Texas Education Review

**An Overview on Charter Schools:
Historical Rise and Opposing Views**

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As a relatively new concept in the American public school model, charter schools have emerged as a critical issue in education. Gaining political momentum in the call for K-12 educational reforms of the 1980s, charter schools have expanded throughout the United States, in both number and scope. Alongside the speedy growth of the charter school movement, support and opposition have both developed. In this charter schools overview, we explore the historical background of charter schools, highlight the various types, examine varying viewpoints, and then place charters in the context of Texas.

Charter schools in America are a critical, relevant, and controversial topic in education today. Generally defined, charter schools are independent public schools (Lockwood, 2004). Charters are public schools authorized by the state, free of many regulations applying to public schools, and operate under a specific contract with an authorizing agency that outlines their vision and mission for education (Miron & Welner, 2012; Tryjankowski, 2012). Influenced by the historical and political aspects of charter school expansion, the charter movement is a lightning rod in the debate over school choice and reform in America. Opposing sides of the charter school issue argue over the definition, true impact, and outcomes of charter schools. The following review aims to outline the historical rise of the charter movement, address arguments for and against charter schools, and provide context to the charter landscape in Texas.

Historical Roots and Expansion of Charter Schools

The creation and subsequent growth of charter schools is attributed to a series of influential ideas, individuals, and events dating back decades. The first American charter school launched in 1991 (Tryjankowski, 2012), but the conceptualizations and political climate that fostered choice in education began much earlier. The theory and choice argument in education started with the works of Milton Friedman (1955; 1962), Ray Budde (1988), and John Chubb and Terry Moe (1990). Encouraged by the political pressure following the release of *A Nation at Risk* (1983), the concept of charter schools became a reality and began rapidly expanding into the charter school movement (Tryjankowski, 2012).

Long before *A Nation at Risk*, economist Milton Friedman initiated the concept of educational choice with arguments for incorporating the market system into education. Though Friedman did not argue directly for charter schools, he contended that the deregulation of the educational system, privatizing schools, and providing vouchers to parents would create a more effective system (Friedman, 1955). Friedman viewed education, at the primary and secondary levels, as a common good in an economy that should be publically funded through vouchers. Functioning through the market, education would be the byproduct of vouchers, choice, and

privatized schools. Friedman's (1955; 1962) ideas for reforming education were ill timed in an era of school segregation, and they failed to gain public support. School choice advocates, however, mark Friedman's work as the origin of school choice in America (Weil, 2000).

The political window for school choice, however, opened with the release of *A Nation at Risk* by President Reagan's 1983 Commission for Excellence in Education. This milestone report questioned education quality, highlighted poorly prepared students, and employed bold language to call the nation into action to fix the system. The stage was set for reform with increased efficiency and effectiveness in education as the goal. The report revisited Friedman's ideas (1955; 1962), and the concepts of privatization and choice were revived (Weil, 2000).

The U.S. charter school model developed out of the reform era of the 1980s and the framework established by Ray Budde (1988). A former educator, Budde developed a model called *Education by Charter* that envisioned a contract-based school arrangement between an authorizing agency and charter team comprised of teachers. Budde claimed that competition for charters among teachers and schools would improve education, provide for teacher autonomy, and foster innovation. Charter teams, as envisioned by Budde, would need a clear timeline, vision, mission, methodology, and accountability. In exchange, they would receive deregulation and resources to meet their mission (Budde, 1988). The concept of charter schools outlined by Budde (1988) was endorsed and popularized by American Federation of Teachers' president Albert Shanker. Shanker viewed charters as a way to put control into the hands of teachers (Green & Mead, 2004) and championed the concept of union-approved, independent schools (Shanker, 1988; Tryjankowski, 2012).

Budde's (1988) work paired with Shanker's (1988) endorsement eventually led to the creation of the first charter school legislation in the United States. Minnesota passed the first charter school law in 1991 providing for eight charters under the authorization of local boards (*Omnibus K-12 education finance*, 1991). Minnesota charters were deemed outcome-based schools and were created by teachers with the assistance of advisors (Tryjankowski, 2012). The landmark passage of Minnesota charter school legislation marked the first charter school in the United States as well as encouraged other states to follow suit (Tryjankowski, 2012; Weil, 2000).

