

Chartered Waters: The Twisted Navigation of the American Charter School Movement

James E. Schul
James W. Reineke
Winona State University

Abstract

The American charter school movement began in the early 1990s as a means to revitalize a beleaguered public education system. In this article, the authors explain how the charter school movement evolved from its genesis and later discuss trends among the contemporary charter school movement. The authors also suggest that the movement should revisit its roots as a collaborator with traditional public schools rather than a competitor against them.

Key Words: accountability; alternative schools; A Nation at Risk; business and educational reform; charter schools; educational policy; history of education; local control; No Child Left Behind Act; school choice; standardized testing

Chartered Waters: The Twisted Navigation of the American Charter School Movement

Bluffview Montessori School resides in the picturesque small Minnesota city of Winona. In 1991, the privately operated school was at a crossroads. While its existence relied on tuition dollars, many of the families interested in enrolling their children into the school were unable to do so for financial reasons. The principal of the school, Michael Dorer, consulted with the Winona Area Public School (WAPS) system

to discuss the formation of a publicly operated Montessori Program. Modeled after the philosophy and practice of its namesake, the Italian educator Maria Montessori, Montessori schools are known for their nontraditional practices such as mixed-age classrooms and the use of physical manipulatives to teach concepts rather than direct instruction. The notion of incorporating such a non-traditional school within a larger public system was not unfamiliar to public education in Minnesota. In fact, Minnesota had already been innovative in such ways with regard to school choice options (Nathan 2002). So, it was logical for WAPS to willingly listen to Dorer's proposal. During these initial discussions, Minnesota state representatives attuned to the situation with the Montessori school proceeded to contact Dorer about a new legislative initiative recently passed by the legislature called school charters. The school charter concept, originally conceived years earlier by Ray Budde (1988) and Albert Shanker (Molnar 1996) and later discussed by Minnesota teachers (Nathan 2002), consisted of a public school that operated independently of a school district. This school would be operated by a sponsor who was awarded funds by a particular state with the expectation that the school will produce a specified set of educational outcomes by a specified period of time. In turn, the state

proposed to provide some freedom from bureaucratic requirements typically associated with traditional public schools. The contract, or charter, between the sponsor and the state promised to spur educational innovation within the public school system. The representatives told Dorer that his discussions with WAPS made a nice fit for this new charter venture. The eventual result was an agreement between the state board of education and Michael Dorer on December

10, 1991 to create the first charter school in United States History (Dorer 2002).¹

The chartering of Bluffview Montessori Elementary began a surge of charter schools at the dawn of the twenty-first century. In a study issued in 2012 by the National Center for Educational Statistics, it was reported that nearly six thousand charter schools exist with over two million students enrolled (See Table 1).

Table 1: Growth in Charter Schools and Enrollment

Selected Characteristic	1999-2000		2011-2012	
	Traditional Public Schools (Non-Charter)	Charter Schools	Traditional Public Schools (Non-Charter)	Charter Schools
Number of Schools	90,459	1,524	92,632	5,696
Student Enrollment	46,350,000	340,000	47,199,000	2,058,000
Number of Teachers	2,622,278	13,599	2,920,353	107,929

SOURCE: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey," 1999-2000 through 2011-12. (This table was prepared March 2014.)

The pioneers of this charter school movement, namely Ray Budde and Albert Shanker, articulated a clear vision for the purpose and nature of charter schools. As charter schools increased in number, this theoretical vision became blurred in practice as states throughout the nation began issuing charters to sponsors. The authors assert that the current concept of charter schools understood and accepted by the public is a deviant from its original conception. In fact, the authors believe that the charter school concept is currently mis-used by some

economic and political leaders as a means to privatize public education. It is our aim to provide through this chapter the historical background of charter so school leaders and policy makers may be better informed of the current path of the charter school movement.

The Genesis of Charters with Ray Budde

The roots of the modern charter school movement lie in the domestic and foreign political initiatives of the 1980s. In 1983, the U.S. Department of Education issued the A Nation at Risk report that

warned the nation that youth were academically ill-prepared in its public school system. “If only to keep and improve on the slim competitive edge we still retain in world markets,” the report asserted, “we must dedicate ourselves to the reform of our educational system for the benefit of all” (National Commission on Excellence in Education 1983). This initial warning sent a shockwave of concern throughout the nation that eventually led leaders in and out of American public education to call for reform of the school system. Another national report called the Task Force on Teaching as a Profession emerged in 1986 from the Carnegie Forum on Education and the Economy emphasizing that a growing consensus in the nation demanded the public schools should return as “engines” of progress and economic productivity (Budde 1988). The collective narrative among most education policy initiatives in the 1980s became clear: schools should be held under closer scrutiny as a cause for the economic decline of the United States. It is in the midst of this testy landscape for American public education that Ray Budde, in 1988, introduced a new path to revitalize public education to a national audience yearning for solutions with his publication of a book entitled *Education by Charter*.

