



Education Week's blogs > Bridging Differences



Deborah Meier and Diane Ravitch have found themselves at odds on policy over the years, but they share a passion for improving schools. Bridging Differences will offer their insights on what matters most in education.



Diane Ravitch Deborah Meier

May 29, 2012

## Are Charter Schools Public Schools?

Dear Deborah,

I noted in my blog last week that the visionaries of the charter school idea—Raymond Budde of the University of Massachusetts and Albert Shanker of the American Federation of Teachers—never intended that charter schools would compete with public schools.

**Budde saw charters** as a way to reorganize public school districts and to provide more freedom for teachers. He envisioned teams of teachers asking for a charter for three to five years, during which time they would operate with full autonomy over curriculum and instruction, with no interference from the superintendent or the principal.

**Shanker thought** that charter schools should be created by teams of teachers who would explore new ways to reach unmotivated students. He envisioned charter schools as self-governing, as schools that encouraged faculty decisionmaking and participatory governance. He imagined schools that taught by coaching rather than lecturing, that strived for creativity and problem-solving rather than mastery of standardized tests or regurgitation of facts. He never thought of charters as non-union schools where teachers would work 70-hour weeks and be subject to dismissal based on the scores of their students.

Today, charter schools are very far from the original visions of Budde and Shanker. Few are run by teams of teachers. Most are managed by for-profit corporations or by nonprofit corporations with private boards of directors. The charter reflects the aims of the corporation, not the aims of its teachers. Most charters are non-union and rely on young teachers who work long hours and leave after a few years, thus keeping costs low. Many have high executive compensation. Charters have a high rate of teacher and principal turnover. Clearly, charters do not "belong" to the professionals who work in them, but to the corporation and its directors, who hold the charter.

Which raises the question of this blog: Are charter schools public schools? They say they are. But what we now see is that they are public when it comes to collecting tax money, but not in most other respects.

**In New York state, the charters went to court to fight audits by the state comptroller; they argued that they are nonprofit educational institutions, not public agencies. They said that only their authorizers had the power to audit them, not public officials.** The state law was amended to give the comptroller the authority to audit their use of public monies.

**In Chicago and in Philadelphia, charter schools fought efforts by their teachers to unionize on grounds that they were not public schools and thus were not subject to state labor laws. The charter school in Chicago argued in court that it was a private school, not a public school, and thus not subject to the same laws as public schools.**

**The U.S. Ninth Circuit Court of Appeals ruled that a charter school in Arizona was a private nonprofit corporation, not a state agency, when it was sued by an employee who had been discharged. In this case, a federal court agreed with the charter school that charters are not public schools when it comes to the rights of their employees.**

**Bruce Baker** at Rutgers University, who has written thoughtfully about charters, **recently considered** whether charters are public or private or neither. Charters, he points out, can limit their total enrollment; can admit students only on an annual basis and not accept any mid-year; and "can set academic, behavior, and cultural standards that promote exclusion of students via attrition."

Baker writes:

**"Imagine a community park, for example, that is paid for with tax dollars collected by all taxpayers in the community, and managed by a private board of directors. That board has determined that the park may reasonably serve only 100 of the community's 1,000 residents. The amount of tax levied is adjusted for the park's capacity. To determine who gets to use the park annually, interested residents subscribe to a lottery, where 100 are chosen each year. Others continue to pay the tax whether chosen for park access or not. The park has a big fence around it, and only those granted access through the lottery may gain entrance. Imagine also that each of the 100 lottery winners must sign a code of conduct to be**

unilaterally enforced by the private manager of the park. That management firm can establish its own procedures (or essentially have none) for determining who has or has not abided by the code of conduct and revoke access privileges unilaterally."

Today, charters say that they are public when it suits their purpose (getting the same amount of money as public schools), and they say they are not really public when they want to escape the accountability and transparency that accompany the receipt of public funding. Some have a large budget to market their wares. (Regular public schools have no money for marketing.) **Some use marketing to create demand** so that they can get more charters.

Charters are typically more segregated than the district in which they are located. **Some are** all-black; some are Muslim-themed; some are centered on other specific cultural groups. Some charters are not for minorities or the poor. **Wealthy parents in Los Altos, Calif., opened a charter for their children, which takes space and money away from the remaining public schools of the community. Parents at that charter school are expected to make a gift of \$5,000 annually for each child.**

The issue is complicated. But I find it hard to refer to charter schools—as they have evolved—as public schools. **If they are for-profit, they should not be called public schools.** There is simply no precedent in American history for a profit-making public school with stockholders. **All public money allotted to a public school should be spent by the school and in the school on teaching and learning, on bringing the students to school, and on maintenance of the facility.**

**If charters are nonprofit but subcontract the management of the school to a for-profit corporation, they are not (in my view) a public school. This is a dodge that some entrepreneurs have come up with to make money from tax receipts.**

**If a charter sponsor is involved in complicated real-estate transactions that profit the sponsor, then the school is an accessory to private profit-making and not a public school.**

I am also concerned about the selectivity and attrition rates in many charters, which suggests that they pick and choose in ways that enable them to be competitive, but lessens their "publicness." There are selective institutions within public education, but their selective nature is in the open.

I will think about this more. I have met some thoughtful charter leaders who are trying to serve the needs of children, not corporate sponsors; who do not skim the best and forget the rest; who do not push out low-performing kids. But my sense is that they are not typical.

Like Bruce Baker, I think we need to develop a typology. Just because some group says its school is a public school doesn't make it one. Just because it gets public tax dollars doesn't make it a public school. We need to think more about what we mean by "public."

What concerns me most is the possibility that policymakers are promoting dual school systems: a privileged group of schools called charters that can select their students and exclude the ones that are hardest to educate; and the remaining schools composed of students who couldn't get into the charters or got kicked out. I wonder also whether it is wise in the long run to create one set of schools that is free from regulation and a competing set of schools that is subject to ever tighter regulation. What is the endgame? Is it our goal to undermine public education so thoroughly that teachers and students alike turn away from it?

It's been almost 60 years since the *Brown v. Board of Education* decision. Have charters become a quiet way of reversing the *Brown* decision of 1954? I worry that we are slipping back into deeply ingrained patterns, based sometimes on race, sometimes on class, sometimes on ethnicity. We must think long-term and ask where we are heading.

Diane

Posted by Diane Ravitch at 9:09 AM