

Weighing the public-private balance of charter school governance

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In a system of autonomous public charter schools, what are the costs of autonomy, and how might those costs be alleviated? These are questions policymakers in Ohio might well consider as the Supreme Court of Ohio deliberates the constitutionality of public charter schools.¹ Public charter schools are designed to offer choice to public school students, but the governance of these schools often lacks in public oversight and accountability. This lack of public oversight and consequently the absence of information made available to the public may be jeopardizing the potential of public charter schools to provide choice and innovation for the benefit of all students.

The State of Ohio currently funds 294 public charter schools, of which 115 are sponsored by private entities (see Table 1). The Ohio Department of Education once had

sponsoring authority for state public charter schools, but in a revision to Ohio's charter law in 2003 that authority was dissolved, leaving private non-profits in control of those 115 charter schools and the state with the responsibility to oversee the authorizers. The remaining 179 charter schools are sponsored by public entities including public school districts, educational service centers and one joint vocational school.² The state spends about \$425 million a year on public charter schools.³ One issue raised in the pending supreme court case against public charter schools is whether these schools, without direct public oversight, can be considered part of the state's common system of public schooling.

Charter school proponents argue that in this case accountability is market driven. These schools are more accountable than district schools because parents who are

1 The issue of charter school constitutionality was brought before the Ohio Supreme Court November 29, 2005 (State Ex Rel. Ohio Congress of Parents & Teachers v. State Bd. of Education). A decision is pending.

2 Data compiled from www.ode.state.oh.us and www.ppionline.org online February, 2005 report, p.15

3 <http://www.ode.state.oh.us/> 2005 report

not satisfied with the schools will leave, and as a result, the affected district schools will lose money and be forced to close. Proponents also argue that charter school authorities,

current law, including reporting regulations and open meeting laws, opponents argue.

Given that the spectrum of public-private governance for Ohio's charter schools is broad, policymakers are left to consider how private is too private for a public school. Research indicates that when public charter schools are run by private organizations, practices that typically keep the public informed disappear (Miron & Nelson, 2002; Fiske & Ladd, 2000). Instead, practices such as conducting closed school board meetings (Oplinger & Willard, 2005) or not reporting information to the state occur, making it "impossible to conduct" comparisons with other public schools (Progressive Policy Institute (PPI), 2005, p. 31) and keep the public uninformed about these schools. In fact, a November 2005 opinion poll conducted by the Thomas B. Fordham Foundation indicates that 55 percent of Ohio citizens know very little or nothing about public charter schools. Only 17 percent of citizens report knowing much about these schools⁴ (See Table 2). It is fair to ask, in a publicly funded system of education, how can citizens

Table 1: Charter School Public and Private Sponsors in Ohio

Type of Sponsor	Number of Schools per Sponsor	Percentage of Total
Private Sponsorship	115	39.1%
Public Sponsorship	179	60.9%
TOTAL	294	100.0%

SOURCE: Ohio Department of Education website

like district school authorities, are required to administer state tests, must not exclude students from attending, and must not charge tuition. Charter school proponents cite these regulations as evidence that public charter schools function as a part of the state's system of public education.

Opponents argue that charter schools are not publicly accountable because they are allowed to operate without direct public oversight. The schools may be run by private organizations with private boards and are not universally subjected to public authorizers. This lack of public oversight may also lead to a lack of adherence to

Table 2: Ohio Citizen's Knowledge Regarding Charter Schools

How Much Do You Know About Charter Schools?	Percentage
A Great Deal or Quite a Bit	17
Only Some	28
Very Little or Nothing At All	55
TOTAL	100

SOURCE: 2005 Fordham Foundation Study

make informed decisions about public charter schools when they know so little about them?