Ray Budde was a former middle school English teacher and school administrator who eventually become an education professor at the University of Massachusetts in Amherst. By 1988, he was the director of an Educational Collaborative of school districts in Massachusetts (Saulny 2005, June 21). He had long thought of the concept of charter schools and formally

announced his ideas in *Education by Charter*. This book served as the manifesto of charter school reform as it pragmatically presented why and how to form a charter school before any actually existed. Budde used the term “charter” to describe his concept because he believed it to be akin to the charters given by European monarchs to navigators once new lands were discovered during the era of exploration in the late fifteenth century. Charter schools, he believed, was an exploratory venture to improve American public education. In his book, Budde listed twelve goals “a school board and educational staff should be able to accomplish” in a “reorganized school” for the 1990s (Budde 1988, 8). These goals were as follows:

1. Give teachers responsibility for and control over instruction.
2. Insure that pupils assume responsibility for their own learning and behavior and that they acquire the attitudes and skills to become lifelong learners.
3. Link career development plans and professional growth activities to the instructional materials, curriculum and services needs of the school district.
4. Move the school district from a ten-month, rural-based school year to a 210 + day school year for students and a full time, twelve-month work year for teachers.
5. Provide opportunities for teachers to undertake professional-level, non-classroom responsibilities as part of their careers.

6. Establish a program budgeting/accounting system which will enable educational programs to be planned and implemented over a three-to-five-year period of time.
7. Enable principals to revitalize their leadership roles as creators of safe, positive environments for learning and supporters of teachers who are responsible for instruction.
8. Establish a program/services monitoring and evaluation system not under the control of those whose programs and services are being monitored and evaluated.
9. Productively tap and cope with the vast expansion and fundamental changes taking place within and across the fields and disciplines of knowledge.
10. Make wide and appropriate applications of the computer and other emerging developments in technology and communications.
11. Integrate various levels of educational research and professional contributions into the "fabric" of the school district.
12. Solicit and encourage the active participants of parents and persons from business and other vocations in the education of the children and youth of the community.

Budde rationalized charter schools as a means to accomplish some or all of these goals. He proceeded to explain, in a fictional tale, how an innovative Superintendent might proceed with a charter school initiative. At the core of this tale was the Superintendent proposing the idea to his own staff within his

own district. Any teacher, or group of teachers, could submit a simple application for charter funds to begin an educational initiative within the district. The listed reasons why teachers within a district might be interested in starting a charter were as follows:

- * Strong dissatisfaction with the present curriculum or teaching situation.
- * Excitement from trying out a successful new teaching strategy which could be developed and expanded.
- * Ideas a group of teachers bring back from a workshop led by a nationally known figure in education.
- * A new plan for organizing instruction learned by a teacher taking a graduate course in administration.
- * Ideas picked up during a visitation to a classroom in another school.
- * Ideas generated from reading, and/or viewing video cassettes and television programs.
- * Pressures felt by teachers and administrators to respond to the hidden and not so hidden criticism of schools found in the various national reports calling for educational reform

The life cycle of the charter was proposed to last three to five years with an opportunity to possibly renew the charter after an evaluation of its program. Charter schools, as Budde conceived them, were to emerge from within the ranks of teachers. They were a vehicle for teachers to expand their power as professionals and spur innovation within a district. To Budde, a charter school was a collaborative endeavor within a school and not a competitive one against it.

National Attention with Albert Shanker

While Ray Budde may have given birth to the concept of charter schools, he was not a nationally known figure and his ideas gained little traction when originally presented. In fact, Budde's *Education by Charter* was first disseminated in 1974 as a paper presentation to the Society for General Systems Research with little to no response (Budde 1996). New life, however, was breathed into Budde's charter school concept when Albert Shanker began to advocate for it.

Albert Shanker was synonymous with teacher labor movements throughout the latter half of the twentieth century. His career began in 1952 as a mathematics teacher in East Harlem, New York. By the 1960s, he was intricately involved in labor issues for teachers, eventually leading up to his leadership of the American Federation of Teachers (AFT) in 1974 that lasted over two decades. He became the face of teacher labor movements by writing a multitude of opinion columns in *The New York Times* that aimed at promoting and clarifying the AFT's labor position. Shanker was long concerned with conditions of schools in East Harlem and sought innovative approaches to revitalize public education in that area. He became aware of Budde's charter school concept and began to advocate for it as an approach worth consideration.

