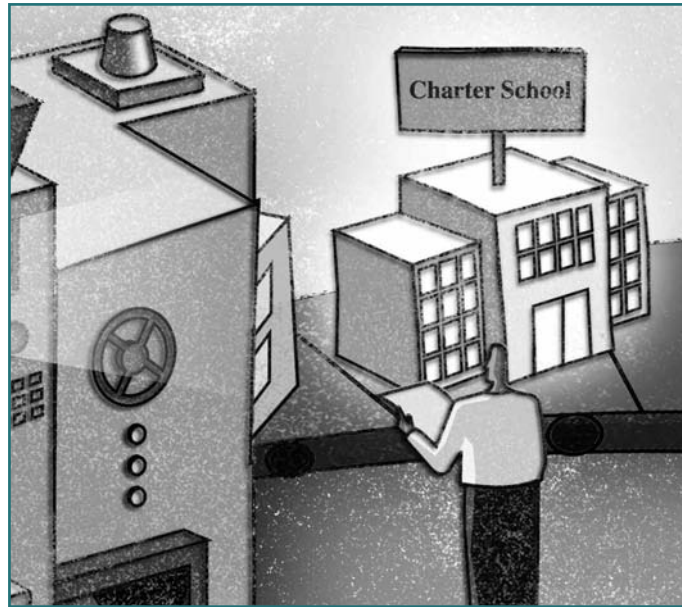


# Charters as a Solution?

So far, states and districts have opted for anything but

BY NELSON SMITH



**T**he restructuring provisions in No Child Left Behind (NCLB) are a Rorschach test for charter supporters. To the Market Optimists, the six brief paragraphs of NCLB Section 1116 look like the greatest growth opportunity ever. “Reopening the school as a public charter school” is Option #1 on the list of NCLB’s restructuring alternatives. All those dysfunctional schools, “needing improvement” for years, all prior remedies exhausted—where else would parents turn but to charter schools?

The Glass-Half-Empty crowd has worried deeply, fearing that under the guise of restructuring, district officials would take their worst-performing schools and slap a charter label on them. Think about it: You’re a superintendent with some pretty good schools and a dozen lousy ones. Invoke NCLB, charter them out, and in one fell swoop you have moved the bottom feeders from the district column to the charter column. Your district scores skyrocket, and all those that failed to make Adequate Yearly Progress (AYP) ... well, you know, they’re charter schools.

A third faction, let’s call them the Prudent Expansionists, have thought it just dandy that NCLB would invite bad schools to close and reopen as good ones, but doubt that the charter sector has the capacity to restructure vast swaths of failing public schools. Despite the increasingly impressive performance of many charter schools nationally and some stunning charter-driven turnarounds at Sacramento High in California and other sites, the Prudent Expansionists doubt that charter folks know any more than traditional educators do about turning around failing schools en masse.

As luck would have it, these theories have not gotten much of a test drive in the past five years. The vast flowering of NCLB charters is still sitting there in the subjunctive case. With so many schools

## A Lesson in Restructuring: Try Something Different

Margaret Fortune gained renown as founding superintendent of St. Hope Public Schools, a California charter district that emerged from the closure of Sacramento High School. When she became director of Governor Arnold Schwarzenegger's Initiative to Turn Around Failing Schools, the first thing she did was to look at how the state had traditionally dealt with failing schools. California's state education department had a long-standing program called Immediate Intervention/Underperforming Schools. What did she find? Over the course of eight years, the department had used the same strategy for every turnaround attempt: send in more resources and a state technical-assistance team. Fortune understood that a big part of her job was to get local and state officials to try something—anything—different.

in need of improvement and so many parents demanding more public school options, how is this possible?