Since Minnesota, 42 additional states and the District of Columbia have passed charter school laws (National Alliance for Public Charter Schools, 2013).[1] Encouraging states to adopt charter legislation were separate reauthorizations of the *Elementary and Secondary Education Act of 1965*. In 1998, the *Charter School Expansion Act* was signed providing funding to states for charter schools with the goal of 3,000 schools by the 21st century, thus spurring growth in the establishment of charter schools (Lockwood, 2004). *No Child Left Behind (NCLB)* (2001) also facilitated the expansion of charters. Under NCLB, traditional public schools (TPS) failing to meet annual yearly progress (AYP) were provided multiple options for restructuring. Of the permissible options for restructuring, schools were allowed to reopen as charter schools or contract with an outside management group thus encouraging the expansion of charters. Additionally, NCLB allowed parents to remove their children from a school failing to meet AYP for two consecutive years and enroll them in either a better performing TPS or a charter school (Tryjankowski, 2012).

The swift increase in state charter school legislation coincides with the growth in the number of charters. Despite 24 of 43 charter school laws capping the total number of charters, charter school expansion has been significant. In the 2012-2013 school year, 6.3% of all U.S. public schools were classified as charters as compared to 2.7% in 2002-2003 (National Alliance

for Public Charter Schools, 2013). The change in the percentage of all U.S. public schools reflects a 135% increase in charters over ten years (National Alliance for Public Charter Schools, 2013). From the first passage of charter school law to the present expansion, it is apparent that charter schools are continually growing, and critical issue in education today.

Types of Charter Schools

There are two distinct types of charter schools: those that operate as for-profit ventures, and those that are nonprofit and driven by a specific mission. For-profit charter schools, usually run by Educational Management Organizations (EMOs), educate 20% of the more than two million charter school students in the United States (Stitzlein, 2013). These schools have been criticized for their discrimination towards students with severe disabilities (Bernstein, 2013), and their philosophical hypocrisy in educating students to be strong moral citizens within the confines of a for-profit venture (Stitzlein, 2013). Despite these negative attributes, for-profit charter schools have been proven to have similar performance to nonprofit charters on reading and math exams (Wood, 2013).

Nonprofit sector charter schools are further characterized as in-district or open enrollment. In-district charters are affiliated with the local school district, and both receive funding and draw enrollment from their parent districts (Taylor & Perez, , 2012). There are a few variations of in-district charters. For example, the Boston public school system has created an in-district system of pilot schools that require union agreed teacher compensation and provide the superintendent veto power over hiring (Payzant, 2010). Open enrollment charter schools by contrast are unaffiliated with and operate independently from the local school district. Although these types of charter schools do receive funding from their state, they often do not receive local facilities funding (Wells, Lopez, Scott, & Holme, 1999), and therefore turn to philanthropic and private funding streams to replace this funding (Hill, 2005). These schools tend to focus on a specific mission such as college acceptance and utilize a specific and intentional campus-wide culture to achieve that mission. These mission-driven, nonprofit charter schools have engendered the most criticism and controversy. Regardless of type and criticism, proponents of charter schools argue that they provide educational opportunities to parents and students along with avenues for improving the education system.

Proponent Arguments

Charters as Vehicles for Competition and Parent Choice

In their seminal work, *Politics, Markets, and America's Schools,* Chubb and Moe (1990) label state control of the educational system as the problem with American education and prescribe a free market approach with school autonomy as the key driver of innovation and improvement. Their theory supposed that as independently operated schools are introduced to a market, parental power via school choice is increased, thus forcing improvement across a system which was previously static and unified (Kolderie, 2004). Since the nation's first charter schools debuted in Minnesota, they have expanded choices to families in multiple urban areas. In fact, eight major cities including New Orleans, Dayton, Kansas City, and Washington D.C. have at least 30% of public school students in charter schools (Smarick, 2012). The growth in

the market-share of charter schools in these major urban areas demonstrates both demand for school choice and a rise in competition.