As Budde published *Education by Charter* in 1988, Shanker began to publicize his views of charter schools in a speech given at the National Press Club that same year. He addressed the improvements made in public education since the *Nation at Risk* report and emphasized that charter schools

may be the encompassing resolution to the problems addressed by the report. Shanker, like Budde, conceived of charter schools as an internal improvement started by teachers within public schools. "Do not think of a school as a building," Shanker explained to the audience, "and you can see how it works" (Shanker 1988, 12). Shanker proceeded to explain the nature of a charter school:

Consider six or seven or twelve teachers in a school who say, 'We've got an idea. We've got a way of doing something very different. We've got a way of reaching the kids that are now not being reached by what the school is doing.' That group of teachers could set up a school within that school which ultimately, if the procedure works and it's accepted, would be a totally autonomous school within that district. The district should create a panel that would be used to either approve or reject the teacher proposals that would come in. The panel could be a joint panel between the union and the board; it could include outsiders, or it might be a system in which the union and the board would separately have to ratify such proposals (Shanker 1988, 12).

A central component of Shanker's concept of charter schools was that it be teacher driven within a collective bargaining environment. As the leader of the AFT, Shanker saw the union as a central player in school reform. Shanker's public profile with the AFT lent the charter school movement credibility that

eventually enabled it to be pushed onto a larger political landscape.

Ted Kolderie and the Minnesota Conception

Teachers and other educational leaders considered the concept of charter schools synchronously with Shanker's public advocacy. Perhaps no initial conversations were as serious about charter schools as those first held in the state of Minnesota. As previously mentioned, Minnesota had historically provided choice options within school districts, particularly in the Twin Cities (Nathan 2002). This familiarity with teacher-led innovation spurred the first impactful discussions about charter schools in the state. In 1988 a community organization called the Minneapolis Foundation held a conference where Shanker served as a keynote speaker. After hearing Shanker espouse the charter school concept, several of Minnesota's educational leaders in attendance convened for a special meeting to discuss Shanker's ideas. This coalition consisted of five individuals: Barbara Zohn, president of the Minnesota Parent Teacher Student Association; Elaine Salinas, education program officer of the Urban Coalition in Minneapolis-St. Paul; Ted Kolderie, a former journalist and director of a Minneapolis-based public policy group entitled the Citizens League; Ember Reichgott, a Democratic state senator from a Minneapolis suburb; and Joe Nathan, a former inner city public school aide, teacher and administrator who eventually became the Director for the Center for School Change at the University of Minnesota (Nathan 2002). One key point discussed by this coalition was

that in order for the charter school concept to work well, it needed to open up the concept of charters beyond local school districts. "After all," Joe Nathan pointed out, "school boards already had the power to offer different kinds of schools, yet less than a handful of Minnesota's more than 400 districts were doing so" (Nathan 2002, 19). This decision became a key change in the evolution of the charter school concept as it meant allowing individuals or groups outside of a school district to apply as a sponsor for a charter.

This new charter school proposal from the Minnesota coalition emerged out of more than mere pragmatism, as members of the coalition envisioned a larger problem behind the lack of applicants within Minnesota's public school system who proposed to form a school within a school. The problem, they believed, was an inherent flaw in the U.S. public education system. In a paper entitled "The States Will Have to Withdraw the Exclusive" written in 1990 for the Center for Policy Studies, a Minnesota based non-profit policy design organization, Ted Kolderie argued that "our system of public education is a bad system ... It is terribly inequitable. It does not meet the nation's needs. It exploits teachers' altruism. It hurts kids" (Kolderie 1990, 3). Kolderie proceeded to explain his rationale for allowing charter schools to be sponsored by individuals outside of school districts:

The state's job is not to run the schools. The state's job is to provide a workable system for those who do. It owes boards, teachers and administrators -- and the public -- a

system in which those who do change and improve are supported and rewarded, and in which those who do not are the ones put at risk (Kolderie 1990, 4).

Public schools, according to Kolderie, were institutions naturally inclined to protect itself even when change was required from it:

The district's ability and willingness to start new schools is bound to be limited, however, by its desire not to threaten the other schools it owns. The result would be what it is today: selected demonstrations, and waiting lists -- always the visible evidence of a reluctance to let change cause internal stress (Kolderie 1990, 5).

To counterpoint school districts' hesitancy to change, Kolderie proposed two steps that he believed would stymie the exclusivity over public education that schools owned. The first step, called "choice", empowers students to make the decision of the school, or "franchise" as coined by Kolderie, that he or she attends. This first step intended to free the market of school, as if it operates as any other business, so competition among schools may spur change and innovation for the sake of public education. The second step, called "diversification", enables the state to form new schools. This second step was Kolderie's conception of charter schools where the state forms charters with sponsors who may be "a business firm. Or an investor group.

