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## **TABLE OF CONTENTS**

Executive Summary .....	Page 1
Recommendations .....	Page 3
Introduction .....	Page 5
Definitions .....	Page 8
What the Committee Learned .....	Page 10
Appendices .....	Page 20
A. Letter from Education Committee.....	Page 21
B. Charter School Definitions.....	Page 23
C. Bibliography .....	Page 25

## **EXECUTIVE SUMMARY**

The Charter School Study Committee (CSSC) was organized by the State Board of Education in response to a request from the Joint Committee on Education and Cultural Affairs. The CSSC was asked to study and make recommendations with regard to two specific models of charter schools: those that promote local public school innovation and those that involving regional partnerships offering alternative education for at-risk students. The emphasis was to be on models that would complement rather than compete with the public schools. (Appendix A)

The CSSC made an extensive study of existing literature and research on charter schools, keeping in mind the context of Maine schools, particularly the rural nature of the state, and the many education initiatives currently underway, including implementation of Learning Results, Promising Futures, the No Child Left Behind Act, etc.

The available research on charter schools shows a mixed picture. There is evidence of success as well as clear signs that charter schools do not offer a panacea for the problems of schools. In terms of stimulating innovation in public schools, the impact is seen primarily in an increased attention to communicating with constituencies. Public schools in areas where there are charter schools tend to put greater emphasis on keeping in touch with various publics including parent, students and the community at large.

The literature reveals many charter schools providing alternative education programs for at-risk students including a number with a regional approach. Some of these schools are welcomed by other area public schools but it is important that attendance at these schools, as well as at other charter schools, be voluntary so they do not become dumping grounds where other schools unload problem students. In these and other regional charter schools, an important issue to be addressed is the responsibility for transporting students. Some regional charter schools for at-risk students are operated by various agencies via contracts with sending districts.

Funding of charter schools varies widely but the CSSC believes that the Essential Programs and Services approach should apply to any charter school in Maine.

Clearly related to funding is the concern that any development of charter schools in Maine must be accompanied by appropriate personnel and other financial resources at the state level, particularly for the Department of Education and the State Board.

It is in the authorizing of a charter school that the terms and conditions of its operations are specified. The authorizing document is, in fact, a contract between the authorizers and the board of the chartered school, spelling out the mission of the school and the obligations it will be required to meet. Such a document covers all major aspects of the school including scope, governance, finances and student performance objectives.

The CSSC believes that the key authorizers of charter schools should be local school administrative units with an appeal to the State Board of Education as a safeguard against arbitrary denial of a charter. The number of permissible charter schools should be limited and the institution of charter schools should be viewed as a pilot project with carefully planned evaluation of all aspects.

Accountability of a charter school is a vital factor and strict accountability is a balance for the extra flexibility that charter schools may enjoy when compared to other public schools. Fiscal responsibility, student performance and the play of market forces are all aspects of accountability.

## **RECOMMENDATIONS:**

In response to your invitation to do so, we make these recommendations as a preliminary step, knowing full well that significant additional work will be necessary before legislation embodying these recommendations can be cast in law, if that should be the will of the Legislature. Providing the capacity within the relevant responsible agencies, especially the DOE and the MSBE in the areas of financial and personnel resources undergirds all of our recommendations. We deem that essential to the success of any chartering initiative.

1. We recommend that a modest, limited pilot project in chartering and in the establishment of chartered schools be authorized in law. While we are hesitant to suggest a number, we find the New Hampshire initiative of a maximum of 20-chartered schools phased in over a ten-year period an attractive scope for Maine at the outset. There should be an on-going evaluation of the chartering process as well as of the chartered schools throughout the pilot phase--with provision of appropriate resources for the responsible agencies.
2. We recommend that the local school boards be the principal authorizers with the Maine State Board of Education serving as an appeal board with the authority to charter when deemed appropriate, but only on appeal. Any action by the MSBE would come following receipt of a recommendation by the Commissioner of Education. In the event that new regional operational or governance structures are created in public education in the future, they should be considered for authorizing responsibilities.
3. Any legislation should make clear that there is a presumption that local boards will fulfill their authorizing responsibility under the law as long as established criteria are met. Criteria should include, but not be limited to: statement of purpose, size, scope, funding, outcomes and goals, governance and operational structure, accountability, the manner in which the chartered school will complement the district's offerings and programs, and demonstration of sufficient public interest to warrant the initiative. The chartering should occur if these criteria are met and the district or the State has sufficient capacity to monitor the chartered school.
4. The issue of minimum state and local capacity, especially in terms of personnel, should be addressed. The State Department of Education (DOE) should provide assistance and guidance to local boards and other potential authorizers to mitigate the burden of authorization and oversight. Additional resources should accompany additional responsibilities.
5. Per pupil funding should be based on the Essential Program and Services funding levels for all students.

