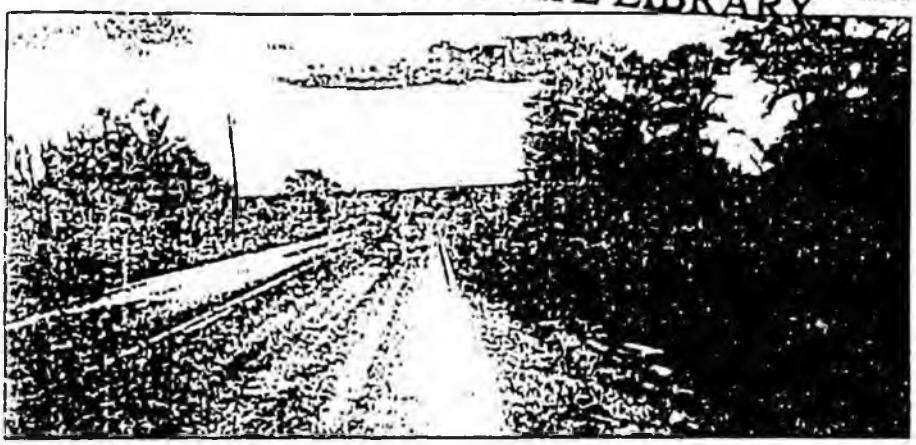
JUNE was a good month for property owners. On June 24th the Supreme Court, in a 5-4 decision, told the city of Tigard, Oregon, that it could not legally demand that Florence Dolan build a bicycle path and create a green space if she was to expand her plumbing store on Main Street. Two weeks before, a federal appeals court had informed the federal government that it had overstepped its regulatory power in protecting wetlands. The plaintiffs—who are now dead; litigation has been proceeding for 14 years—had complained that the government, through its wetland regulations, had put such restrictions on their New Jersey property that it had lost its value.

The two cases strengthen an unmistakable trend: the government is losing some of its power to regulate or control private property without compensation. In such "regulatory takings" cases, as they are called, governments have usually deployed a series of loopholes allowing restrictions on property, such as zoning and pollution control, without a city or state having to pay the landowner for any lost value.

The two rulings were not a total surprise. Some shift in legal thinking had been detected since rulings in two related cases in 1987. Then, in 1992, the Supreme Court gave definitive notice that there are limits to regulations. It awarded damages to David Lucas after a state agency refused to let him build a home on a beach-front property because it constituted a possible erosion hazard. Mr Lucas sued, saying he was entitled to compensation under the Fifth Amendment to the constitution, which says the government will justly compensate those whose land is taken for public use.

The government still wins most such cases. The Supreme Court's ruling in *Lucas* applies, says Justice Scalia, in "relatively rare situations". Ian Lanos, a law professor at the University of Denver, estimates that plaintiffs win only 5% of all federal cases. Yet litigants remain undeterred. The number of cases filed against the federal government has doubled in the past ten years.

Part of the problem between landowner and government stems from shifting definitions of the word "property". This "foundation of the social contract", as Rousseau called it, is not as rock-solid as most property owners imagine. Lincoln's emancipation proclamation stripped many southern families of their primary property—their slaves—with no thought of compensation. The uncertainty may encourage governments, but it rattles property holders.



Whose land is it anyway?

The 140 cases now before the Court of Federal Claims can roughly be divided between those originating east of the Mississippi river and those coming from west of it. The New Jersey wetlands case is a typical eastern-states suit. The Clean Water Act imposes stringent regulations when any remotely damp piece of earth is converted to other uses. A clash between property rights and regulation is inevitable when 75% of all wetlands are privately owned.

From west of the Mississippi come litigants upset about increasingly restrictive laws on commodity development, particularly mining. Miners and ranchers see going to court, even with a slim chance of victory, as a chance to intimidate federal land managers. And the conviction that the federal government is not a dependable business partner is not limited to commodity use. In 1993, two communications companies filed a claim against the federal government when NASA, following a presidential directive, stopped launching their private satellites. The companies lost.

Some people feel that property-rights advocates and conservative judges have combined to change the legal agenda. But others, such as Michael Heyman, an Interior Department lawyer, admit that the issue is one of fairness. As Mr Heyman asked recently, at a conference on the subject at the University of Colorado law school, "When there is an unforeseen change in the law, who should bear the cost?"

Every speaker at the conference pleaded for better legislation, saying that the law on regulatory takings is a poor way of settling differences over property. In most cases, the courts' rulings are on an all-or-nothing basis; the tyranny of litigation produces a deep polarisation. A recent opinion by Loren Smith, the chief judge of the Court of Federal Claims, was quoted with approval: "Courts cannot produce comprehensive solutions ... Judicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system."

Politicians have got the message. Seven bills on the subject are currently before Congress. No fewer than 86—most of which failed—have been introduced in state legislatures in the past year. But even changes in the law may not solve the problem.

With its deep pockets, bureaucracy has little incentive to settle; Congress, in its habit of largesse, has set up a "judgment fund" which pays any settlement incurred by a federal department. And even the most avid defender of public resources cannot help but notice a lack of bureaucratic common sense. In the case of Mr Lucas, the court ordered the state of South Carolina to buy his beach-front land at the market price if it wanted to prevent anyone building on the property. After gaining title, the state sold the land to a developer.

Charter schools

Free at last

WASHINGTON, DC

BILL CLINTON expressed his approval for the idea in his State of the Union address in January. Roy Romer, the Democratic governor of Colorado, fought hard and successfully to get an enabling law through his state's legislature. William Weld, the Republican governor of Massachusetts, thinks it is an idea whose time has come and says he cannot wait to see its effect.

The brave new idea is charter schools, and the essence of it is simple: allow someone other than school boards to set up and run public schools. Charter schools are ei-

ther started from scratch or formed by converting existing public schools to charter status. The founders may be parents, teachers, public bodies such as museums and universities, or in some cases profit-seeking private enterprises. Typically, charter schools are separate legal entities—able to hire people and hold property—and not merely an arm of the school system. Teachers are employees of the individual school; some even opt to be owners, with shares in the partnership in charge of the school.

The basics of public schooling remain in place (no fees, no teaching of religion, no selective admissions). But by granting charters for public schools outside the existing system, people with innovative ideas for education can put them into practice free from the drag of the public-school bureaucracy. California has a 13-volume education code; charter schools can ignore it.

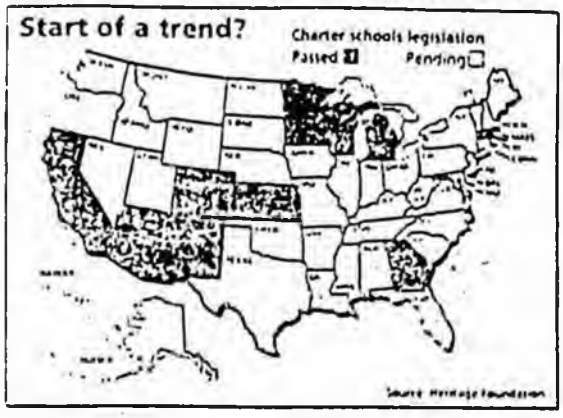
They may offer unconventional hours, experiment with curricula, specialise in certain types of teaching, design programmes tailored to a particular community. Instead of churning out what cynics call BTUs (butt-time units), they aim to satisfy their customers. Nobody is obliged to go to them; the schools depend on the choices of parents and children, and on the money that follows each child.

Passing legislation allowing charter schools has been a hard, state-by-state battle. Teachers' unions and school boards have put up stiff resistance. But Republicans like the charter idea because it offers greater choice; Democrats like it because (unlike more radical reforms, such as vouchers, that would channel tax dollars to private as well as public schools) it keeps more obviously within the bounds of free public education. Politicians have been urged on by parents desperate for better schools. As a result, charter-school laws have been spreading.

Minnesota was first, in 1991. California followed the next year. In 1993 six more states passed what they described as charter-school legislation. Kansas and Arizona approved laws this year. New Jersey may be next; there, as in Arizona, the governor prefers school vouchers but may well take charter status as a feasible second-best.

There is no standard model for organising charter schools. Some states (such as Massachusetts) have passed bold legislation; others (such as Georgia) have been more cautious. Colorado introduced an appeals procedure so that school boards could not on their own block applications for charter schools; Massachusetts has gone a step further, and put the state's education secretary in charge of the vetting process. Most states have limited the number of charter schools (up to 100 in California, 50 in Colorado, 25 in Massachusetts, 20 in Minnesota). But Michigan set no limits at all.

How well are the reforms working? It is early days. Few charter schools are up and running (about three dozen in California, six in Minnesota, two in Colorado), and the experience is mixed.



Some schools seem to be translating local control into efficient management. But charter advocates would like to see more evidence of innovation. It turns out that the mere business of setting up a school uses up vast amounts of creative energy. "This is not for the faint of heart," says Barbara O'Brian of the Colorado Children's Campaign, a child-advocacy organisation. One of the two schools already open in Colorado had a terrific year, the other a rocky one.

Still, the monopoly in public schools is breaking up. Competition is bringing experiments and forcing assumptions to change. Even some people in the teachers' unions and on school boards are starting to embrace the charter-school idea. The unions see such schools opening despite their opposition, and have an interest in being constructively involved. The school boards, traditionally just suppliers of education services, have the opportunity to become purchasers on behalf of the citizens they serve, and to think afresh about the sort of education they ought to be buying. One school-board executive argues perceptively that "moving away from the role of exclusive provider of education services may be a blessing in disguise."