Or a group of parents. Or perhaps educators; administrators or teachers" (Kolderie 1990, 7). These new charter schools, according to Kolderie, would be

held accountable by both "whatever standards the local district is willing to impose on its own students" as well as "to its families, through choice" (Kolderie 1990, 8).

The coalition, led by Kolderie's public vision, was persuasive in its views to garner state-wide acceptance as the Minnesota state legislature passed the nation's first charter school statute in 1991. The bill was authored by state Senator Ember Reichgott, a member of the coalition spearheaded by Kolderie. While Michael Dorer's Bluffview Montessori may have been the first group to be chartered by the state, numerous other sponsors in the aftermath were granted charters. By 2001, a mere ten years after the passage of the state's charter school statute, 64 charter schools were in operation in Minnesota. What originated as an innovative idea deliberated by a small number of Minnesota educators committed to improving the state's public education system became, in some ways, a phenomenon. This phenomenon, unbeknownst to the Minnesota coalition in 1990, engulfed the nation in a short period of time.

A National Charter School Movement

The 1990s witnessed a remarkable surge in the number of charter schools. Once Minnesota became the first state to pass charter school legislation in 1990, a domino affect of states choosing to take the very same route quickly followed. In the first five years after the passage of the charter law in Minnesota, 25 other states passed charter school laws (see Table 2: State Adoption of Charter School Legislation).

Table 2: State Adoption of Charter School Legislation

1991	1992	1993	1994	1995	1996
Minnesota	California	Colorado Georgia Massachussets Michigan New Mexico Wisconsin	Arizona Hawai'i Kansas	Alaska Arkansas Delaware New Hampshire Lousiana Rhode Island Wyoming	Connecticut Washington, DC Florida Illinois New Jersey North Carolina South Carolina Texas

Vergari (2002)

Currently, 42 states and the District of Columbia have passed charter school legislation. Only eight states do not have charter school laws: Alabama, Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia (The Center for Education Reform 2015).

As states took up charters, other people began to show interest in these schools. Although Budde and Shanker’s vision of charters was for teachers to take more control over their own work, others saw charters as a means to challenge the public education system in the United States. Joe Nathan, one of the members of the Minnesota coalition who produced the Minnesota concept, argued that charter schools gained national attention because they aligned with four concepts favored by the American people: “freedom and choice for families, entrepreneurial opportunities for educators, explicit accountability for schools, and thoughtful, fair competition for public school districts” (Nathan 1996, 18). These four ideas presented by Nathan - Freedom of choice, entrepreneurship, accountability, competition - were all part of a growing movement to create an alternative to the

failing public schools as they were described in A Nation at Risk (National Commission on Excellence in Education 1983). Public acceptance of charter schools grew with the public accolades thrown toward them by political leaders from both political parties (Presidents Clinton, a Democrat, and G. W. Bush, a Republican, were both staunch supporters of charter schools) and major foundations such as the Bill and Melinda Gates Foundation and the Eli and Edythe Broad Foundation poured money toward the growth of charter schools. Even Oprah Winfrey jumped onto the charter school bandwagon by handing out one million dollar checks to six charter school leaders on her television program (Beazely 2010, September 21). The outpouring of public support led to increased student enrollment in charter schools. The number of students enrolled in charters grew from 340,000 in the 1999-2000 school year to 2,058,000 in the 2011-12 school year (See Table 1 on page 57).

The expansion of charter schools in the U.S. made a significant impact on many American communities. A report issued in late 2011 by the National Alliance for Public Charter Schools, reported the following:

A record number of school districts—six—have at least 30 percent of their public school students enrolled in public charter schools. Charter schools in New Orleans enroll an astounding 70 percent of public school students. Additionally, 18 school districts have 20 percent or more of their public school students enrolled in charter schools, eleven more than when we first printed this report six years ago. Nearly 100 districts now have at least 10 percent of public school students in charter schools (National Alliance for Public Charter Schools 2011, 1).

It is important to note, however, that the increased enrollment did not necessarily come from growing public support. For instance, the increase in the number of New Orleans students in charter schools can be explained by a change in school district policy. After hurricane Katrina, New Orleans closed all the public schools and only opened new charter schools in a school district they called the “Recovery School District” (Gabor 2013, September 20).