6. To mitigate the fiscal and other impacts on the local school districts, start-up chartered schools should not enroll more than a specific percentage of the local district population in any given grade. Again, we are reluctant to state a number, but suggest that it might be in the 10-20% range. The possibility of a modest, interim impact aid fund to mitigate the impact on established districts might be considered.
7. We recommend that special attention be given to the encouragement of regional chartered schools in the at-risk category of students as well as in the general student population. Regional approaches diminish adverse fiscal impact on local districts and encourage a more complementary approach. They serve the rural and dispersed character of the Maine population more effectively. Transportation should be resolved in the chartering process, but we support public responsibility for this facet of the program.
8. The Maine Department of Education should be empowered to seek federal grants for planning and implementation support for charter groups.
9. There should be room, particularly in the alternative education arena, for existent schools to seek conversion to chartered school status to encourage even greater flexibility and access to additional funding from the federal sources.
10. Finally, to address the many complicated policy issues, including "felt financial loss" as well as actual loss of funds, we urge that the DOE be empowered to seek consultant support from national experts, and also apply for funds from private foundations such as the Joyce Foundation to support such expertise, to help Maine employ best practices as it works its way to a positive and fruitful introduction of chartering and chartered schools.

# **REPORT OF THE CHARTER SCHOOL STUDY COMMITTEE OF THE MAINE STATE BOARD OF EDUCATION**

## **INTRODUCTION**

### **BACKGROUND:**

The Charter School Study Committee (CSSC) of the Maine State Board of Education (MSBE) was established in July 2003 pursuant to a request from the Joint Committee on Education and Cultural Affairs (see Appendix A) to conduct a study to determine if there are public charter school models that:

1. Promote local school administrative unit innovation in delivering complementary school programs through a modified school structure; and,
2. Provide structures for regional partnerships in the delivery of alternative education programs for at-risk students.

Further, the CSSC was invited to make recommendations, including suggested legislation, to the Committee in January.

The chair of the MSBE, Jean Gulliver, appointed three members of the State Board to the CSSC; Kenneth Allen, Jim Carignan, and Ellie Multer. The Committee was chaired by Jim Carignan and Ellie Multer. The Board members were encouraged to expand the membership in a manner that would facilitate its work and engage interested parties. John Maddaus of the University of Maine at Orono, Stacy Smith of Bates College and Nancy Jennings of Bowdoin College agreed to join the CSSC to contribute their academic expertise as well as their research experience. Patrick Phillips, Deputy Commissioner of the Department of Education, and Valerie Seaberg, Team Leader and Policy Director for Standards, Assessment and Regional Services in the Department of Education joined the Committee as the representatives of the Commissioner of Education. In addition, representatives of the Maine Association For Charter Schools, the Maine Principals' Association, the Maine Superintendent Association, the Maine School Management Association, and the Maine Education Association, were invited to attend all meetings and were encouraged to participate in deliberations, but they were not members of the Committee, and they did not participate directly in the writing of this report.

The CSSC held six formal meetings. In carrying out their work, members of the CSSC consulted with:

- Representatives of the Education Commission of the States
- The U.S. Department of Education
- A significant number of state departments of education
- America's Charter School Finance Corporation
- Professor William Davis of UMO and others

Members also reviewed much of the embryonic, but burgeoning, research and literature on charter schools (see Appendix B). Two of Professor Smith's students researched aspects of this question and supplied the results to the CSSC.

### WORK OF THE COMMITTEE:

One of our first of many difficult issues was to be clear on the charge from the Committee. Deceptively simple on the surface, the whole of the charter school issue is in reality complex and draws one in multiple directions. We resolved to stay focused on our interpretation of the Legislature's intent. Dr. Phillip McCarthy, Legislative Analyst for the Education Committee, was helpful in this regard. After much discussion, the CSSC agreed that its charge was to:

1. Take a fresh look at charter school development in other states that holds promise for K-12 education in Maine; and
2. Specifically seek evidence of public charter school models that promote innovation in local education and are complementary to current structure; and,
3. Search for charter models of regional approaches in alternative education for at-risk students; and
4. Finally, make any recommendation for legislative action we deem appropriate.