Arresting

NEW YORK

JUST a few weeks ago William Bratton, New York's police commissioner, was fretting that his officers were unhealthy, overweight and out of shape. This week he may be wishing that one of his policewomen was not in such obviously fine shape. On the cover of August's *Playboy*, Carol Shaya, a 25-year-old officer in New York's Bronx, appears at least partly in uniform; in an eight-page inside spread she is largely out of it, aside from a few useful props such as handcuffs. The magazine helpfully recounts Officer Shaya's "fondest on-the-job memory" of disarming a machete-wielding murderer. "I'm a great shooter and I handle my nightstick [truncheon] well," she adds.

How's that, Mr Bratton?

New York's police department has been here before. In 1982 Cibella Borges was suspended for posing nude in a hard-core magazine when she was a civilian employee of—remarkably—the police department's Public Morals Division. Ms Borges was later sacked for "conduct prejudicial to the good order and effectiveness of the police department" but, after a long legal battle, was reinstated in 1985. She is now a plain-clothes police sergeant in Brooklyn.

Officer Shaya—who is rumoured to have earned as much as $250,000 for her undercover assignment, but maintains she wants to stay with the police—is unlikely to get such a rough time. At worst, she will be disciplined for breaking two police rules: that officers should not wear their uniform—however alluringly arranged—in the course of other employment, and must not use their association with the force for commercial gain. Police officials say, however, that they are reserving judgment until they see the pictures. *Playboy* is presumably laying on an extra print-run to cope with the department's demand.

EDUCATION

A CLASS OF THEIR OWN

Bucking bureaucracy, brashly independent public schools have much to teach about saving education

By CLAUDIA WALLIS

RON HELMER'S TWO-CAR GARAGE isn't much to look at, but the modest structure set amid the cornfields and ranch homes of exurban Freeland, Michigan, harbors a revolution. Inside the garage and spilling over into what was Helmer's living room is the Northlane Math and Science Academy, a new kind of public school. In these unconventional quarters, Helmer, a veteran teacher and school administrator, and two other teachers are attempting to guide 39 students, ages 6 to 12, toward a better understanding of their world via a very active brand of learning.

On a recent day, the youngest children gathered around the small pond in Helmer's backyard, collecting water samples and aquatic plants for study. In the former living room, an older group struggled with the intricacies of urban planning—where to put the power plants, whether to build a highway, how big to make the municipal hospital—by playing a complex computer game called SimCity 2000 on the school's five new Macintoshes. Members of a third group could be found in the garage, sanding and sawing to create kid-size furniture of their own design.

Like other Michigan public schools, Northlane Academy gets its funding—a total of $175,500—from the state lottery and sales taxes. But because the school belongs to a new category of independent "charter schools"—one of nine that have opened in Michigan this fall—Helmer, as principal, is free to spend the money as he sees fit—on those Macs, for example—without interference or oversight from the local board of education. He is also free to depart from the public-school curriculum, which he regards as about a mile long and an inch deep. Northlane, he vows, will teach kids to think and understand rather than learning by rote. "Here we're not so concerned with being able to name the three capitals of South Africa as we are with why South Africa has three capitals; with understanding the cultural, economic and political forces that created those capitals."

It's an approach that so far seems to be going over well with Northlane's young scholars. Sidney Tessin, 10, excitedly tells how her class dissected walnuts and discussed the ways vascular and nonvascular plants differ. In her old public school "we talked about plants," she says, "but never about *why* there are vascular and nonvascular plants." Nick Reisinger, a freckled 12-year-old, chimes in: "Here we get to talk about things instead of just listening to some boring teacher. I don't feel like 'Duh, what am I doing here?' anymore."

THE CHARTER-SCHOOL MOVEMENT IS NOT yet big. Just 11 states, beginning with Minnesota in 1991, have passed laws permitting the creation of autonomous public schools like Northlane; a dozen more have similar laws in the works. Most states have restricted the number of these schools (100 in California, 25 in Massachusetts) in an attempt to appease teachers' unions and other opponents. Nevertheless, the charter movement is being heralded as the latest and best hope for a public-education system that has failed to deliver for too many children and cannot compete internationally.

Ron Helmer, top, center, with the students and faculty of his home-grown school in Freeland, Michigan

LITERARY PURSUITS: Children at the Northlane Math and Science Academy curl up with some good books. "I don't feel like 'Duh, what am I doing here?' " says a student

"Charters can bring real innovation into the classroom and challenge other public schools to raise their standards," insists Massachusetts Governor William Weld. Parents are clearly eager for alternatives: just consider the growth of the home-schooling movement, which now involves half a million children. Where charter schools have opened, they are thronged with applicants. Where they have not, parents and educators are moving mountains to create them, either from scratch or from the frayed cloth of old public schools.

Take this other scene from the revolution. In the hardscrabble barrio of Paloma near Los Angeles lies the Vaughn Next Century Learning Center. Of its 1,107 students, 931 are Hispanics who speak limited English; 95% are so poor they qualify for free breakfast and lunch. Four years ago, Vaughn was just another failing inner-city elementary school: test scores were among the lowest in the state, 24 of the 40-odd faculty members had quit in the previous two years, and the principal had resigned after anonymous death threats. Yvonne Chan, the new principal, was determined to turn things around.

SCHOOLS must break free of bureaucracy. Fifty years of top-down reform has not done the trick.

Possessed of enough energy and drive to power a locomotive, Chan was nonetheless hindered at every turn by the inertial drag of school bureaucracy. California's education code runs to 6,000-plus pages. Most of it seems designed to generate more paper: local schools are required to send reams of forms to district offices before they can fix a broken window, change the school menu, take a class on a field trip or buy new textbooks. To make real innovations, Chan found herself perpetually fighting for waivers. In 1992, when California enacted a charter-school law, Chan was one of the first to apply. "We wanted the waiver of all waivers," she explains. "The charter takes the handcuffs off the principal, the teacher and the parents—the people who know the kids best. In return, we are held responsible for how kids do."

Granted charter status last fall, Vaughn Next Century, with a budget of $4.6 million, became a case study in how to take the money and run—in the direction of greater efficiency and higher student achievement. Chan totally revamped spending. She put services like payroll and provisioning the cafeteria out for competitive bids; she reorganized special education. By year's end she had managed to run up a $1.2 million surplus, which she proceeded to plow back into the school. She added new computers, an after-school soccer program and, most important, more teachers, so that the number of students per teacher dropped from 33 to 27. To relieve overcrowding, the school broke ground this month for a new 14-classroom complex.

As for academic achievement, in the four years since Chan has been principal, test scores have risen markedly. She believes that with charter status, further gains will come fast. For one thing, Chan has far more control over her staff and their duties than do principals working under union and district rules, including the power to hire and fire. Teachers at Vaughn work longer hours than they did before the school went charter, but they are paid more and given more authority. Every faculty member serves on one of eight parent-teacher committees that meet weekly and essentially run the school. "We don't want

ADDITION LESSON: Money saved through shrewd California, enabled principal Yvonne Chan to

people who just clock in and out," says Chan. "This is not business as usual."

Nor is it for parents, who must sign a three-page contract committing them to be involved in their child's education and to volunteer 30 hours in the school. Most seem pleased to be involved and amazed to be consulted on matters of substance. Says parent Nina Uribe: "It has been a beautiful change."

AMERICAN SCHOOLS DO NOT TURN ON A dime. Yes, they are buffeted regularly by the passing winds of reform (as any teacher will attest). Those breezes usually leave behind another layer of managers in the central office, another mandatory service to be provided to the needy few, another couple of hundred pages of education code telling teachers what they should do and when. But the basic structure remains the same. It is a structure forged in the early industrial age: the school as factory turning out regulation graduates, with teachers as laborers, principals as foremen, and supervisors as, well, supervisors, running every detail from the curricular to the custodial in a strictly top-down fashion.

It is this time-honored structure that the charter-school movement seeks to challenge, if not topple, by placing authority in the individual school, freeing it from

anagement of her charter school in Pacoima, nbark upon a new classroom complex

FAMILY MATTERS: At the Satellite Academy, a small alternative high school that serves "at risk" adolescents in New York City, Lisa Ferrer learns about the meaning of family

the bureaucracy. The nation's 140 charter schools come in every size, shape and flavor. Some have a special emphasis, as Northlane does on science; others serve a special population—dropouts, for instance. But whatever their mission or philosophy, they reflect the growing recognition that fundamental change is needed in American education and that to make it, schools must break free of stultifying regulation and bureaucracy. Fifty years of top-down reform have not done the trick.

This realization has found expression in other forms as well. In cities like New York, Philadelphia and Chicago, reform-minded administrators have not waited for state legislatures to act. They have seized the initiative to create scores of charter-like high schools and middle schools—small alternative schools that operate independently of district rules. In New York City, veteran principal and school reformer Deborah Meier is one of a group using a $25 million grant from the Annenberg Foundation to raise the number of such schools from 50 to 100. The goal, she says, "is to demonstrate that public schools can be creative, idiosyncratic, interesting places of academic excellence without losing their publicness."

MANY see charter schools as a way to bring choice into an arena where there has been none.

A handful of other places—notably Baltimore, Maryland, and Hartford, Connecticut—are experimenting with a far more radical way to circumvent bureaucracy: hiring a for-profit company to run their schools. "The idea," says Baltimore schools superintendent Walter Amprey, "is to have a company ready for true accountability that offers a way to pierce the bureaucracy and gives us a model that, if we have the will and courage, could change the collective culture of failure" in urban schools.

"All of these are efforts to bust up the system," says Linda Darling-Hammond, co-director of the National Center for Restructuring Education, Schools and Teaching at Columbia University's Teachers College. "Right now we are trying to do a one-in-a-century reform of education. This is a transforming era. These efforts reflect the frustra-

non people have with a perceived public-school bureaucracy that is very, very entrenched in a way of doing things that cannot meet our needs in the future."