Support for charter schools, school choice in general, and other market-based reforms has grown and they have become the hallmark of federal education policy. The U.S. Department of Education under the Bush and Obama administrations embraced the notion of school choice, charter schools, and other market-based reforms. As a case in point, in a speech to the National Alliance for Public Charter Schools, Education Secretary Arne Duncan (2009) described Race to the Top, the Obama administration’s program to improve schools by restructuring or

eliminating poor performing schools. In Race to the Top, school districts are required to “stack rank” their schools. The lowest performing schools—the bottom 5 percent—are required to implement one of four “turnaround” options. All of the options require at least a 50 percent turnover of faculty and administration and the implementation of new teacher accountability measures. One of the proposed turnaround models (number 3) is to reinvigorate the school by “replacing the staff and leadership and turning it over to a charter or for-profit management organization” (5). Since 2001, with the inception of the No Child Left Behind Act (NCLB), this “turnaround” option has been indicative of the paradigm of contemporary federal policy makers: charter schools can outperform traditional public schools with improving academic performance among the nation’s poorest children.

Contemporary Trends Among Charter Schools

Nearly a quarter of a century has passed since Minnesota blazed the trail by beginning the charter school movement, providing the public enough time to make a judgment on the movement. There are many types of charter schools today, some vary by state and others even by school district, making it difficult to form generalizations about charter schools in the United States. This section will be our attempt to form some generalizations about charter schools as a means to analyze the contemporary American charter school movement.

The performance of charter schools have generally failed to deliver on the movement’s

promise for academic improvement from traditional public schools. Charter school advocates are known to use statistics to stake their claim for a high quality learning experience than their traditional public peers, but recent empirical studies reveal that most charter schools are no better or, in fact, worse than traditional public schools. The Center for Research on Education Outcomes (CREDO), an independent research group housed in Stanford University, published

significant research reports on American charter schools in both 2009 and 2013 (see Table 3 Comparison of Charter and Public School Performance). The 2009 report, which examined test results from 16 states, revealed that 17% of charter schools produced better results in academic achievement than traditional public schools, leaving 46% of charters the same and 37% worse (Center for Research on Education Outcomes 2013).

Table 3: Comparison of Charter and Public School Performance

Year of Study	Charter Schools Better than Traditional Public Schools	Charter Schools Same as Traditional Public Schools	Charter Schools Worse than Traditional Public Schools
2009	17%	46%	37%
		Total: 83%	
2012	25%	56%	19%
		Total 75%	

Center for Research on Education Outcomes (2013).

The 2013 study, which expanded upon the 2009 study to include test results from 26 states, had slightly more favorable results for charter schools than the 2009 report. However, the 2013 results still revealed that three-fourths of American charter schools were either the same or worse than traditional public schools. These results show that some charter schools may live up to expectations and public perception placed on them but, as a whole, the charter school movement has not been as effective as traditional public schools in producing a more rigorous academic experience for students. And, yet, charter schools are still held up by federal policy makers as a

favorable alternative to traditional public schools. Strangely, Secretary Duncan even referred to the CREDO report in Race to the Top documentation – yet continued support of charter schools as a viable academic alternative to traditional public schools.

While charter schools’ academic results have not matched the rhetoric of policy makers, controversy surrounds some charter schools due to their peculiar response to public scrutiny. Organizations who open charter schools do so using public funds. As a result, charter schools are still purported to be public schools only with more bureaucratic leeway to adjust their curriculum than traditional public schools.

Traditional public schools are held accountable by the American public for their use of public monies. In late 2014, for instance, charter schools in Ohio were put under public scrutiny for poor academic performance and financial corruption. Strauss (2015) writing in *The Washington Post* stated that Ohio has become the “butt of jokes” among reporters who cover charter schools. Among the many episodes that led to that moniker are widespread misappropriation of public funds, and collusion among charter schools. As a case in point, the Virginia-based Imagine Schools charged the Ohio Imagine schools “exorbitant rent” and the rent was kicked-back to private investors who bought up charter school property and leased it back to the school management company (Livingston 2015). The problem, according to Ohio governor, John Kasich, is too little state regulation on charter schools that enable some schools to be operated by private corporations who sought to create profit through questionable methods (Rowland 2014, December 19). Kasich promised to regulate Ohio’s charter schools to ensure better financial transparency. Another case where charter schools have been publicly criticized for their lack of financial transparency is the Roger Bacon Academy, a charter school in Leland, North Carolina, that refused to allow their employees’ salaries made public as required by the North Carolina Department of Instruction, citing that it is protected by state law from doing so since the information is their business’ confidential trade secret (McGrath 2014, October 14). A dichotomy exists between the public funding of charter schools and

some charter schools that are privately operated that raises this question: Are charter schools public or private schools?

Scrutiny toward charter schools for not behaving as public institutions, despite being publicly funded, is not new. In late 1994, a Michigan circuit court ruled that charter schools in its state were not actually public since the schools were not under exclusive control of the state (Miron & Nelson 2002). To counter concerns that charter schools do not behave as public schools some advocates of charter schools called for increased transparency as a means for charter schools to be more accountable to the public. This approach, which former Assistant Secretary of Education, Chester Finn, Jr. and other charter school advocates call “accountability-via-transparency” would conceivably work this way:

If flaky people are operating a dubious school with a weird curriculum, classrooms are out of control, money is being squandered (or pocketed by the school head), or test scores are sagging, this will be no secret to its community. Either the school changes its ways or it finds itself without students (or without its charter school renewal). Conversely, a school that works well will find people beating a path to its doors (Finn, Jr., Manno, Vanourek 2000, 128).