Charters as a Lever to Close Achievement Gaps

Recent evidence has shown that many of the nation's charter schools are not only providing a choice for parents, they are providing a choice that delivers improved student achievement results. According to a 2009 National Bureau of Economic Research (NBER) study based on students who were and were not selected by random lottery to charters, those who were selected have achieved greater academic gains. New York City charter students who remained with a charter from kindergarten through 8th grade closed the achievement gap between Harlem and the suburb of Scarsdale by 86% in math and by 66% in reading. This study also showed that for every year a student attended a charter, their Regents examination score increased by three points (Hoxby, Muraka, & Kang, 2009). Recent studies highlight how charters have increased levels of student achievement in reading and math over time in Boston (Abdulkadiroglu, Angrist, Dynarski, Kane, & Pathak, 2009), and Harlem Children's Zone (Dobbie Fryer & Fryer, 2011). These improved levels of achievement have driven many families, particularly low income and minority families,[2] to seek out charter schools or charter school management organizations (CMOs). CMOs have proven to provide their students with one and a half years of learning per year (Abdulkadiroglu et al., 2009), and to "produce stronger gains for students of color and students in poverty than those students would have realized in traditional public schools" (Peltason, & Raymond, 2013, p. 5).

Charters as Laboratories for Educational Innovation

An original premise of charter schools is their capability to serve as "a [research and development] arm, a means of developing and testing new ideas" (Smarick, 2012, p. xvii) in education. However, only recently have the lessons from high performing charter schools been put into practice with a level of fidelity and consistency (Fryer, 2011). In Houston, the public school district implemented five best practices from charter schools[3] across nine schools serving 7,000 students. Houston schools were able to increase achievement for 6th and 9th grade students by .277 and 0.067 standard deviations in math and reading respectively, results similar to what high performing charter schools have been proven to achieve (Fryer, 2011). Proponents hope with these results, increased implementation of charter best practices at scale will continue to improve educational achievement for all students.

Opponents Arguments

Opposition to charter schools is deeply rooted in issues of equity, access and accountability. Opponents are concerned that charter schools are not outperforming traditional public schools, and choice mechanisms do not yield equity but rather exacerbate racial and special education segregation in an era where the demographics in our public schools are at their least diverse since before *Brown v. Board* (Orfield, 2009). The consequences of the school choice, which lead to these oft-cited concerns, are the result of deliberate and unintentional

action. In no other area is this more apparent than the means through which charter schools admit their student populations.

Creaming and Cropping

Certainly the most serious concern with schools actively deciding who receives admissions is the issue of choice. Who, ultimately, is making the enrollment choice? Is it the school, or the student and parents? This question is fundamental. If the choice ultimately lies with the institution, critics fear schools will target only the highest achieving and least expensive students (Bifulco & Ladd, 2007; Frankenberg, Siegel-Hawley, & Wang, 2011). This practice is known as *creaming or cream skimming* and is seen as a major threat to the goal of educational access and equitable opportunity (Lacireno-Paquet, Holyoke, & Henig, 2002).

Though the concern is widely acknowledged, creaming is a phenomenon in charter schools that has not yet been extensively researched in the United States. However, researchers do point to widespread evidence of creaming across the vast charter experiments in New Zealand and Chile as a significant reason for this ever-present concern (Elacqua, 2012).

There is a great deal of evidence that schools are engaging in the practice known as "cropping" (Garcy, 2011; Lacireno-Paquet et al., 2002). This practice is seen as the flipside of the "creaming" coin. Instead of charter schools actively recruiting the most accomplished students, luring them away from TPS, they are weeding out students who are more costly and perceived as more difficult to educate. Cropping can be achieved in various ways. For instance, schools can refuse to offer special education or language acquisition programs to prospective students. By not serving these special populations, charter schools are essentially choosing their student populations and leaving the TPS to bear the cost burden of our most expensive student populations.

In recent years, studies have shown that charters are not enrolling ELL and Special Education students anywhere near the same rate as the closest TPS (Cobb & Glass, 1999; CREDO, 2009; CREDO, 2013). This practice is a nationwide problem (Layton, 2012). Because initial costs for a charter school are significant, many view such students as undesirable, a burden, and a liability to the school's ability to keep operating long-term (Fuller, Elmore, & Orfield, 1996).