The frustration has been building for years. During the Reagan Administration, a federal study group tripped alarms with the dire 1983 report *A Nation At Risk*. It was the first of a series of major reports showing how poorly American students stack up in math, science and other subjects against their foreign peers and future competitors in the global economy. Throughout the 1980s, school districts increased spending and in many places granted substantial salary raises to teachers. The benefits have been hard to discern.

By the 1990s the talk was all of bureaucratic bloat and poor return on investment. According to a now infamous 1992 report by the Educational Testing Service, the U.S. spends a greater percentage of its gross national product on education (7.5%) than any other country except Israel, and yet is outperformed in math and science among 13-year-olds by more than 10 nations, including Hungary, Taiwan and the former Soviet Union. Other studies indicate that a rather small percentage of the $275 billion spent this year on U.S. public education will actually wind up in the classroom. In 1950 two-thirds of school spending went for classroom instruction; by 1990 the proportion had shrunk to less than half. Administrative outlays had meanwhile doubled from 4% to 8%.

In an era when business has been shedding layers of middle management and adhering to the late management guru W. Edwards Deming's notion of pushing responsibility down the line to those who know the customer best, it does not take a lot of imagination to see that the nation's public education systems need to do the same. In education, those who know the customer—students and their parents—best are the people who work at the neighborhood school. Not the folks in the central office.

Charter-school advocates, particularly the more conservative among them, have another agenda beyond efficiency and reform. Many see charter schools as a way to bring some diversity and options into an arena where traditionally there have been none. "Education is the only place in

WHEN PUBLIC SCH

FOR MORE THAN FIVE YEARS, THE REV. NORMAN HANDY HAS been watching the Harlem Park Community School in Baltimore, Maryland. The fortress-like building, set amid the open-air drug markets and boarded-up houses of one of the city's worst neighborhoods, is right across the street from his Unity Methodist Church. The view has not been pretty.

Up until two years ago, says Handy, the brick structure was not only decrepit but crawling with rats and mice and "roaches so big you could feel the critters move under your foot." Academically, the school, which serves 2,051 students—prekindergarten through the eighth grade—was in just as bad shape. On any given day, he relates, a significant number of the kids were on "disciplinary removal," hanging out unsupervised and causing trouble on the block. "I would intervene in a street fight four or five times a week," says Handy. "Every morning the white students, especially the girls, would wait until after 9 a.m. to show up, because of gang violence against them."

In 1992 Baltimore's new school superintendent, Walter Amprey, proposed a novel way of dealing with the problems at Harlem Park and eight other city schools: let someone else run them. Amprey proposed giving a five-year, $125-million contract to Education Alternatives, Inc., a Minneapolis, Minnesota, corporation that operated three schools in three states. Handy was among many citizens who opposed the plan: "I saw it as a subterfuge to subvert the educational process and to experiment with African-American children."

Amprey's plan prevailed, and now Handy is a convert. Today he says, "That building is an oasis in a desert of poverty, drug addiction and violence." E.A.I. invested $1.1 million up front in material improvements, computers and other supplies. It moved quickly to clean and repair the schools and take charge of security. Maintenance and financial management were contracted out for greater efficiency.

The Minnesota firm also instituted its teaching program, called "Tesseract," a name derived from a magical pathway in the children's classic *A Wrinkle in Time*. The program requires teachers to analyze each student's learning style and then devise an individualized plan and goals. It emphasizes parental involvement, the use of computers and continual encouragement. Posters bearing upbeat slogans abound in Tesseract schools: "Go for It!", "Every Child Has Gifts and Talents."

The visible improvements in E.A.I. schools helped persuade the Board of Education in Hartford, Connecticut, to sign the firm to a $200 million contract earlier this month, under which

American life where there is no choice," argues Chester Finn, who served as Assistant Secretary of Education under President Reagan and is a founding partner of the Edison Project, a for-profit education company that has contracts to open three Massachusetts charter schools next fall. "We don't tell poor people what to eat; we give them food stamps. We don't tell them which doctor to go to, they have Medicaid cards." And yet when it comes to schools, says Finn, only the rich can "buy their way out, by moving into a certain neighborhood or choosing private schools." Charters, if there were enough of them, would offer a choice of schools to the less well-off.

In this sense, the charter movement is heir to the more radical voucher movement popularized in the 1980s. Voucher advocates want to break up the "public-education monopoly" by letting parents spend their allotment of public-school dollars as they wish—even on private or parochial schools. Charters are a kinder, gentler, more politically palatable way to provide parents with some measure of choice, albeit within the public system.

They are not, however, palatable to everyone. Not one charter bill has passed a state legislature without controversy. The reason: charter schools take money right out of the pockets of their rivals—the conventional public schools. In most states, the money simply follows the student. Thus, if the district spends $5,000 a year per pupil, and 30 children choose to attend the new charter instead of the local middle school, as much as $150,000—depending on district administrative costs and categorical grants—would go directly to the charter rather than the other district schools.

That prospect distresses many supporters of public education, including the hugely influential teachers' unions. Unions also oppose provisions in many state charter laws that free these special schools from collective bargaining agreements. In California the unions are fighting attempts to expand the state's popular charter schools beyond the current cap of 100. Meanwhile, the Michigan Education Association, having spent a fortune trying to block the state's 1993 charter-school act, is making Republican Governor John Engler's advo-

it will manage the citywide system of 32 schools and 26,000 students. As in Baltimore, the decision was preceded by battles.

Chief among the critics of E.A.I. are members of the Baltimore and Hartford teachers' unions, who are, among other things, unhappy over the dismissal of Baltimore's experienced (and unionized) classroom aides. E.A.I. replaced them with recent college graduates who receive low pay and no benefits, and who tend toward high turnover. "You train them and they may be gone in six weeks," complains a teacher. Some opponents are unhappy with E.A.I.'s policy of mainstreaming nearly all special-education kids into regular classes—a measure they regard as a cost-cutting trick that shortchanges some kids.

But the most serious criticisms concern educational performance. According to figures released by the Baltimore schools last week, test scores in reading and math have dropped slightly in the eight Tesseract elementary schools, while they rose a bit in the rest of the system. On the other hand, attendance at E.A.I. schools was up. Stunned by the report, E.A.I. immediately dispatched a team of eight independent experts to Baltimore to reexamine the test data. Company officials point out that, to begin with, E.A.I. had been handed some of the city's lowest performing schools. In addition, E.A.I.'s test takers include more special-ed kids than at other schools. A third argument: student turnover rates at the schools are very high (30% of students present in September are gone by June). "Does Tesseract work?" asks E.A.I.'s Philip Geiger. "To know that, the kids have to have been in the program." Amprey insists that "we need five years and maybe more, but we know enough to say that this concept will work."

But the larger issue for defenders of E.A.I. is whether private corporations have any business making profits off public schools in the first place. E.A.I. chairman John Golle likes to point out that plenty of companies already do: the textbook industry, private bus companies, food services, even plumbers and electricians. Bringing in professional management makes sense, he insists. "We have asked well-meaning, competent educators to supervise the fixing of the boiler room and analyze cash flow—things they are not educated in." Most important, Golle notes, a private company is accountable. "You can cancel us and show us the door after we've invested millions up front in your district." Indeed, if test scores don't begin to rise, that may be just what Baltimore will do. —*By Claudia Wallis. Reported by Richard N. Ostling/Baltimore*

MORNING RITE: Children at Baltimore's Mary E. Rodman school, which is run by E.A.I., start their day with a meeting and a dance

NATURE'S CLASSROOM: Science teacher Wil Reding draws his lessons from the great outdoors at West Michigan Academy of Environmental Science near Grand Rapids, Michigan

cacy of that law an issue in his current campaign for re-election.

The M.E.A., along with the American Civil Liberties Union and others, has actually taken legal action to overturn Michigan's rather liberal charter law. Michigan is unusual in allowing private schools to apply for charter status. In fact, most of Michigan's first charters were granted to former private schools. The M.E.A. argues that these schools are not truly public and cannot legally receive public funds. Last week a Michigan judge sent a chill through the charter community by temporarily holding up disbursement of $11 million in state funding until the matter is resolved.

In most states charter laws are quite weak; they actually make it difficult to create a charter school. There are no start-up funds, no buildings provided, no guarantee of support services from the school district. Local unions often add to the obstacles, making it tough to recruit teachers. Though state education officials recognize the problems, coming up with seed money for charters is not easy, given the political opposition. A tiny bit of help may come from the Federal Government: a $6 million development fund for charter schools is included in the $12 billion school-reauthorization bill signed last week.

Meanwhile the experience of Clementina Durón in Oakland, California, is all too typical. When Durón, a public-school principal, joined with a group of Latino parents to form a charter middle school in the low-income barrio of Jingletown, they faced open hostility from the district school board and union. The district refused to allow the proposed school to participate in its self-insurance program, which would have cost only $400. Instead, Durón had to pay $10,000 for private liability insurance. Nor was the district willing to share its legal services or payroll department. The attitude, says Durón, was " 'You guys want to run your own school, then you do the whole thing. Go ahead and fall on your faces.' "

CHARTER schools are not palatable to everyone. Not one bill has passed a legislature without a fight.

The founders of Jingletown charter nearly did, but they were motivated to persevere. For years, the tight-knit community had watched its youngsters graduate happily from the local elementary school only to get lost in huge, anonymous and gang-ridden junior highs. They craved an alternative. Still, it was not until Aug. 20, 1993, three weeks before school was to start, that the district approved Jingletown's opening. The local Roman Catholic diocese agreed to provide a small park as a temporary site, and during the next few weeks, Jingletown parents feverishly dug ditches for electrical lines and sewers. They arranged to rent eight trailer-like portable classrooms for the school's 120 sixth- and seventh-graders, but when classes began, the sewer lines were still incomplete. "For three weeks, kids had nowhere to go to the bathroom," recalls Durón. "We had to knock on doors in the neighborhood. I'd take kids 10 at a time."