Theoretically, accountability-via-transparency, would ensure that publicly funded charter schools are held accountable to the public. However, the recent examples in Ohio and South Carolina call into question the transparency of contemporary charter schools. In fact, new aspects of the contemporary charter school movement arguably dart further away from transparency

and public accountability. At the forefront of this new private-oriented feature of charter schools is the introduction of non-instrumentality charter school debuting in Milwaukee, Wisconsin. Milwaukee, as a city with a disproportionately high level of poverty, is experimenting with their education system by allowing some charter schools to operate outside the auspice of the Milwaukee Public School District. The result is that these non-instrumentality charter schools have no accountability to the public since they are devoid of a publicly elected school board. School boards are the primary means of democratic control that the public has over public schools. To take away school boards, as non-instrumentality schools do in Milwaukee, erases democratic control over the schools, eliminates the public forum in which the public may inquire about budgetary concerns, and vanishes accountability for those who operate these schools (Ravitch 2010b). This calls to question: Are non-instrumentality charter schools really public schools?

Another common criticism of charter schools' deviance from traditional public schools is the under-representation of students enrolled in special education. Charter schools have the reputation of not marketing to nor recruit students with disabilities and their families (Miron 2014). In fact, a study published in 2000 by the U.S. Department of Education "found a pattern of charter schools systematically counseling out students with disabilities rather than making accommodations and providing the required services and supports" (Miron 2014). However, evidence recently surfaced that charter schools are enrolling more students

with disabilities than in the past. A study published in late 2015 by the National Center for Special Education in Charter Schools (NCSECS) found that 10.42% of students enrolled in charter schools were eligible for special education programs whereas 12.55% of students enrolled in traditional public schools were classified as eligible for special education. The NCSECS report went on to claim that 115 of U.S. charter schools focus primarily on students with disabilities (National Center for Special Education in Charter Schools 2015). Despite this recent report, criticisms of charter schools' enrollment of and service for special education students are likely to continue as long as a discrepancy remains between charter schools and their traditional public school counterparts in the area of special education..

While criticisms of charter schools linger, the continual expansion of charter schools upon the American landscape signify that charter schools are still deemed by many as a viable solution to problems with American public education. The popularity of charter schools by the public, despite the movement's shortcomings in satisfying the claims about it made by the U.S. Department of Education, may be testimony that the public's craving for flavor and variety outweigh federal policy makers' appeal for charter schools as a more academically rigorous alternative to traditional public schools. Further research is needed to understand the causes for the popularity among the public writ large for charter schools. However, charter schools undoubtedly do provide a variety of educational opportunities from which the

public can choose from. A signature appeal of many charter schools, like Winona's Bluffview Montessori, is that the curriculum diverts from patterns of the traditional public school. Some charter schools such as North Idaho's STEM Charter Academy center their curriculum around the popular merger between science, technology, engineering, and math (STEM). Another contemporary trend among charter schools, like the Classical Academy Charter School of Clifton, New Jersey, is to focus schools around a classical curriculum that values the perennialist philosophy that a robust liberal arts curriculum better serves students and society. Still others, such as the Camarillo Academy of Progressive Education in Camarillo, California, center their schools around central proponents of the American progressive education movement from the twentieth century by emphasizing a child-centered learning and inquiry-based learning experience. The variety of school curriculum options that exist among charter schools represents an experimentation with varying philosophies of education that has been unprecedented in American public education.

Discussion

Ray Budde conceived the concept of a charter school as a means to revitalize American public education. By the 1980s, much hope was attached to the concept and it became a phenomenon throughout the United States. Still today, charter schools are perceived by educators and politicians as a key to renewal in American public education. However, the movement is no longer new as it is now nearly twenty-five years old. The results of the charter school movement have been underwhelming. The vision of Ray