One explanation is that states have driven some statistical Mack trucks through NCLB's precise-sounding text. Schools don't qualify for mandatory restructuring until they fail to make AYP, the state-determined proficiency target, for five consecutive years. All schools must reach the 100 percent proficiency mark by 2014, but can do so by an assortment of trajectories. Most states chose a very long takeoff, with the bar staying low for the first six or eight years, followed by a sharp upward thrust, with breathtaking gains required after that. (Some cynics thought the timetables were designed to defer the day of reckoning until current officeholders had retired, or until the law itself was gutted or repealed.) In any case, state accountability plans have delayed any spike in NCLB-driven restructuring that might have generated demand for charters.

### ... And the Last Shall Be First

Maybe there's some naiveté in the act as well. NCLB made the bold assumption that states and districts would voluntarily turn over the reins to charter operators. The authors of the legislation must have thought, with so many sticks beating on the backs of schools (test-disaster headlines, parents leaving in droves), the carrot of fundamental change would be irresistible. And it might have been—if it weren't for Option #5.

Scroll down, past all those tough, unrelenting sanctions, and Option #5 says, Whew! You can also try "Any other

major restructuring of the school's governance arrangement that makes fundamental reforms."

Game over. As researcher Rebecca Dibiase reported in a September 2005 review for the Education Commission of the States, "Most school plans call for activities that fall under 'any other major restructuring of the school's governance arrangement,' or Option #5 in the legislation.... This option covers an array of activities, such as modifying curriculum, altering the school's management structure or choosing a school reform model."

Sure, the reforms must be "fundamental," but once *any other* appears, you know that "fundamental" will start to include things like creating a parent advisory committee or freshening the place up with a really nice coat of paint.

### Paths of Least Resistance

So far, states are enthusiastically ignoring the opportunity for fundamental reform. According to two recent reports by the U.S. Department of Education, the early returns on NCLB restructuring are none too promising. A study of Title I accountability shows that as of 2004, only 1 of 12 states with Title I schools identified for restructuring reopened a school as a public charter: 1 turned over operations to the state, 2 states replaced school staff, and 8 took no action.

A separate report on implementation of Title I up to 2005 found similarly slim effect, with by far the most common "restructuring" action being hiring a new principal. Indeed, some 24 percent of the 1,065 Title I schools identified for restructuring replaced the principal. (Hold the applause. Researchers

noted that "this may partly reflect normal principal turnover....")

Leaders in only one state have stepped boldly forward and included chartering among sanctions for low-performing schools. Maryland's state superintendent of schools, Nancy Grasmick, proposed the takeover of 11 Baltimore schools, all of which had sat on the state's watch list for at least a decade. Some would have been chartered; others would have been operated by a third party with charterlike autonomy. The proposal kicked up howls of protest from Baltimore politicians, who wrapped themselves in the mantle of local control. By far the best commentary on this spectacle was provided by my colleague at the National Alliance for Public Charter Schools, Andy Smarick, in a biting April 2006 *Baltimore Sun* op-ed: "If the city's leadership has the right answers, it has the opportunity to prove it by turning around its 43 other failing schools."

Traditional districts may have even less incentive than states to embrace chartering. The numbers suggest that chartering is an unwelcome responsibility for many. According to a Thomas B. Fordham Institute study, roughly 90 percent of authorizers are districts, but districts oversee only 52 percent of charter schools. Most do one or two charters and never develop the skills and attitudes of first-rate authorizers.

### Exceptions to the Rule

There are some important exceptions. Chicago Public Schools has authorized a cluster of remarkably high-performing charter schools. Through its Renaissance 2010 program, the city is methodically closing its lowest-performing schools and then reopening them as charters, contract schools, or Performance Schools, which are highly autonomous but run by the district. The two processes—close and reopen—are quite separate. To ensure a supply of new school options, the city conducts an RFP

process rather than trying to convert existing public schools.