Another common argument from charter opponents is the issue of purpose and quality. Even with major issues like creaming and cropping, the vast majority of charter schools are achieving at or below the results of their TPS counterparts (CREDO, 2009; CREDO, 2013). Opponents question whether charter schools, which face less regulation and less formal accountability, should be allowed to continue to operate when they are not shown to be superior to their TPS counterparts. Public education reform efforts put forth by choice advocates promised to raise the standard of public education, not maintain the status quo.

In the often cited study completed by Stanford's *C*enter for *R*esearch on *ED*ucational *O*utcomes (CREDO), first in 2009 and then later in 2013, demographic and test score data were compared between TPS and charter school campuses. The findings in both reports are intriguing. As should be expected with a system that encourages wide variation, some states and localities catered to certain groups, and some did far better than others (CREDO, 2009; CREDO, 2013). In both studies, TPS and charter students were compared using data from state and national assessments in order to gauge the difference in quality of education through math and

reading achievement. On the aggregate and state level, reading scores were found to be nearly indistinguishable across school type and not statistically significant in the 2009 study. Charters did, however, improve significantly in the 2013 data, though still well shy of their stated goals.

Math test scores paint a far different picture; one that opponents state is cause for significant concern. National aggregates for math achievement demonstrate that 46% of charter schools scores were indistinguishable from their TPS counterparts in 2009. In the 2013 report, 71% (mathematics) and 75% (reading) of all charter schools were scoring on par with or significantly worse than their locally comparable TPS. This means that fewer than 1 in 3 charter schools are outperforming TPSs. Opponents argue that this is attributable to deregulation and lack of oversight will lead charter schools to produce inequitable and varied results (Cobb & Glass, 2009; Wells et al., 1999).

In the Texas context, the numbers suggest that charter schools are engaging in cropping. According to CREDO 2009, Texas charters are serving a much lower percentage of English Language Learners (4%) than Texas TPS (21%), according to National Center for Education Statistics (2010). Opponents see this as an incredibly disturbing data set that demonstrates schools are actively pursuing policies that marginalize an ever-increasing portion of our student population. The academic performance of charter schools in Texas also fairs poorly in the CREDO 2013 report. According to the study, Texas children enrolled in charter schools lose 22 days of instruction in reading and 29 days in mathematics instruction compared to their peers in traditional public schools (CREDO, 2013).

Context of Selected Featured Article

The featured article for this critical issue examines charter schools in context of the state of Texas. Texas first passed charter school legislation in 1995. The charter school law provided for open enrollment and home-rule charter schools, established the Texas Education Agency as the authorizing body for charters, and created a cap on the number of charter schools that could operate in Texas. In the current context, Texas operates under a cap of 215 charters, yet it has seen sizable growth over the past decade (Texas Education Agency, 2013). Charter schools in 2012-2013 made up 7.3% of all public schools and served 4.6% of the students in Texas. Since the 2002-2003 school year, the number of charter schools has grown 5.9% reflecting the expansion trend (National Alliance for Public Charter Schools, 2013). Moreover, Texas' 83rd Legislature recently passed Senate Bill 2 that will gradually lift the cap to 305 by 2019 and ease guidelines for establishing home-rule charters in Texas amongst many other charter school provisions (S. 2, 2013). The shift in the charter cap thus provides room for future charter school growth in the state.

The issue of charter schools in K-12 education has developed into a controversial and political topic. Conflicting views debate over the true definition of charters, impact on TPS, issues of student access, and academic outcomes of charter schools. Marking the dynamic expansion of the charter school movement along with the opposing perspectives, it is evident that charters are at the forefront of the American public education debate. The future direction of charters in the United States, and Texas specifically, is trending towards expansion (National Alliance for Public Charter Schools, 2013). Yet, only time will reveal the longevity of public support, degree of expansion, and effectiveness of charter schools.

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[1] States without charter school legislation include Alabama, Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia.

[2] On average, 91 percent of students in a school operated by a CMO are black or Hispanic compared with just 76 percent in their host districts, and 71 percent are low-income compared with 64 percent in their host districts (Furgeson, et al., 2012).

[3] Five best practices from charter schools were defined as increased time, better human capital, more student –level differentiation, frequent use of data to alter the pace of classroom instruction, and a culture of high expectations (Fryer, 2011, p. 3).