Miraculously, Jingletown is now in its second year, though still in need of a permanent home. Parents are pleased with the small classes and individual attention. "This school is a necessity," says Durón. "We are driven by commitment and passion."

COMMITMENT AND PASSION CAN BUILD a school, but will that school succeed educationally? Will charter schools produce graduates that are better equipped for success in society, as their advocates hope?

It is too early to measure the success of charter schools. But for all their diversity, it is interesting to note that many seem to be embracing a very similar set of pedagogical principles. First, reduce class size. Make sure parents are heavily involved. (Contracts with parents are a common feature.) Just as important, keep school size small, particularly in the inner city, where kids desperately need a sense of family and personal commitment from adults. Encourage active hands-on learning, in part through the intelligent use of technology. For older kids, drop the traditional switching of gears and classrooms from math to social studies to biology every 45 minutes and substitute lengthier classes that teach across disciplines.

These principles have proved successful in experimental schools of the past. "The tragedy of American education is not that we don't know what to do," observes Dominique Browning of the Edison Project, which has devised an elaborately ambitious plan for its schools. "There are countless studies in countless classrooms that show what works. The problem is getting it done on a big enough scale to make a real impact."

But the best intentions and cleverest plans can run aground in practice. The opening year of Michigan's University Middle School, a charter school for inner-city kids in Detroit, was an unmitigated disaster. The inexperienced staff of white, suburban-raised teachers had no idea how

to relate to the kids, and vice versa. Insufficient supervision meant that students were hanging out windows and riding elevators all day long. The 90-min. classes failed to hold their attention. Midway through last year, the principal quit in despair.

With a strict new discipline code, University Middle School is off to a better start this fall. Still, critics of charter schools are worried that there is insufficient oversight, and experience will probably prove them right. There is, however, one important check on the performance of these new schools: most states grant charters for a maximum of five years. If the school fails to measure up, the charter will not be renewed.

Even if charter schools do succeed individually, the bigger question is, Will they make a difference to American education at large? Charter proponents argue that their schools are laboratories for change, places that will shine as examples and inspirations to the rest of the school system.

A number of experienced educational reformers have their doubts. "We have this romantic view that if we can show a successful pilot school, others will follow. Not true!" says Linda Darling-Hammond, noting that decades of successful magnet schools and model schools have not transformed the system. "Ordinary schools don't have the material resources—the funds, the faculty—to emulate the charters," she says. And it doesn't help that some school districts are so much poorer than others. "Unless you equalize spending, there's no hope of reforming schools at the bottom of the range."

Some critics go so far as to say that charter schools will actually hurt public-school systems by drawing away talent and money; they benefit the few at the expense of the many. "If state mandates are really such an impediment to the 1.5 million public-school students in Michigan, then why not remove them for all of us?" asks M.E.A. president Julius Maddox. Such concerns temper the general enthusiasm for charter schools expressed by U.S. Secretary of Education Richard Riley, who as a Democrat is closely attentive to the union view: "We don't want to take our attention off the great majority of schools. We need to make all schools more challenging and engaging."

PARENTS want better schools now. In spite of the obstacles, they are organizing charter schools in droves.

But given how hard it is to start just one small charter school, how will it be possible to remake the entire system? In New York City, Meier hopes to show the way by building a new citywide support system for independent public schools. "We want to create a system that cherishes their idiosyncratic qualities, that encourages them to be entrepreneurial and creative and in which we invent some new forms of accountability." Without it, she fears, charter schools will be nothing more than "cute exceptions."

But maybe not. Minnesota doesn't have many charter schools, but it does have the longest experience with them. Educators there say the schools have had an influence well beyond their numbers. In several towns and cities, education officials have been spurred to reform by the mere prospect that a charter school would open in town.

In Forest Lake, a suburb of St. Paul, after facing down a group of parents who wanted to charter a Montessori program, the local school board decided to form such a program of its own. In the small college town of Northfield, the threat of secession by a charter group led the district to create a Spanish-language immersion program for first- and second-graders, introduce multiage classrooms and enrich the math program for middle-schoolers. "The charter made it easier to change things," admits Northfield superintendent Charles Kyte. "If we weren't progressive enough and didn't change, then somebody else would come along and do it for us."

Such change is inevitable in the view of Ray Budde, a retired University of Massachusetts professor of school administration who is credited with inventing the charter-school idea. "If you see kids leaving you and money leaving you and you're criticized about the job you're doing, you're going to respond," he says. "This is a wake-up call for the Establishment: the old organization doesn't fit the times. It's like the Berlin Wall—it's got to come down. But it's going to take 10 or 20 years for something new to emerge."

In the meantime, parents want better schools *now*. And in spite of the obstacles, they are organizing charter schools in droves and flocking to what few exist. Principal David Lehman of West Michigan Academy of Environmental Science, near Grand Rapids, has a sheaf of applications several inches thick for the year 1997, though his school has no track record. This summer he got a letter from Amy and Ron Lama of Grand Rapids. Their child was not yet born, they wrote, but they wanted to reserve a kindergarten spot for the year 2000.

—With reporting by Margot Hornblower/Los Angeles, Radu Kamien and Richard N. Ostling/New York and Scott Morris/Minneapolis

PITCHING IN: Nina Uribe, mother of a fourth-grader, oversees breakfast daily at Vaughn Next Century. "Before the charter," says a teacher, "I couldn't get parents on the phone"

The Promise of Charter Schools

Louann A. Bierlein and Lori A. Mulholland

Charter schools offer a radically different approach to providing and managing public education, but not necessarily a smooth road.

Charter schools are not for the faint of heart. Their creation, governance, and day-to-day operation require a large investment of time and energy, and a high tolerance for ambiguity. Significant education reform undertakings are, after all, uncharted waters.

Yet, perhaps more than most reforms, charter schools force educators to question the wisdom of conventional practices and may create the dynamics that will foster change within the entire school system. Such potential exists because charter schools integrate various reform ideas that, by themselves, have not produced desired systemic changes. Charter schools hold a key to:

- resolving the school autonomy struggle in a way that traditional site-based decision making has not;
- creating additional "real" choices within the public school arena for students, parents, and teachers;
- offering new professional opportunities for teachers;
- enabling local school boards to overcome micro-management tendencies and become true policy boards;
- eliminating many real and perceived barriers to innovation through blanket waivers of most state laws and local policies; and
- focusing educational energies on outcomes, not inputs.

While charter schools hold great promise, as with any reform, they present formidable challenges. First, we'll look at what charter schools are, their current status across the country, and, finally, key issues that arise when establishing them.

A "Model" Structure

In its purest form, a charter school is an autonomous educational entity operating under a contract negotiated between the *organizers* who manage the school (teachers, parents, or others from the public or private sector), and the *sponsors* who oversee the provisions of the charter (local school boards, state education boards, or some other public authority).

Charter provisions address such issues as the school's instructional plan, specific educational outcomes and their measurement, and management and financial issues. A charter school may be formed from a school's existing personnel and facilities or from a portion thereof (for example, a school-within-a-school); or it may be a completely new entity with its own facilities.

Once approved, a charter school is an independent legal entity with the ability to hire and fire, sue and be sued, award contracts for outside services, and control its own finances. Funding is based on student enrollment, as it would be for a school district. With a focus on educational outcomes, charter schools are freed

Those who believe in the charter school concept and can meet the challenging workload will reap rewards not possible in other schools.

from many (or all) district and state regulations often perceived as inhibiting innovation—for example, excessive teacher certification requirements, collective bargaining agreements, Carnegie units, and other curriculum requirements.

To renew its contract, a charter school must show that it has met identified student outcomes, has not violated any laws or grossly mismanaged its affairs or budget, and continues to attract students, parents, and teachers. Failure in any of these areas puts the school out of business. Although charter schools vary, certain components they have in common improve learning environments and positively affect the overall system. "Model" elements are as follows:

1. At least one other public authority besides the local school board is able to sponsor the school (for example, a county board, state board, or university).

2. The state allows a variety of public or private individuals/groups the opportunity to organize, seek sponsorship, and operate a charter school.

3. The charter school is a discrete legal entity.

4. The charter school, as a public entity, embraces the ideals of the common school. It is nonsectarian in programs and operations, tuition-free, nonselective in admissions, nondiscriminatory in practices, and accountable to a public body.

5. Each charter school is accountable for its performance, both to parents and to its sponsoring public authority.

6. In return for stricter accountability, states exempt charter schools from all state and local laws and regulations except those related to health, safety, and nondiscrimination practices, and those agreed to within the charter provisions.

7. A charter school is a school of choice for students, parents, and teachers; no one is forced to be there.

8. Each charter school receives the full operating funds associated with its student enrollment (that is, fiscal autonomy).

9. Within a charter school, teachers may be employees or owners and/or subcontractors. If previously employed in a district, they retain certain "leave" protections (seniority, retirement benefits, and so on) should they choose to return within a designated time frame.

These nine elements describe what some believe to be an ideal situation. In practice, however, charter school legislation varies widely.

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Charters: An Invitation to Change

Ted Kolderie

Wayne Howell was frustrated. An education researcher formerly with the Kettering Foundation, he had developed a general framework for learning that bridges all content areas. The local district used it in a K–5 school last year. Student achievement rose significantly. It may be in another school next year.