Other good examples of using the charter option for district-wide sponsored restructuring are regrettably scarce. Under the leadership of former superintendent Alan Bersin (now California's secretary of education), San Diego witnessed a real blood-'n'-guts struggle for three schools to reopen as charters after they were among eight identified for NCLB restructuring. The effort drew fierce opposition; the next school-board election produced an anti-charter majority and cost Bersin his job. Ironically, it was the school communities themselves—parents and kids—who fought hardest to get the three charter petitions approved, and in the end the new school board relented.

Sadly, the best current illustration of all-out charter-led restructuring has little to do with NCLB. The New Orleans school system was closed, *in toto* overnight, by Hurricane Katrina. Local and state leaders, prompted by generous federal funding, used the charter law and gubernatorial orders to start reopening schools with dramatically higher standards for teacher hiring, freedom from the famously dysfunctional central office, and a determination to end the ugly local tradition of have/have-not public schools.

It's important to note that in these cases, we're not talking about charter "conversion." In fact, that term doesn't appear in NCLB.

This is more than semantics. In a charter conversion, the reform impetus is internal to the school community. A majority (or supermajority) of teachers and/or parents, fed up with low achievement and system hassles, files a petition for a charter conversion. The charter is granted, and this same group, unshackled, gets to try all sorts of innovations. But when no one inside the building is asking for a change, and when the insiders may in fact be the problem, the option to

reopen as a charter is something else altogether: the kids and parents stay, but a new team, with wholly new assumptions, expectations, and powers, takes command.

State laws often bog charter conversions down with excess baggage, such as keeping the school under the district's collective bargaining agreement, or requiring that it have a higher percentage of certified teachers than other charters. If the point of restructuring is a fresh start, a blank slate, a New Deal—well, that ain't it.

### Making the Case for Charters

It's a mathematical certainty that in the next year or two, massive numbers of schools will start populating the Year Five column. Now is the time to help district and state leaders understand why a charter-based new-schools policy is a sound response to NCLB sanctions.

Good conceptual groundwork has already been laid by Ted Kolderie, Joe Graba, and their colleagues at Education/Evolving, who argue convincingly that "we can't get the schools we need just by changing the schools we have." And NACSA, the National Association of Charter School Authorizers, has embarked on a Starting Fresh campaign, urging districts and states to opt for close/reopen rather than retreat.

But the case must be empirical, too; why else should state and city leaders even think about replacing worn-out district schools with new charter schools? Happily, there is increasingly impressive achievement being reported for charters that have been welcoming hordes of families fleeing dysfunctional, unstructured urban schools in Washington, D.C., Buffalo, New York City, and elsewhere. It is performance, not just promises, that is causing leaders like New York City's Joel Klein to make charter schools a vanguard for broader system reform.

### The Feds

Think tanks and lobbying groups are already buzzing about what they want in the reauthorization of NCLB, nominally due in 2007. But word in the congressional cloakrooms is that the big bill might wait until after the next presidential election. Between now and 2009 we may be stuck with that "any other" language, which means that regulation, guidance, and jawboning are needed to make restructuring happen on a faster track for the kids who need it most.

Education secretary Margaret Spellings and her crew play the pivotal role here. Spellings is showing commendable backbone on choice, warning states that they can lose Title I megabucks if they fail to provide students with escape options from failing schools. She should do the same on restructuring.

Specifically, the Department of Education (DOE) should wallop states that play games while kids remain trapped in lousy schools. DOE should issue firm guidance that states must not evade clear congressional intent by allowing weak-kneed responses to chronic school failure. States needn't mandate the charter route, although it provides the best hope of truly starting fresh. But they do need to galvanize fundamental change.

My own hunch is that whether federally urged or not, whether formally embraced by district and state officials or not, fundamental change is coming to underperforming schools and systems. As long as charter schools aren't kept from opening or expanding because of arbitrary state caps, parents will continue flocking to them. The charter market share in big cities will continue growing. NCLB gives traditional systems a way to jump-start reform by capitalizing on this powerful trend. If they ignore the opportunity but continue to lose customers, they invite a far less orderly kind of restructuring.

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