We should note at this time we divided the larger charter school question into two broad areas:

1. Chartering: the policies and procedures that maximize effective operation in the process of developing charter schools; and
2. The schools themselves, which schools might serve as models relevant to Maine. (Kolderie, 1)

We did our work with careful attention to the educational context in Maine. In particular, we recognized that there is much happening in the educational arena in the State. Indeed, initiatives and other developments currently in play in Maine are nothing short of transformative in potential. Arguably for the first time Maine is committed to ensuring that all students achieve high-standards, and this daunting challenge calls on us to use all opportunities that are available to achieve the goal. The implementation of the Maine System of Learning Results, the impact of the Federal No Child Left Behind Act (NCLB), pedagogical and curricular changes effected by standards-based systems, the development of a comprehensive state and local assessment system, and Maine's effort



to transform the nature of secondary education through the Promising Futures initiative are some of the more prominent and dramatic efforts currently under way.

Consideration of adding another new initiative, viz., charter schools, must be carefully weighed given the "full plate" of the educational community, and it must in the end offer promise of significant assistance in achieving the transformative agenda that Maine has set for itself in education. We are also well aware of shifting demographics in the State, the emerging teacher shortage, our rural character, and the fiscal constraints at the State and local level that have an impact on this question and are an important part of the context of this consideration. These contextual issues significantly influence our conclusions.

Nevertheless, we recognize that desirable change in such a diffuse and large system as K-12 education in Maine is slow and difficult. Therefore, it behooves us to consider very carefully the role that charter schools, appropriately configured, can have in making a significant contribution to the culture of change which is very much alive and needed in the educational community in Maine. In particular, chartering can play a complementary role to the multiple initiatives currently underway in Maine. The charter school option of choice for some students can be a powerful policy tool for realizing the high standards established in this time of setting higher goals for education. It provides another opportunity for students and families to find an educational "fit" that will maximize the chances of students succeeding in meeting the high standards.

Therefore, we have concluded, and we will discuss our reasons herein, that there is room for a LIMITED PILOT PROJECT that would allow us as a State to experiment with charters, but only under conditions we deem essential to their success and to continued improvement and change in the public school system, K-12, as we currently know it.

## **DEFINITIONS**

**Alternative Education Programs:** Programs, such as those that currently exist in many systems in Maine that address the significant needs of students who because of a host of circumstances are unable to fully realize their potential in the existing public school setting. Programs may be characterized by flexibility of scheduling, individual instruction and program planning and other more focused alternative approaches.

**At-risk students:** May include any students who are not achieving their full potential or are disengaged or at risk of failure academically, socially or personally, etc., in the established public school system.

**Authorizer:** The agency empowered under law to issue a charter for a new charter school.

**Charter School:** An open enrollment public school operating independent of established school boards and under the aegis of a board of trustees or directors. Charter schools operate as non-profits under a charter with defining terms such as size, goals, outcomes, etc., issued by the appropriate authorizing agency. Student enrollment is by choice. The NCLB definition is in Appendix B.

**Complementary:** Provides opportunities in program and pedagogy, not readily available to the degree proposed by the charter, to students in the local district. A complementary charter school promotes collaboration between local districts and charter sponsors in order to achieve expanded options for students and families.

**Conversion Charter School:** Charter schools may be created by granting a charter to an existing public school or alternative education program.

**Education Management Organization:** A private company that is contracted by some chartered schools to handle many of the operational management issues, such as personnel management or accounting services.

**Host School District:** The school administrative unit (SAU) in which the charter school is geographically located.

**Innovative:** Refers to the offering of programs, pedagogy, and governance not predominantly available in the existent public schools in the area.

**Modified School Structure:** A structure that invites parents and teachers to play a significant role in the development of policy and its implementation under the aegis of a Board of Trustees (Directors) and the administrative officers of the charter school. It may also encompass a different school calendar, alternate assessments, multi-age and multi-grade level configurations, greater student involvement in governance, etc.

**Regional:** Composed of two or more SAUs from the same geographic area, but not necessarily contiguous.

**Sending District:** The school district in which the student resides.

**Start-up Charter School:** Charter schools may be created as an entirely new entity or by a non-sectarian private school reorganizing itself.