"But," Howell told Phi Delta Kappa's Jack Frymier, "if it's going to grow it has to get outside the bureaucratic framework."

"You need to know about the charter idea," Frymier said.

At the University of Minnesota, brothers David Johnson and Roger Johnson have worked for years on cooperative learning. The idea of students helping one another is simple and appealing. But, David said recently, only a tiny proportion of those interested really do it: one in a thousand, perhaps.

Overcoming System Resistance

To overcome the system-resistance to innovation, "inventors" have tried almost everything. Some try coming in from the top, hoping state or district officials will order it done. But changes mandated from the top do not always reach the classroom—or may not be implemented faithfully or consistently.

Others try disseminating their idea directly to teachers. They give workshops, gather disciples. Some look for publishers to promote their materials. Some *become* publishers. But it is hard to get bottom-up change in a top-down organization: Teachers and schools lack authority, especially over resources. Grants offer hope. Superintendents will often approve what somebody else will pay for. But grants run out. What then?

The problem is in the system. As John Goodlad concluded in *A Place Called School*, "The cards are stacked against innovation."[1] A district's success does not depend on whether its students learn. And an organization that can take its customers for granted knows improvement is optional. Opportunities may be lost, but the district suffers no adverse consequences from not implementing new curriculums, methods, or technology. For change to occur, the district must have a *reason* to do it.

A Reason to Change

The charter idea creates both an opportunity for dramatically different schools to open, and incentives for districts to follow with changes in their own schools.

As Louann Bierlein and Lori Mulholland (see "The Promise of Charter Schools," p. 34) explain, charters provide an "institutional bypass" around the status quo.

Today when something new is proposed, the district thinks about what will happen if it says yes and about what will happen if it says no. If it says yes, there will be other questions: *Where are we going to put it? Who's going to run it? How will we pay for it?* If the district says no, that will be the end of the reform.

A charter law changes the calculus. If the district says no, somebody else may say yes—and students will be able to go to the new school if they choose. So the question for the board and superintendent becomes: "Do we want somebody else offering this here, or would we rather do it ourselves?" The answer is likely to be: "*We'll* do it."

With the right incentives, improvement will happen.

If you have an idea about new curriculums, technology, or methods, talk to the people forming charter schools, or to legislators interested in passing such laws. ■

[1] J. Goodlad, (1984), *A Place Called School*, (New York: McGraw-Hill).

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Where to Take Your Ideas

To find opportunities to introduce new ideas, look in the states where the charter laws are most open to innovation. A few suggestions:

Arizona: Nancy Fuller, Charter Specialist, Department of Education, 1535 W. Jefferson, Phoenix, AZ 85007; (602) 542-5837.

California: Eric Premack, Charter Specialist with Berman/Weiler Associates, 819 Bancroft Way, Berkeley, CA 94710; (510) 853-8574.

Colorado: Barbara O'Brien, Executive Director, Colorado Children's Campaign, 1600 Sherman St., Denver, CO 80203; (303) 839-1580.

Massachusetts: Piedad Robertson, Secretary of Education, One Ashburton Place, #1401, Boston, MA 02108; (617) 727-1313.

Michigan: Barbara Barrett, Executive Director, Michigan Center for Charter Schools, 913 W. Holmes, Lansing, MI 48190; (517) 335-0561.

Minnesota: Peggy Hunter, Charter Specialist, Designs for Learning, 2550 University Ave. West, St. Paul, MN 55114; (612) 645-0200.

For a list of states considering charter bills, contact: Connie Koprowicz, National Conference of State Legislatures, 1560 Broadway #700, Denver, CO 80202; (303) 832-3444.

A charter school is an independent legal entity with the ability to hire and fire, sue and be sued, and control its own finances.

Of the 11 charter school laws enacted as of July 1994, none encompassed every element, primarily because the radical nature of the concept demanded many political compromises. Four areas raise the most concern: (1) sponsorship options (especially by groups other than the local school board), (2) legal autonomy, (3) funding formulas, and (4) protection given to teachers.

Next we'll look at existing charter school legislation and a progress report on charter school start-ups to date.

Pioneering Charter Schools

Ray Budde, an expert on school district organization, is credited with introducing the charter school concept during the late 1980s. Budde based his work on explorer Henry Hudson's charter with the East India Company to find a new passage to the Orient (Stuart 1994, Mulholland and Amsler 1992). Albert Shanker, president of the American Federation of Teachers, furthered the idea by proposing that groups of teachers be allowed to start their own schools under a charter process.

The first state to translate the idea to practice was Minnesota, where after a tough political struggle, charter school legislation was passed in 1991. The next year, California followed with its own law, and by the end of 1993, six more states—Colorado, Massachusetts, Michigan, Wisconsin, New Mexico, and Georgia—had also passed charter school legislation (Bierlein and Mulholland 1994). By summer 1994, Arizona, Kansas, and Hawaii joined the list, with active legislation pending in a number of other states.

To better understand the concept, we will take a look at charter laws and a few schools in Minnesota, California, and Massachusetts.[2]

Minnesota. Building upon existing public school choice programs, Minnesota initiated its program in 1991, called "outcome-based schools." This law initially authorized creation of up to eight legally and financially autonomous schools as organized by certified teachers and sponsored by school boards. By the end of the 1992–93 school year, two charter schools were in operation. City Academy, located in a donated city recreation building in St. Paul, offers a year-round program for approximately 40 at-risk students ages 13–21. Bluffview Montessori, a private K–6 school, converted to charter status in March 1993.

During 1993–94, five additional schools with diverse program offerings began operating under Minnesota charters. For example, Metro Deaf, a school for deaf and hearing impaired students, emphasizes deaf language, culture, and history. Skills for Tomorrow, a vocational/technical school supported by the Teamsters Union and the Minnesota Business Partnership, emphasizes applied learning through internships. A third example is New Heights Schools, Inc., a pre-K–12 school for at-risk students.

In 1993 and 1994, Minnesota modified its legislation to allow up to 35 charter schools across the state. An appeals process to the state board of education was also added.

California. In September 1992, California adopted the nation's second charter schools law, partly as a defense against the possible passage of a private school voucher ballot measure. The law allows up to 100 charter schools in the state, and permits any individual to initiate a charter school petition. Potential sponsors include the local school district or, if an appeal is sought, the applicable county board of education. By law, California charter schools must be financially autonomous, but the extent of each school's legal autonomy is determined within its specific charter agreement. About half of the 100 schools allowed by law have been approved thus far, though many are not currently operating.

California charter school proposals encompass a wide variety of innovative strategies. For example, Bennett Valley Charter School employs a home-based independent learning approach; Options for Youth Charter School focuses on dropouts and those at risk of dropping out; and Bowling Green Elementary School practices W. Edwards Deming's Total Quality Management. Unlike their counterparts in Minnesota, however, many California charter schools were converted from existing schools rather than created entirely new.

Massachusetts. As part of a broader reform package, Massachusetts passed legislation in 1993 that encompasses nearly all of the key charter school elements. Under this law, 25 public charter schools are permitted. Each may be organized by two or more certified teachers, 10 or more parents, or by any individual or group that successfully enters into a charter agreement with the state secretary of education. The state automatically grants charter schools legal and financial autonomy.

The initial charter school application process yielded 64 proposals, of which 15 obtained preliminary approval. Three of these involve a partnership with the Edison Project, a for-profit enterprise. These schools will have a rigorous curriculum, an extended school day and year, and rely heavily on technology (Walsh 1994). Other approved proposals include one from Boston University for a residen-

tial high school serving homeless children and wards of the state, and the Benjamin Franklin Classical School, which will provide a classical education for grades K–8.

Under charter school legislation, local boards and district offices may find their roles and responsibilities greatly altered.

New Challenges and Opportunities

Educators have long operated under a system of rules and regulations that have not rewarded deep change. Thus, any serious move from the status quo is difficult. There are, however, a few leadership challenges that are particularly germane to charter schools.

■ *Charter schools require new relationships between school boards and schools.* School boards have historically been the sole providers of, and primary decision makers for, public education in their communities. Many charge that such boards try to micromanage events, rather than set broad policy direction. Under charter school legislation, local boards and district offices may find their roles and responsibilities greatly altered. For example, some states limit board authority over charter schools to contract oversight, while other states eliminate board authority completely if the school's sponsor is not the local board. To date, school board associations have resisted legislation that either allows sponsorship by authorities other than local boards or declares charter schools legally and financially autonomous.

Some school board members, however, see a brighter side to the charter school picture, especially as an alternative to private school vouchers. Randy Quinn (1993), executive director of the Colorado Association of School Boards, writes that charter schools represent

> ... a dramatic, very fundamental difference, one that forces the school board to reexamine its role. Rather than serving as provider, the board has an opportunity to become the *purchaser* of education services on behalf of the citizens of the community served by the board.

He further suggests that boards may want to aggressively solicit charter proposals to create a diversity of schools within their district.

Paul Hill (1994), a senior social scientist at RAND, takes Quinn's concept one step further. He suggests that *every* public school (especially within a large city setting) should be under contract to a local school board. Such contracting, Hill believes, would provide necessary market incentives for teachers and administrators, while maintaining enough "public" oversight by local boards to preserve the ideals of the common school.

■ *Charter schools utilize true site-based decision making.* Despite frequent lip service paid to site-based decision making practices in many districts, most current school-based decisions focus on curriculum and involve only a small amount of discretionary funding. This is true, in part, because school boards remain legally responsible for decisions. Further, except for salary negotiations, many school staff members prefer not to become involved in personnel and other major decisions.

Charter schools address decentralization and empowerment issues in a way that current site-based management may not. Ideally, charter schools are legally and financially autonomous. However, even if the local board remains legally liable, charter school personnel gain substantial budgetary control, thus realizing greater control over their professional lives and the education of their students.