Budde, and later Albert Shanker, for charter schools as a means to reinvigorate public education has been blurred over time and is not the movement that they originally conceived. While Budde may have been optimistic about the charter movement that surfaced in the mid-1990s (Budde 1996), Shanker publicly denounced the charter school movement once he saw it began to cut ties with teacher unions (Ravitch 2013). The anti-union stance of charter schools continues to this day as approximately 12 percent of charter schools are unionized and the teacher retention rate for charter schools is much lower than traditional public schools (Kahlenberg & Potter 2014). Rather than a movement to reinvigorate the traditional public schools, charter schools became a centerpiece of a "school choice" movement that worked in tandem with the voucher program started in Milwaukee, WI in 1990. When Ted Kolderie conceived charter schools as an opportunity for the franchise of public education to be operated by private businesses, it evolved into the pinnacle of a political vision of education first articulated in the mid twentieth century by Milton Friedman (1955) in his essay "The Role of Government in Education" and reinforced in the 1990s by John E. Chubb and Terry M. Moe (1990) in a book entitled *Politics, Markets, and America's Schools* that envisioned the traditional public school as holding a monopoly on public education and that education would be improved if that monopoly was challenged by privatization of the system. As a result, charter schools became viewed as a viable competitor to the American public school. Federal and state governments, beginning with the 2001

passage of NCLB enlisted the use of standardized testing to gauge the effectiveness of traditional public schools adding a looming threat of a charter school takeover if traditional public schools failed to reach a particular cut score on the tests.

Parents the authors know who choose to enroll their children in charter schools are generally pleased with their choice. This is not surprising since charter schools have indeed created a variety of educational options for the public. However, the charter school movement gained national attention among federal education policy makers for other reasons, namely as a prescription to cure the academic struggles of lower socio-economic students. The research, however, shows that the charter school movement has been unable to improve upon this situation. This should serve as a lesson to school reformers that schools cannot be operated as businesses since the success and failure of a school is intrinsically linked to the social capital of the society it serves. The real source of the historical struggle of American public education has been an increase in poverty in American society.

Businesses are concerned with turning a profit, whereas traditional public schools are concerned mostly with the betterment of its students and society. Charter schools have become a big business venture, resulting in behavioral trends by some charter companies that are not befitting for democratic institutions like public schools. The authors suggest that the charter school movement should revisit its roots with Ray Budde and make charter schools a piece of the traditional public school system instead of an outside competitor. There is hope, however,

as challenges to the contemporary charter school concept have received public attention. Recently, for instance, Public Broadcasting's *The Newshour*, featured a charter school in Houston, TX that cooperates closely with the traditional public school (PBS *Newshour* 2014, July 22).

Additionally, evidence is mounting against the nearly quarter-century old charter school movement that may lead to a call for change. The renowned historian of education, Diane Ravitch, for instance, recently wrote two critically acclaimed books, *The Death and Life of the Great American School System* (2010) and *Reign of Error* (2013) that directly challenges the contemporary charter school movement in support of the traditional public school. The 2013 CREDO report further substantiates concerns about charter school effectiveness.

Ray Budde aptly coined the title "charter" school as a play on words to embrace how his idea would unleash an era of exploration in public education akin to the European exploration of the late fifteenth and early sixteenth centuries. This navigational analogy is a useful one to explain the American charter school movement to date: the American charter school movement, like a ship gone astray, went from its original path and veered off course toward what its leaders thought was a panacea for a struggling public school system. The panacea, however, proved to be merely a mirage. Charter schools were originally meant to reinvigorate traditional public schools by empowering teachers within those schools to become educational entrepreneurs and start a school within a school in the hopes of better serving students. Instead, it results in the occasional

production of a high quality school with the norm being the production of schools that are no better than the traditional public schools whose power it threatens to usurp.

References

- Beazley, E. 2010 September 21. Oprah donates \$6 million to charter schools,” 5 NBC Chicago. <http://www.nbcchicago.com>.
- Budde, R. 1988. Education by charter: Restructuring school districts : Key to long-term continuing improvement in American education. Andover, MA: Regional Laboratory for Educational Improvement of the Northeast & Islands.
- Budde, R. 1996. The evolution of the charter concept. *Phi Delta Kappan* 78(1): 72.
- The Center for Education Reform (2015). Charter school laws across the states, 2015. <https://www.edreform.com/2015/03/charter-school-laws-across-the-states-2015-rankings-scorecard/>
- Center for Research on Education Outcomes (2013). National charter school study, 2013. <https://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf>
- Chubb, J., & Moe, T. 1990. *Politics, markets, and America's schools*. Washington, D.C.: Brookings Institution.
- Dorer, M. J. 2002. The first charter school. Spotlight--Montessori diversity: Charter schools. *Montessori Life*, 14(3): 40-41.
- Duncan, A. 2009. Turning around the bottom 5 percent. Paper presented at the National Alliance for Public Charter Schools Conference, Washington, D.C. <http://www.ed.gov>
- Finn Jr, C.E., Manno, B.V., & Vanourek, G. 2000. *Charter schools in action: Renewing public education*. Princeton, NJ: Princeton University Press.
- Friedman, M. 1955. *The role of government in education*. New Brunswick, NJ: Rutgers University Press.
- Gabor, A. 2013, September 20. Post-Katrina, the great New Orleans charter tryout.” *Newsweek*. <http://newsweek.com>
- Kahlenberg, R. D., & Potter, H. 2014. *A smarter charter: Finding what works for charter schools and public education*. New York: Teachers College Press.
- Kolderie, T. 1990. *The state will have to withdraw the exclusive*. St. Paul, MN. Center for Policy Studies.
- Livingston, D. 2015, June 4. “Four Ohio charter schools to close for poor academic performance; one in Canton.” *The Beacon Journal*.
- McGrath, G. 2014, October 14. Charter day school could face sanctions over salary request.” *StarNews Online*. <http://www.starnewsonline.com>
- Miron, G. 2014. Charters should be expected to serve all kinds of students. *EducationNext* 14(4): Retrieved from <http://educationnext.org/charters-expected-serve-kinds-students/>
- Miron, G. & Nelson, C. 2002. *What’s public about charter schools: Lessons learned about choice and accountability*. Thousand Oaks, CA: Corwin Press, Inc.
- Molnar, A. 1996. *Giving kids the business: The commercialization of America's schools*. Boulder, Colo.: Westview Press.
- Nathan, J. 1996. “Possibilities, Problems, and Progress: Early Lessons from the Charter Movement.” *Phi Delta Kappan*, 18-23.