## **WHAT THE COMMITTEE LEARNED**

### **INTRODUCTION:**

The questions raised by the Committee on Education and Cultural Affairs are a few of the many key queries raised by the flurry of charter laws passed by many states beginning in the late 1980s. All these laws represent a radical departure in state policies. The questions include, but are not limited to: Why are we doing this? How do we define it? What is its impact on public education? How is it working? Is it having success? By what measures? How do we know?

While these questions are clearly related to the request of the Committee to the State Board, they go beyond the precise questions we were asked to address, albeit, they always lurk in the background. We will try to focus this section of the report on the questions asked us by the Committee. However, related matters impact these questions and will be addressed where we deem them pertinent.

At the outset, we will focus our work specifically on innovation, including the charter school impact on existing systems in this regard. Next we will speak to the concept of charter schools as complementary to the established systems. We will discuss categories of "modified school structure" in play across the country. The next topic will be the interesting possibilities inherent in the idea of regional partnerships as an approach to charter school organization. Defining "at-risk" students and the role of alternative education programs under the auspices of charters will be considered. Finally, although not expressly requested by the Committee on Education and Cultural Affairs, we will address the areas of funding, authorizing, accountability and outcomes because they are fundamental aspects of the matters referred to the State Board.

In approaching its task, the committee found it useful to divide the question into two parts: chartering and the chartered school. Chartering refers to the new state policies and procedures and the processes that bring new schools into being, and chartered schools means the schools themselves. (Kolderie,1)

### **INNOVATION:**

From the perspective of chartering it is difficult not to see significant innovation in the process. "Chartering is partly a research and development enterprise producing new models for teaching, learning, governance, management-teacher professional partnerships, for example." (Kolderie, 1-2) In this experimental paradigm it is inevitable that there will be failures, moderate successes and dramatic improvements. That is inherent in the nature of experimentation.

Katherine Bulkley and Jennifer Fisler offer a mixed review on the question of innovation in their April 2002 study. In the area of governance and management they see significant innovation. Some schools have parents playing a central role, others have teachers in a dominant role and still others have a core of administrative leaders who make a deep imprint. In some cases students occupy important roles well beyond what occurs in local districts. Leaders tend to come from more varied backgrounds offering the promise of more innovation flowing from a variety of backgrounds. Teacher unions tend to have reduced influence. Chartered schools are more innovative in school and class size (smaller), grade configuration, and the use of staff time.

Bulkley and Fisler paint a more mixed picture when it comes to classroom practice and pedagogy. They cite Mintrom's study in which he concludes that charter schools were "somewhat more likely to engage in curricular innovations...but were often essentially working to create localized variations of practices that are already common within the broader public school community." In Mintrom's study of Michigan, the key factors that contributed to innovation were, not surprisingly, "motivation, lack of constraint, and an inclusive deliberative process within the school." (Bulkley and Fisler, 4).

There is much variety in classroom and pedagogical practice in chartered schools. They range from "back-to-basics" approaches to cyber schools. In between these ends of the spectrum we have diverse models, including thematic schools, those with a focused mission and purpose, individualized education, and project-based approaches.

In summary, in the chartering arena as well as in the chartered school realm, there is a general paucity of definitive research on the question of innovation. The word itself defies common definition in the literature and ranges from something not present in the area to an approach that is genuinely new. The studies that do exist register mixed results. We tend to agree with a National Association of State Boards of Education (NASBE) study of April 2003, which suggests there has been considerable innovation in the area of governance with larger roles for parents, teachers, and in some cases students. Organizationally, there is innovation that clusters around smaller schools with smaller classes, varied grade configurations, looping and thematic approaches. In terms of classroom practice across the nation in chartered schools there is less that is innovative than one might expect. In this area, many chartered schools are practicing variation on what exists in public schools, although there are notable and promising exceptions to this generalization. A study of Michigan charter schools concluded that they "were somewhat more likely to engage in innovation." A Massachusetts study found a predominance of "a stronger unifying focus...often leading to a thematic content approach." (NASBE Policy Update, April, 2003, 1-2)

Examples of schools with innovative approaches include: Minnesota New Country, Minnesota; Canoe Creek, Florida; Charter School of Wilmington, Delaware; Harmony, Ohio; Cyber Schools in Pennsylvania; and Roots and Wings Community School, New Mexico. The Wisconsin Charter Schools Association cites a number of innovative approaches, particularly with at-risk students. The Academy of Learning, for example has developed a curriculum which emphasizes the workplace. The River Crossing

Charter School in Portage Wisconsin is for middle school students and the entire curriculum is organized around environmental concerns with a focus on learner-centered pedagogy. There are many other examples that could be cited.