Expanded decision-making authority, however, presents a serious leadership concern even for those eager to assume such responsibility. Are school personnel adequately prepared to manage what is, essentially, a small business? Perhaps not. Most principals currently focus their energies on instructional activities, not financial and management matters; and most teachers are justifiably hesitant to make personnel or budgetary decisions for which they have no training and that take time away from the classroom.

There is no easy solution to this concern. Without proper training and outside technical support, principals and teachers will find it difficult to envision their schools, and their roles in those schools, in ways that are radically different from the present. Unfortunately, few state legislatures have appropriated funding for support activities (though some state departments and private organizations have risen to the challenge). For this and other reasons, the choice (or voluntary) aspect of charter schools must be preserved because many educators may never want to participate in such an endeavor and should not be forced to do so.

■ *Charter schools provide new roles for teachers.* Charter schools offer teachers a chance to work in autonomous and innovative schools, with many attempting to use new philosophical approaches, teaching methods, and assessment tools. Teachers also have the opportunity to become directly involved in all phases of school operations, from curriculum planning to management. That may be as far as many teachers want to go in

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expanding their roles. Some, however, may want to go further.

Charter schools could open the door for teachers to become school "owners," rather than employees, with an owner's chance to earn profits or build equity. Kolderie (1993) notes that groups of teachers in a cooperative or partnership arrangement could either contract with a sponsor or subcontract with a charter school management team to organize and run an instructional program at a charter school. As a professional group, these teachers would control curriculum, personnel, and financial decisions. Kolderie suggests that this arrangement would give teacher-owners a strong incentive to use innovative instructional methods and technologies and to modify existing patterns of expenditures. And, because these teachers would be their own employer, bargaining issues would be minimized or eliminated. Although this concept runs counter to current practice, growing support for charter or contract services makes it plausible.

Such empowerment of individual schools and teachers, while hailed by many educators, introduces some perceived threats to teacher unions. An issue brief prepared by the National Education Association (1993) states that only "*under the right conditions,* [italics added] charter schools could become change agents promoting new and creative ways of teaching and learning...." Two of these conditions are that all teachers be licensed practitioners and that district collective bargaining provisions remain applicable. In an ideal charter school situation, the organizers may desire these two conditions and make them a part of the charter, but they would not be mandated by statute.

Teacher unions are also concerned that charter school provisions could become a "back door" for private school vouchers. Stuart (1994) notes that one reason the Minnesota Federation of Teachers lobbied against that state's charter school legislation is that it allowed private, nonsectarian schools to become public charter schools. These issues and the concern over the loss of collective bargaining power have caused unions to lobby against charter school legislation in many states.

Lessons from Charter Schools

What can we learn from those already working in charter schools? Start-up is one of the most time-consuming tasks, according to organizers and staff in several states. Many problems are similar to those that confront any new small business owner. First, organizers and staff must be prepared to translate their vision of the school into reality. This entails securing additional start-up funding (foundation grants or other contributions) and developing community contacts to help create the educational environment they envision and obtain appropriate facilities. Finally, they must constantly reevaluate their process and results, making adjustments as necessary. Activities such as these are challenging and result in longer-than-normal teacher and administrator workdays. The bottom line is that, while some may view these new tasks as stimulating, others may find implementing charter schools overwhelming. In short, charter schools are not for everyone.

However, even in the early stages, the charter school participants we interviewed made the following point clear: Those who believe in the charter school concept and can meet the challenging workload will reap rewards not possible in other schools. The tremendous emphasis on collaboration, alone, is a welcome change to many. In the words of Milo Cutter at the City Academy charter school in St. Paul (1994), a charter school is "the best opportunity for teamwork. It's a natural outlet for diversity and inclusion."

Nevertheless, many questions remain: Will charter schools become just another fad, or will they successfully integrate a number of promising reform ideas? And if charter schools do succeed, will they dramatically change learning environments for a great number of students and teachers, or will they affect only those within their halls? It is too early to tell, but many educators, policymakers, and community members believe that charter schools represent a bold reform attempt that holds great promise. ■

[1]We have extracted these elements from the work of Ted Kolderie (1993), a senior associate at the St. Paul-based Center for Policy Studies, and others active in the charter school movement.

[2]For more in-depth descriptions of the legislation and progress in other charter school states, please contact the authors.

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A Progress Report On California's Charter Schools

Linda Diamond

Innovative staffing procedures, new uses of technology, teaming, and community involvement are some of the standout features in the California charter school movement.

In 1992, when the California legislature approved the establishment of 100 charter schools, many educators expected that long lines of staff and community members would be eagerly waiting to sign on by the legislation's effective date of January 1993. The deluge never happened. At first only a few schools sought charter status. But interest grew, and now California has almost 50 charters, with more in progress. But why has the movement been so slow? To answer this question, one needs to consider the fiscal and educational milieu in which schools have operated.

Mindless adherence to rules has been the norm in factory-model schools. Teachers who have wished to experiment with new models have often been hampered by pressure from local labor leaders, both teaching and non-teaching. Fears about seniority, tenure, and hiring rights have been the issues leaders focus on. In some cases, anonymous mailings threatening teachers who wish to pursue charters with loss of retirement benefits and other benefits have been enough to stop the development of a school.

In other cases, parents who fear the lack of external regulation have stymied charter development. But most often, it has been the inability to envision the possibilities that has proven the largest barrier to becoming a charter school. Only a few schools have been able to imagine that vision; yet the potential that exists within the charter movement is enormous. A charter school is an alternative, not only for students but for parents and staff as well.

Most often, it has been the inability to envision the possibilities that has proven the largest barrier to becoming a charter school.

Hallmarks of Charter Schools

To become a charter school in California, each school must address 13 points: educational design, outcomes, assessment methodology, governance, staffing qualifications, procedures to ensure health and safety, strategies to achieve racial and ethnic balance, admission requirements, retirement benefits, rights of employees to return to the regular district, procedures to conduct an annual financial and programmatic audit, procedures for pupil suspension and expulsion, and attendance alternatives for those who choose not to attend.

As schools identify their reasons for developing charters, most express frustration with the existing system. Many wish to change the hours and the ways credits are determined. Others wish to select their own instructional materials and supplies, and almost all desire autonomy in the hiring and firing process.

Charter schools often see significant fiscal savings in new staffing arrangements, especially when the credentialed teacher serves as a leader and coach managing a team of non-credentialed staff. Schools also find that they can reduce the adult-child ratio by hiring more non-credentialed adults at lower cost.

Start-Up Experiences: A Survey

Marcella R. Dianda and Ronald G. Corwin

The start-up experiences of California charter schools are instructive for anyone who is thinking about "going" charter. In a survey administered to the 44 schools that were chartered in 1993, we asked about their reasons for seeking charter status as well as the challenges they faced. Thirty-four charter schools completed surveys (response rate: 77 percent). Half were located in metropolitan communities and school districts. Three-quarters were existing schools that converted to charter status. Most were elementary schools, spread across the state. All were sponsored by local school boards.[1]

We found that California's charter-schools movement is being shaped by the special features of the state's charter law—exclusive local oversight of charter schools and ambiguity about the schools' legal status. California does not specify whether charter schools are to function autonomously, so each school must negotiate how it will deal with its local school board, its local teachers' unions, and its lack of start-up funding and technical assistance from the state.

Most Charters Seek Freedom, Not Autonomy

Most of the schools indicated they had petitioned for a charter to free themselves from rules and regulations (28 schools) and to gain control over decisions related to curriculum and instruction (26 schools). In sharp contrast, only one-third wanted to become legally autonomous.

With respect to operational and fiscal autonomy, most of the schools (80 percent) controlled internal decisions over staffing, curriculum, instruction, and student conduct (for example, the courses offered to students, the kinds of staff development provided to teachers, grading policies, and methods of assessing student progress). In addition, 70 percent controlled important aspects of school staffing, including selecting the principal and school staff.

The schools exercised less control over student conduct and staffing decisions that had implications for other schools. For example, less than one-third could establish rules regulating student suspensions or expulsions. Only half had the authority to reassign or transfer teachers. Similarly, only about half reported managing their own budgets and controlling expenditures and purchases.

> Only one-third of the charter schools wanted to become legally autonomous.

Charters Maintain Ties with Unions

Charter schools have the option to break traditional ties with the local teacher's union: a charter school may choose not to bargain, it may become its own bargaining unit, or it may follow the terms of district negotiated employee contracts. But only seven schools chose to become their own bargaining units, while three were still considering the issue of local representation at the time they were surveyed. In the other schools, teachers were covered by agreements bargained between unions and sponsoring districts, in many cases with the possibility of waiving specific contract provisions. For example, one school negotiated waivers that gave it increased control and flexibility in teacher evaluation and teacher assignment. Another school's charter included provisions to decrease class size and increase teachers' planning time (provided the school secured additional funding for these purposes).

Overall, at least two-thirds of the schools claimed jurisdiction over staff hiring and reassigning or transferring teachers. In addition, most charter schools (25 schools) reported using non-certificated community members and parents as classroom instructors.

New uses for technology, including distance learning as a cost-saving strategy, are part of most charter efforts. For example, one school committed to teaching its students several languages uses distance technology to connect students with foreign language teachers located at other schools.

Finally, charter schools provide a public-sector alternative to the voucher proposals surfacing in many states. Charters give parents and staff choice without taking away substantial amounts of money from the public schools. In most charter schools, and in all of the ones in California, teachers may choose to stay or leave, and all parents are free to move their children in or out of a school. For students, the potential exists for more powerful learning because the educators are freed from the regulations that have thwarted their reform efforts in

Schools Need Start-Up Funds

While charter schools offer the prospect of educational reform without cost to taxpayers, nearly half the schools we surveyed (44 percent) reported that lack of start-up funding was a major obstacle. In fact, one school relinquished its charter designation early in 1994, after struggling unsuccessfully to secure start-up funding.