- Nathan, J. 2002. Minnesota and the charter public school idea. In Vargari, S. (Ed.), *The charter school landscape* (pp. 17-31). Pittsburgh: The University of Pittsburgh Press.
- National Alliance for Public Charter Schools 2011. A growing movement: America's largest charter school committees (6th ed.). Retrieved from http://www.publiccharters.org/wp-content/uploads/2014/01/2011-NAPCS-Market-Share-Report_20111013T104601.pdf
- National Center for Special Education in Charter Schools 2015. Key trends in special education in charter schools: A secondary analysis of the civil rights data collection 2011-2012. Retrieved from: http://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/564109d3e4b027fb791d1964/1447102931798/crdc_full.pdf
- National Commission on Excellence in Education, 1983. *A nation at risk: The imperative for educational reform*. Washington, DC: US Government Printing Office.
- PBS Newshour. (Producer). 2014, July 22. In Houston, traditional public school shares ideas and a roof with charter schools. <http://www.pbs.org/newshour>
- Ravitch, D. 2010. *The death and life of the great American school system: How testing and choice are undermining education*. New York: Basic Books.
- Ravitch, D. 2010b. Why public schools need democratic governance. *Phi Delta Kappan* 91(6): 24-27.
- Ravitch, D. 2013. *Reign of error: The hoax of the privatization movement and the danger to America's public schools*. New York: Alfred A. Knopf.
- Rowland, D. 2014, December 19. Kasich to revamp Ohio laws on charter schools. *The Columbus Dispatch*. <http://www.dispatch.com>
- Saulny, S. 2005, June 21. Ray Budde, 82, first to propose charter schools, dies. *The New York Times*. <http://www.nytimes.com>
- Shanker, A. 1988. National Press Club speech. Washington, DC.
- Strauss, V. 2015, June 12. Troubled Ohio charter schools have become a joke — literally. *The Washington Post*.
- Urahn, S., & Stewart, D. 1994. Minnesota charter schools: A Research report. Research Department, Minnesota House of Representatives.
- Vergari, S. 2002. *The charter school landscape*. Pittsburgh, PA: University of Pittsburgh Press.

¹ There is some controversy over who had the first charter. Bluffview Montessori was a private school prior to the charter law being passed. It had tried unsuccessfully to become a public school option in the Winona Area Public Schools. The charter law provided a new way for the school to become public. The Winona school board approved Bluffview Montessori's charter in November 1991 and the state approved it in December of the same year. The school was set to open in fall, 1992. Before it could open, however, two of the three original charter signers left the school. As a result the Winona school board pulled its support for the charter. The school had to reestablish its support and on December 22, 1992, the Winona school

board voted 4-2 in favor of the charter school. The charter school opened on March, 2, 1993.

Between the original granting of the charter and the 1992 Winona school board vote, two other schools received state charters: Toivola-Meadowlands in St. Louis county and City Academy in St. Paul. Toivola-Meadows received the second charter from the state and City Academy received the third. City Academy, however, opened as a charter school before either Bluffview Montessori or Toivola-Meadowlands. City Academy opened in fall, 1992, followed by Bluffview Montessori in March 1993, and Toivola-Meadowlands in fall, 1993.

In sum, the controversy centers on whether the order in which the charters are granted by the state or the date the charter schools opened determine who came first. Both Bluffview Montessori and City Academy claim to be first (Urahn & Stewart 1994).