Our committee interpreted the charge to include an assessment of the impact of chartered school innovation on the established public school system. Here again, there is limited evidence and it is varied. There is some evidence of impact that deserves being noted.

The most regularly cited area of impact was in the broad area of marketing. Public schools in a district with a chartered school tended to pay greater attention to their constituencies by developing more active communications programs with parents and the public in general. Many superintendents bemoan the loss of funding, albeit, one superintendent called it a wash. In a study of the Michigan system the authors concluded that there was "modest" evidence that chartered schools had impacted the existing schools with the "adoption of new programs (including theme schools), greater attention to mission, etc.

#### COMPLEMENTARY:

The charter school movement was founded, in part, on the belief that competition in the K-12 education marketplace would have a beneficial effect on all schools. Many chartered schools have been born in competition, if not conflict, and remain in that posture in regard to the local district to this day. Nevertheless, there are numerous examples in many states of chartered schools that function in a highly collaborative manner with existent public school systems and give witness to the power of a collaborative, cooperative approach.

The small amount of data that we have indicates that it is difficult to predict how new-chartered schools and established systems will interact. As indicated above, attitudes and practices, the community climate and the educational culture shift in different ways with the introduction of chartered schools (Rofes, "How Are School Districts Responding to Charter Schools, 16).

Chartered Schools born in a competitive and conflicted chartering process tend to increase pressure and stress for educators in established systems. Hostility and vilification spill out onto the larger community, often poisoning the educational ambience for the entire community. Schools are pitted against each other and all lose. However, when chartering occurs in a cooperative environment with local districts, or chartered schools are formed to deal with conditions in the local system where the established schools welcomed the assistance, a different story emerges--one of complementary interaction. In Tucson, Arizona, for example, a chartered school to deal with at-risk students was welcomed and supported by the local district. Similar stories can be told of chartered schools in Stillwater Missouri, and Dillon, Colorado. Also, chartered schools in Denver were supported by the superintendent and the school board as an

effective way to deal with a ballooning school population. In Adams County, Colorado a gifted and talented-chartered school shared a building with a middle school, and one teacher welcomed the richness and the excitement that the chartered school brought to the building.

Yet those chartered school that form to compete expressly with the existing system face profound animosity in many places. This is particularly true in rural districts--a matter Maine should note well. The opening of a chartered school in Queen Creek, Arizona split the community in half. One staff person reported, "Neighbors quit talking to each other. Friends quit talking to each other." (Rofes, 14-15). In one Massachusetts district teachers who went to a new chartered school faced hostility. In New Hampshire in order to mitigate the adverse fiscal impact on the existent system, the state enabling legislation for state chartered schools limits the number of students who can come for a sending school to 10% of the population of the grade in that district.

Generally, over time the intense acrimony generated in the course of the chartering abates, but it often does not go away. In some instances the contentious quality of the relationship persists to this day.

Since Maine is a rural State and the population is widely dispersed in a large number of districts, the potential for adverse impact on the fiscal condition of the local district as well as the emergence of attitudinal, climatic, and cultural contentiousness is high. It is important, therefore, to ensure as much as possible a cooperative complementary chartering process. The Center for Education Reform and the American Federation of Teachers offer criteria that give rise to the following questions:

1. Should the number of chartered schools be limited?
2. Should chartering be authorized only by the local school district?
3. How should eligible chartering applicants be defined in law?
4. What evidence of local support is necessary?
5. What should be the pace of the introduction new start-up schools?
6. Is accountability the same for chartered schools as it is for other public schools?
7. Should admission to charters be open and without cost to the families?
8. Should charter school be required to meet all state and federal safety standards?
9. Should chartered schools be open to all applicants?
10. Should faculty be allowed to organize for the purpose of collective bargaining in chartered schools?



The ways in which these criteria are addressed can be significant in determining the climate and culture for cooperative and complementary situations.

## MODIFIED SCHOOL STRUCTURE

There is a plethora of models of organizational structures across the country. In general, they fall into a number of categories that include: groups of parents, a cadre of teachers, educational institutions, including local school boards, colleges and universities, and concerned citizens.