Although these newly-founded schools were few in number (eight schools), six reported that lack of funding was a great obstacle. It also was a problem for almost two-thirds of the schools in metropolitan areas. Funding was even a problem for one-third of the existing schools that converted to charter status. In reality, much of the cost of "going" charter was borne by those who were involved in the schools' planning and operations. In addition to start-up funding, many schools needed assistance with fiscal, legal, and operational questions and problems. Equally important, they needed fiscal resources that would enable them to gain access to such assistance.

Metropolitan Schools Have Special Problems

Charter schools in metropolitan districts were most likely to seek independence from their districts and thus less likey to receive support from their local boards. Compared to the charters located in small towns and rural districts, charters in metropolitan areas reported their districts were less likely to maintain good communication with the schools; provide visibility and recognition for the schools; promote the schools' programs; or encourage others to adopt the charter schools' practices.

By shifting the locus of control to local school boards, California's charter law provides for opportunities to restructure schools and to try out innovative educational approaches. However, it also thrusts local boards into new and unfamiliar roles.

All in all, the reports of California's charter schools during their first year suggest patterns that are well worth tracking over time. ■

[1]M. R. Dianda, and R. G. Corwin, (May 1994), "Vision Versus Reality: A First-Year Look at California's Charter Schools," Los Alamitos, Calif.: Southwest Regional Library.

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the past. So what are some schools doing with this newfound freedom?

Darnall—New Requirements for Teachers

Darnall E-Campus in the San Diego City Unified School District has completely redesigned its organization, governance, and fiscal practices. Responsible for employing its own staff, Darnall requires teachers to be committed to a developmental learning model and work as part of a team. Although they do not necessarily need to possess teaching credentials to be hired, teachers must maintain portfolios to document their performance at Darnall. The Darnall teachers hope to be sheltered from the district's staff reduction process, thus creating an oasis of stability that will enable the school to sustain its change efforts.

> A charter school is an alternative, not only for students but for parents and staff as well.

Organized in multi-age, developmental teams, students progress through Darnall based on performance and skill need. Instruction emphasizes thematic integration and active learning. Within the regular school day, teachers have ongoing planning time to refine their lessons and meet with colleagues. Darnall's development as a charter school was not clear sailing—union representatives informed the classified staff that they would no longer receive their benefits or seniority rights if they stayed with a charter school. The staff was not deterred.

Jingletown—Community Haven

For Jingletown Middle School in the Oakland Unified School District, becoming a charter school has also been challenging. Parents and some staff members at Lazear Elementary broke away from the district in order to create a special environment for the largely Latino middle grade students. The teachers wanting a charter were deeply concerned that their school

district lacked a transition program that would sufficiently ensure that their Spanish-speaking students would learn English while maintaining their own language and learning about their culture. Despite strong district resistance, former Lazear principal Clementina Duron led the charge and last fall opened her charter school in some vacant rooms in a neighborhood church.

> For students, the potential exists for more powerful learning because the educators are freed from the regulations that have thwarted their reform efforts in the past.

Unlike Darnall, Jingletown started from scratch, securing its own facilities, hiring staff, and negotiating legal and fiscal agreements. Jingletown is unique, not only as a school, but also as a very old and closely knit community within the urban confines of Oakland. Gang problems, drugs, and poverty plague the students and their families, so Duron wanted to create a haven within the community that would not only educate children but also would provide positive models.

The first significant change was to require all students to wear uniforms. As one student said, "Now, no one is wearing gang colors." In addition, the school is organized into interdisciplinary teams with an emphasis on cooperative learning and real-life activities taking place in the community. A bilingual transition program enables students to continue learning all subjects using their native language while also learning English.

Jingletown staffing is also unique. Of the five full-time teachers, two hold credentials and were teachers in the Oakland system, while three have neither teaching experience nor credentials. Under an innovative partnership with a local university, the three non-credentialed teachers have been participating in student teaching seminars. The university will also place its teachers-in-training at Jingletown, thus significantly reducing the teacher-student ratio.

With funding another significant challenge, the principal has garnered corporate support to pay start-up costs, and the school opened as a nonprofit organization with a formal board of directors. Recently, however, governance struggles have hampered the school's efforts. Jingletown will continue to operate in the 1994–95 school year, but with significant staff turnover.

Jingletown's struggles have shown the need for advanced planning for schools that start from scratch. With adequate upfront time, Jingletown would have been able to carefully select and train staff and set up its fiscal and governance practices. Instead, it was forced to operate and organize at the same time.

San Carlos—Business Partnerships

Slated to open in the fall, San Carlos Elementary District is a K–12 school that is based in the business community but draws a diverse population from several neighboring cities. This school is the product of superintendent Don Shalvey and an active community base of leading citizens.

Because there is no high school in San Carlos, 53 percent of San Carlos children transfer to private high schools after completing the 8th grade. Shalvey hopes to alter that trend by establishing a school that will include joint ventures with community businesses. Plans include housing a student-run branch of the local bank in the school and working with city agencies to provide the school with before-and-after care as well as instructional programs.

Written into the charter school's design is another unique staffing arrangement: 40 students to 3 teachers (one professional educator and two "associates" with a differentiated pay scale). Finding the instructional staff has been a creative process. San Carlos has been holding "Grand Conversations," much like jazz sessions, to bring interested educators together with the original charter designers. Through these informal dialogues, the charter planners will choose their "Founding Educators."

Superintendent Shalvey views the charter school as a laboratory for innovative practices, freed from regulations. He believes that the district as a whole will learn from the charter school and the resulting knowledge will inform future practices throughout the San Carlos schools.

San Carlos has been holding "Grand Conversations," much like jazz sessions, to bring interested educators together with the original charter designers.

Where Charter Schools Are Going

Some charter schools are doing well, saving money on operations, and investing more in instruction. Others, like Jingletown, are struggling to survive. Still, interest remains high, and with the number of permissible California charters growing, private citizens and even businesses are attempting to open their own charter schools.

The success of the charter school movement will depend on the quality of education provided by the first pioneers and visionary leaders. It will require a covenant among all segments of the educational community—unions, boards, teachers, and administrators—to do the business of education in a new way, focused on the needs of children, not on the needs of old bureaucracies. ■

Linda Diamond is a Senior Analyst at BW Associates, a research and policy analysis company that is currently working to support charter school development in California. She can be reached at 819 Bancroft Way, Berkeley, CA 94710.

"THIS ADMINISTRATION WILL WORK TO FREE LOCAL DISTRICTS FROM REGULATIONS AND MANDATES WHICH RESTRICT PARENTS AND EDUCATORS FROM EXPLORING INNOVATION."

Governor Tony Knowles

State of the State Address
January, 1995

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

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Juneau, Alaska 99801-2105

MEMORANDUM April 29, 1995

SUBJECT: Sectional Summary of CSSB 88(FIN)

TO: Senator Bert Sharp

FROM: Michael F. Ford
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows the formation of a charter school by application to a local school board. Requires approval by the local school board and the State Board of Education. Limits the State Board to approval of not more than 30 charter schools. Imposes limits on the number of charter schools in certain cities and boroughs. Requires that seven charter schools be allocated in a geographically balanced manner.

Section 2. Provides for organization and operation of a charter school. Exempts a charter school from certain district education requirements. Requires that a charter school operate under contract with the local school board. Imposes certain required contract provisions. Provides that a charter school can be operated in an existing school district facility or another facility that meets applicable health and safety requirements.

Section 3. Requires that funding for a charter school be provided by the local school board, through an annual program budget. Requires that the budget be not less than the amount generated by enrolled students less administrative costs of the district.

Section 4. Provides that admission to a charter school can be limited to certain age groups or to students who will benefit from a particular teaching method or curriculum. Prohibits a school board from requiring a student to attend a charter school. Requires a charter school be nonsectarian.

Section 5. Provides for assignment and evaluation of teachers in charter schools.

Section 6. Provides that a contract for a charter school may not be for a term of more than five years and may not extend beyond July 1, 2005.

Section 7. Allows the Department of Education to adopt regulations to implement the charter school provisions.

Section 8. Defines certain terms used for purposes of charter schools.

Section 9. Repeals sections relating to charter schools on July 1, 2005.

Section 10. Allows the State Board of Education to proceed to adopt regulations.

Sections 11-12. Effective dates.

MFF:glc
95-315.glc

TONY KNOWLES, GOVERNOR

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

(907) 465-2800
FAX (907) 465-4156

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

April 20, 1995

Linda Sharp, M.Ed.
2060 Esquire Drive
Anchorage, AK 99517

Dear Ms. Sharp:

Thank you very much for taking the time to write your letter of support for Senate Bill 88, *"An Act establishing a pilot program for charter schools."* I, too, join you in your hearty support for this legislation. A pilot program for the establishment of charter schools will promote local innovation and will support the formation of parent/teacher ventures in education.

Senate Bill 88 has passed the Senate and has been referred to the House Health, Education, and Social Services (HESS) Committee and to the House Finance Committee. Representatives Con Bunde and Cynthia Toohey are the co-chairs of the HESS Committee. You might wish to contact this committee and let the members know of your strong interest in the establishment of the charter schools, as well as your suggestion for improvement.

At the State Board of Education's last meeting, the board members voted unanimously to support the establishment of charter schools. It is our hope that this legislation will pass this legislative session and that the option to establish a charter school will be available to all Alaskans soon.