Chartered schools function under a Board of Directors which has legal responsibilities, including fiduciary responsibilities for the operation of the chartered school. The chief administrator (superintendent, principal) is responsible to the board. Parents generally play a large role in the governance and daily operation of the chartered school. All the literature indicates that parents in these settings display a greater sense of ownership and responsibility than is the case in the traditional public school system. This greater engagement is facilitated by the smaller size of most chartered schools--they are simply more accessible. Another difference demonstrated in the NASBE charter study this year is that administrative leaders tend to come from more diverse backgrounds than do those in the traditional public schools, suggesting greater potential for change and innovation. A California study in 1998 concludes that, comparatively, the chartered school leaders play a more dynamic, vital role in their schools.

A relatively new development in the chartering process that deserves careful watching is the emergence of the educational management organization (EMO). "EMO's manage some or all of their [chartered school] operations" (Bulkley and Fisler, 8). In Michigan, for example, EMO's manage some part of the operational activity in 70% of the chartered schools.

Perhaps the greatest areas of modified structure in the operational realm are class size and grade configurations, staffing patterns and the use of time. The schools are smaller, more than 50% have multi-grade configurations that vary from local districts and school time is more flexible, often with opportunities for students to be involved in community "hands-on" learning activities.

Research suggests that the greatest amount of change and innovation occurs in the governance, structural, and operational arenas. Smaller schools with greater parental involvement, diverse leadership, multi-age, multi-grade configurations are the salient qualities of change in the chartering process and the chartered schools.

Critical to the creation of these modified structures is the authorizing process. It is here in the chartering that the degree of autonomy and the promise of innovation are determined in large part. This very important matter is addressed below.



## REGIONAL PARTNERSHIPS

Regional partnerships are not new to Maine. There are models of effective regional partnerships across the country and in Maine as one would expect. Some are limited to cooperative ventures with large districts with significant student populations. Others draw students from multiple smaller districts. It is this latter category that is most relevant to the Maine situation, in our opinion. We can learn the most from these.

Minnesota appears to have the most experience with regional chartered schools. There have been inter-district regional programs for almost 15 years. Many students have been involved. The greatest difficulty regionalization faces is transportation. The most common model in Minnesota is for the sending district to take responsibility for transporting the student to the host district line, at which point the host district assumes responsibility. In Minnesota, regionalization has been applied to at-risk students or narrowly-focused theme schools, such as those for the performing arts.

Minnesota has developed another model of interest to Maine, the regional alternative education chartered school--again, serving at-risk students. Area Learning Centers serve students across districts, while Alternative Learning Program schools serve students within a single large district. Berg and Schroeder in their study, "Alternative Education Programs: The Quiet Giant in Minnesota Public Education" note that there are 160 programs in 600 sites enrolling approximately 180,000 students.

Maine has some models that deserve careful scrutiny. The Real School in Windham, The Casco Bay School, The Community School in Camden, and the New School in Kennebunk come to mind, and some consideration of the conversion of such schools might be in order in Maine in replication of similar processes in other states. The establishment of a chartering option in Maine would provide a structure which would potentially stimulate more regional partnerships and bring additional funds to the state to support such efforts.

Regional partnerships are not limited to alternative education programs or at-risk students. There are a number of successful programs across the country that draw from multiple districts. They face the transportation issue in different ways ranging from offering no assistance to creative sharing of the responsibility among the participating districts. One of the advantages of a regional approach is that it reduces the negative fiscal impact on the district involved in the region.

## AT-RISK/ALTERNATIVE EDUCATION CHARTERED SCHOOL PROGRAMS

There are a number of different definitions of at-risk students employed in the charter school movement. They include: inclusion in the free lunch program, performance, students with children of their own, students with engagement in the criminal justice system, truants, and potential dropouts. We chose to use the broader definition to apply

to a student who is not achieving full potential, is disengaged, or at-risk of failure academically, socially, or personally in the established public school system.

Chartered schools for at-risk students are present in many states. Indeed, in Texas there is a predominance of such schools. A 2001 study shows that in that state at-risk student performance improves in the chartered schools in math and reading over time in comparison to those who remain in the traditional system. Similar stories can be told of schools in Louisiana, Michigan, Florida, and Wisconsin, to mention a few. Minnesota, as noted above, leads the nation in numbers of alternative educational chartered schools. Schools of note include Coon Rapids in Minnesota, a school in Jacksonville, Florida chartered by Daniel Memorial, Inc., and Textron Chamber Academy, Rhode Island.

There are a large number of alternative education programs that are naturally "at home" in the chartered school model. The characteristics of these schools include, but are not limited to: clearly defined purpose or mission, high standards, specific teacher training, flexibility and innovation in the use of time and in the definition of program for both teachers and student, strong parental and community support, more practical, project-based curriculum, a safe environment, small size, dedicated and stable leadership, more individualized instruction. The two most powerful indicators of success are: 1) sense of hope and empowerment the program provides for the students, and, 2) the personal relationships that exist between teachers and students--a caring relationship with high standards. (Davis, 2003)

Actually, there are two discernible models of chartered alternative education programs: the contracted and the district. The contracted involves the direct contracting with a group, often a social service agency (a YWCA had notable success in Louisiana), to operate a program. In Minnesota there are 28 alternative chartered schools under the contract method. The district alternative education schools in Minnesota, for example, are sometimes regional, and they number more than seven.

While most of the motivation for the chartering of alternative educational models stems from a profound and laudable interest in providing more appropriate learning environments for at-risk students, our committee has some concern that these schools not turn into "dumping" grounds for problematic students. Evidence of this trend has surfaced in Minnesota and elsewhere in the nation. In subtle and sometimes not so subtle ways, administrators and teachers "encourage" troublesome students to enroll in these programs. It is a way to get low performing students "off the books" in an age where public accountability and testing are commonplace. A related danger is that traditional systems can consider themselves "off the hook" in terms of providing alternative learning opportunities for those who learn in nontraditional styles, thereby stifling experimentation and change within the traditional system. Our committee felt very strongly that chartered alternative education opportunities must remain entirely voluntary and that care should be taken in the chartering process, especially in the authorization, to ensure that such chartered schools do not become "ghettoized."

## IN ADDITION:

We want to take this opportunity to comment very briefly on matters that we deem inherently important to our charge, albeit, not explicitly referenced in the request from the Education and Cultural Affairs Committee. These include funding, authorizing, accountability, and the complicated question of outcomes.

1. **Funding.** Critical to the success and equity of chartered schools is the funding issue. Resource-starved charter schools are likely to fall short of achieving their missions. Those that must rely heavily on private funding, especially from parents, often tend in the direction of inequity as they attract ever-larger proportions of the upper socioeconomic groups in the community. Similarly, smaller public schools in rural districts facing already declining enrollments because of demographic shifts are at-risk if even relatively small numbers leave to join a chartered school.

The central tenet of chartered schools is "the money follows the student." That is a misleadingly simple axiom for what is, in fact, a highly varied practice across the nation. Connecticut, for example, provides \$6500 per pupil for state chartered schools. Locally authorized schools determine the funding level through negotiated arrangements written into the charter. In Massachusetts there is a per pupil allotment based on the average school district pupil expense for Commonwealth schools. Horace Mann schools in Massachusetts receive funding on the same basis as any other school in the district. Arizona, Louisiana, Michigan, and Texas allow funding to be determined through negotiation that is included in the charter. In some states, for example, New Hampshire, the allotment is based on a percentage of the per pupil allotment in the district. A number of states distinguish between higher cost students such as high school pupils as compared to lower cost students who are in the elementary levels. To confuse matters even more, some states, Massachusetts, for example, offered impact compensation or mitigation for districts losing students to the chartered schools. In the budget surplus nineties, the sending district retained the State's per pupil allocation and the chartered school received the same amount.

Special education funding also offers great variety of practice. Summarily put, models include funding based on: 1) negotiations with the local district(s), 2) disabilities of the student involved, 3) the sending districts special education revenue or spending. Similarly, a number of states offer adjustments for at-risk or low-income students either through a formula or a negotiation process with the district(s). Some states make adjustments on the basis of the wealth of the community as indicated by valuation, district size, or cost of living variances.

As indicated elsewhere in this report, transportation is often a major and difficult financial issue. In some states school districts provide transportation for all students within the district, including those attending chartered schools. In other

states, there are specific, more limited arrangements made. In about one-third of the states, no transportation aid is provided.

In most states neither the state nor the district provide startup funding or capital plant funding. There are federal funds available that are accessible by state agencies or an individual chartering group on a competitive basis that help to address these issues. Grants vary widely in size.