Thank you for your support and I look forward to hearing from you again.

Sincerely,

Shirley J. Holloway, Ph.D.
Commissioner

05-E13LH

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue Fairbanks, Alaska 99701-4756 (907) 452-2000

Board of Education March 9, 1995

Senator Bert Sharp
Alaska State Legislature
MS 3100
Juneau, Alaska 99801-1182

Dear Senator Sharp:

Thank you for responding to the Fairbanks School Board's request to support legislation regarding the establishment of a pilot program for charter schools in Alaska.

Your effort in sponsoring SB88 is appreciated. Passage of this bill will serve Fairbanks and the state well in its attempt to explore different means of organizing and managing schools. We are committed to doing our part at the local level. Together, we can continue to work toward the improvement of education of Fairbanks' youth. We feel strongly that an option for non-mandated charter schools to contract with local school boards promotes that effort.

As you know, the Fairbanks community has always held education as a high priority. We recognize that improvements should always be our goal and we appreciate your assistance in considering of different forms of educational delivery.

Sincerely,

Bill Burrows
Vice President
Board of Education

cc: Interior Delegation
Rick Cross, Superintendent
Linda Anderson, Legislative Liaison

JOE A. MARKS, P.E.

May 1, 1995

Honorable Con Bunde

fax 465-3871

Dear Con,

Please expedite the Charter Schools bill. It represents the best opportunity some of our kids will ever have of getting the education they deserve and we are paying for.

Some kids in the Anchorage School District have been shortchanged for too long by a top heavy bureaucracy that fails to tend to the needs of about a third of our student population. The majority of underachieving schools could be converted into Charter Schools. These schools can and will attract parents into meaningful, participatory roles that bode well for their childrens' educations.

It makes no economic sense for us to pay $ 7,500 per year per child to have schools scoring in the 15 to 40 percentile range as Anchorage's underachieving schools are now doing. We must try a different way to insure that a third of our students do not burden or threaten us in the near future.

Please give Charter Schools a chance.

Sincerely,

J.A. Marks, P.E.

13981 Jarvi Drive Anchorage, AK 99515 345-1345 fax 345-6425

Table 11 (Continued)

Anchorage School District
Percentile Rank Scores Corresponding to
Average Monthly NCE Scores
ITBS & TAP
Historical Elementary School Performances

Elementary School	Grade	Area	S '93	F '85	F '89	F '90	S '92	S '93
Government Hill	4	Reading	40	48	30	24	36	17
Government Hill	4	Language Arts	36	50	NA	23	33	14
Government Hill	4	Mathematics	43	45	NA	41	39	29
Government Hill	6	Reading	42	36	45	42	40	34
Government Hill	6	Language Arts	40	34	NA	39	31	28
Government Hill	6	Mathematics	39	43	34	39	22	34
Homestead	4	Reading	54	55	57	62	49	51
Homestead	4	Language Arts	59	59	54	54	50	61
Homestead	4	Mathematics	51	56	62	66	60	62
Homestead	6	Reading	63	63	67	62	58	56
Homestead	6	Language Arts	66	65	64	58	58	63
Homestead	6	Mathematics	65	71	62	55	71	67
Huffman	4	Reading	68	76	71	72	66	74
Huffman	4	Language Arts	74	72	69	63	66	63
Huffman	4	Mathematics	71	72	73	74	78	76
Huffman	6	Reading	73	72	81	76	73	71
Huffman	6	Language Arts	80	78	76	76	67	67
Huffman	6	Mathematics	73	66	55	53	74	77
Inlet View	4	Reading	73	78	80	72	62	62
Inlet View	4	Language Arts	74	74	69	68	55	63
Inlet View	4	Mathematics	68	73	76	67	65	76
Inlet View	6	Reading	70	67	76	77	72	66
Inlet View	6	Language Arts	67	60	69	67	63	60
Inlet View	6	Mathematics	74	79	67	73	74	65
Kennedy	4	Reading	34	28	51	49	36	35
Kennedy	4	Language Arts	55	21	44	41	33	47
Kennedy	4	Mathematics	41	23	55	48	49	56
Kennedy	6	Reading	47	26	41	61	57	48
Kennedy	6	Language Arts	48	37	51	53	57	43
Kennedy	6	Mathematics	57	33	35	56	53	38

Table II - Continued

Anchorage School District
Percentile Rank Scores Corresponding to
Average Monthly NCE Scores
ITBS & TAP
Historical Elementary School Performances

Elementary School	Grade	Area	S '88	F '88	F '89	F '90	S '92	S '93
Government Hill	4	Reading	43	48	50	24	36	17
Government Hill	4	Language Arts	36	50	NA	23	33	14
Government Hill	4	Mathematics	43	43	NA	41	39	29
Government Hill	6	Reading	42	50	45	42	40	34
Government Hill	6	Language Arts	40	34	NA	39	31	28
Government Hill	6	Mathematics	39	43	54	39	22	34
Homestead	4	Reading	59	55	57	62	49	51
Homestead	4	Language Arts	59	59	54	54	50	61
Homestead	4	Mathematics	51	56	62	66	60	62
Homestead	6	Reading	63	63	67	62	58	56
Homestead	6	Language Arts	66	65	64	58	58	63
Homestead	6	Mathematics	65	71	62	55	71	67
Huffman	4	Reading	68	76	71	72	66	74
Huffman	4	Language Arts	74	72	66	63	66	63
Huffman	4	Mathematics	72	72	75	74	78	76
Huffman	6	Reading	68	74	69	76	73	71
Huffman	6	Language Arts	81	74	70	70	67	67
Huffman	6	Mathematics	75	69	69	63	74	77
Inlet View	4	Reading	73	73	80	72	62	62
Inlet View	4	Language Arts	74	74	69	68	63	63
Inlet View	4	Mathematics	68	73	76	67	65	76
Inlet View	6	Reading	79	69	76	77	72	66
Inlet View	6	Language Arts	67	60	69	67	63	60
Inlet View	6	Mathematics	74	79	67	73	74	65
Kennedy	4	Reading	34	26	51	49	36	35
Kennedy	4	Language Arts	35	21	44	41	33	47
Kennedy	4	Mathematics	41	23	55	48	49	56
Kennedy	6	Reading	47	26	41	61	57	48
Kennedy	6	Language Arts	48	37	51	53	57	48
Kennedy	6	Mathematics	37	33	36	56	53	38

Bert Sharp fax
465-2070

PETITION

The undersigned request the Alaska Legislature to approve SB-88, Charter Schools legislation. Anchorage has a School Board and Administration that have hesitated to implement "new programs" even if they do not require "extra" monies.

Please work with your colleagues and do your best to pass SB-88 this year.

Printed Name	Signature	Address	Tel/FAX
[illegible] Roberts	[signature]	2500 W. 70th Cir	248-9711
Beatrice Suazo	Beatrice Suazo	13033W23	563-1000
[illegible] Rymarson	Arleen Rymarson	1568 T	274-4168
[illegible] E. Robb	Eric D. Robb	133 Fabil Lane	277-8089
Michael J. Zaccardi	Michael J. Zaccardi	4020 Folker	563-1900
Ro[illegible] Scott	[signature]	1307 E. 75TH AVE	522-3905
Thomas J. Corbett	Thomas J. Corbett	4706 Grumman St	561-8734
Debra G Corbett	Debra G Corbett	4706 Grumman St	561-8734
LaKeda David	LaKeda David	1307 E. 75th Ave	522-3905
Shawn Knudson	[signature]	310 W. 31ST	272-7454

PETITION

The undersigned request the Alaska Legislature to approve SB-88, Charter Schools legislation. Anchorage has a School Board and Administration that have hesitated to implement "new programs" even if they do not require "extra" monies.

Please work with your colleagues and do your best to pass SB-88 this year.

Printed Name	Signature	Address	Tel/FAX
[illegible] Eagleton	Edward Eagleton	13721 Vanguard Way, Anchorage 99515	345-7897
[illegible] D. Eagleton	Maryann D[illegible]	13721 V[illegible] Anchorage 99515	345-7897

10501 Loudermilk Circle
Anchorage, AK 99516
May 2, 1995

Representative Mark Hanley
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Hanley:

Today, the House HESS Committee passed out SB 88, the Charter Schools bill. I would like to request that you schedule this bill for a hearing in House Finance as quickly as possible so that this legislation can reach the House floor this session. As you know, several new schools will open next year in Anchorage, and this is an ideal time to begin one or more charter programs--while the space is available, before school communities have moved in and claimed "ownership". There is room for all, if planning is undertaken in a reasoned manner.

I served with you on the original WISE project. At that time, and each year since then, you have expressed a great interest in improving education. The charter schools bill will allow innovation and greater choice for parents, students, and teachers, at no extra cost. At a time when school performance is being criticized and budget pressures are great, we need an opportunity to try something different. Successful charter programs can be used as models for the other school programs. Being able to access appropriate educational choices will empower and involve the students and parents, which is a primary success factor in education.

The House HESS Committee heard testimony from all over the state, and not one person testified against the bill. The State Board of Education voted unanimously in favor of the bill, the DOE Commissioner is strongly behind the bill, and parents and teachers all across the state want this legislation passed this year.

Please do what you can to facilitate the movement and passage of SB 88, the charter schools bill.

Sincerely,

Catherine Portlock

Catherine Portlock
343-4098

CSED
Page 2

Total Arrearages

	1/1/94	1/1/95
AFDC	$145,632,184	$152,975,852
Non-AFDC	161,600,292	191,602,090
Foster Care/Other	9,413,757	12,949,861
TOTAL	$316,646,235	$357,527,805
Average	$14,736	$14,674