In Maine, the Essential Programs and Services approach will provide good guidance in addressing these issues successfully.

2. **Authorizing.** Most states that have charter laws allow local school boards to authorize. Some states allow colleges and universities, not for profits, state agencies, and others to authorize charter schools. It is the pivotal point in the chartering process. Clarity and precision are the hallmarks of effective authorization. It is in the authorization process that the definition of the chartered school is determined and established. Among the most important matters to address in the authorizing component of the chartering process are: purpose and mission, admissions process (lottery preferred), size and scope, governance, organization, funding plans, degree of autonomy, relationship to the authorizer, specific financial arrangements such as transportation, per pupil rate, special needs, etc., duration of the authorization, monitoring responsibilities and procedures, outcome goals, accountability, procedures for revocation, innovative practices in teaching and learning programs, the nature of the relationship to the local district, e.g., the complementary quality of that relationship., These are all essential matters in the chartering process and are best addressed in the authorizing document. That document is, in fact, a contract. As is the case with all contracts, clarity and precision are the best roads to common understanding and agreement. That should be achieved, however, without compromising the autonomy and flexibility at the heart of the purpose of the chartered schools.
3. **Accountability.** Accountability for chartered schools comes from a variety of areas. No Child Left Behind includes chartered schools in its system of accountability. Most states hold chartered schools to the state standards measured through the state's assessment program.

A most powerful force for accountability is the market. Since access is voluntary, student and parent satisfaction are essential to sustaining the chartered school. As a result, as we have seen, chartered schools pay greater attention to their clientele and have better communication with parents than is normally the case in traditional systems.

Accountability must also include fiscal responsibility. Public reports on the financial condition of public chartered schools are not uncommon, and they should be required.

Most important, there is also accountability for student performance. In this area, the specificity of the charter can be very helpful, but it must contain criteria and methodology that ensures objective analysis of the chartered school's progress in attaining the stated goals. In Maine, at this juncture, the significance of the achievement of the high standards of the Maine Learning Results as a requirement for a secondary school diploma mandates that great attention must be given to the alignment of student performance with the Learning Results and the comprehensive assessment program. Indeed this is an essential element in the State's comprehensive effort to assist all students in achieving the Learning Results, and it becomes a way in which chartering can add value to that challenge. In general, the very nature of the structure of public chartered schools tends to make them highly accountable in multiple ways to the public, but attention should be given to the means and resources for public agencies (state and local) to monitor the performance of chartered schools.

3. **Outcomes.** As indicated elsewhere in this report, but worthy of repetition here, the data on student outcomes and performance is mixed. More research is needed with better and richer ways of measuring what we mean by outcomes. There are a host of ways in which we can talk about outcomes, many of which should be addressed in the charter, which must include student performance. Increased parental involvement can be cited as a positive student outcome which is not likely to be evident in some standardized test score. Better socialization can be an important development. Improved teacher morale can have a sizable impact on student attitudes and performance. These and other qualitative areas are difficult to assess, but they tend to be areas in which chartered schools have considerable strength.

Our tendency in assessment is to focus on the quantitative areas. Here we tend to look at attendance, dropout rate, attrition (return to district school), college admissions and graduation, and scores on national and state tests. To repeat what we said at the beginning, in many of these areas the evidence is fragmentary and mixed. In most cases, however, it is accurate to say, students in chartered schools do as well as those in local district schools. Indeed, there is growing evidence that over time they do slightly better than their counterparts.

## **APPENDICES**

- A. Letter from Education Committee
- B. Charter School Definition as Defined by No Child Left Behind
- C. Bibliography

## Appendix A

## Appendix B

### Charter School Definition as Defined by the No Child Left Behind Law

(Definition excerpted from the following site: [www.ed.gov/policy/elsec/leg/esea02/page62.html](http://www.ed.gov/policy/elsec/leg/esea02/page62.html))

#### Part B - Public Charter Schools

#### SEC. 5210. DEFINITIONS.

- (1) CHARTER SCHOOL- The term "charter school" means a public school that -
- (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
  - (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
  - (C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
  - (D) provides a program of elementary or secondary education, or both;
  - (E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
  - (F) does not charge tuition;
  - (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;
  - (H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
  - (I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
  - (J) meets all applicable Federal, State, and local health and safety requirements;



(K) operates in accordance with State law; and

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

## Appendix C

### Bibliography for Charter School Sources

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