Research also indicates that the lack of oversight for public charter school boards is likely to lead to insular boards that tend to operate in their own self-interests, and consequently, placing program goals over public goals (Allen, 2006). Charter school boards that do not operate in the public eye may protect themselves against public scrutiny that should lead to a greater responsibility for addressing such public interests as equity in educational access and opportunity. Fiske and Ladd (2002), who conducted research on New Zealand's market-based education system,

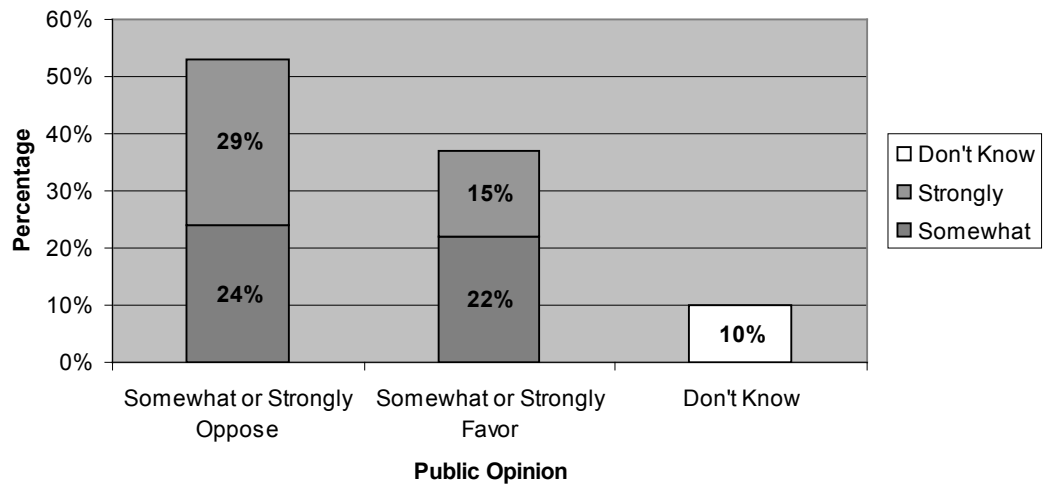
write: "...when equity concerns came into conflict with other policies, it was equity that suffered" (p. 311). Likewise, in an extensive review of Michigan's charter school movement, Miron & Nelson (2002) found that charter schools managed by private management companies operated more like private companies than public institutions. Their research indicated that charter boards were often picked and then perpetuated by the private companies managing the school, and the private nature of the companies allowed for the charters to maintain proprietary status over information that in traditional schools is

considered public.

The idea behind autonomous public schools is one of innovation and

Graph 1: Public Opinions Regarding the Creation of Independent Public Schools

Support or Oppose Creation of Independent Public Schools That are Free from Many of the Rules and Regulations Traditional Public Schools Face



SOURCE: 2005 Fordham Foundation Study

experimentation. Autonomy provides freedom from bureaucratic barriers that prevent school leaders and school reformers from making significant change that leads to student achievement (Chubb & Moe, 1990). After 10 years of national experimentation with public charter schools, there is little to suggest that autonomy has led to the kind of innovation that supports increased achievement. In fact, the lack of regulation may have created the opposite effect: a system of schooling in which poor performing charters remain open and continue to draw state financing away from

district schools.⁵

Ohio supports one of the fastest growing charter school movements in the nation (PPI, 2005), which may be cause for concern. The rapid growth of Ohio's charters may have impeded policymakers from developing an effective system of oversight. Further, it is likely that pressure from private organizations and charter advocacy groups has led to reductions in the kinds of regulations Betts (2005) notes are necessary for "good public policy." The kind of regulations Betts describe aim to create a market that ensures equitable access and information dissemination, including information about achievement rates. "We have consumer protection laws and government oversight in all sorts of markets; the market for schools should not be an exception to this rule," (p. 38).

The majority of Ohioans appear to agree. Recent poll data also show that citizens in Ohio believe public charter schools should follow the same rules and regulations as traditional school districts. Specifically, 53 percent of respondents in a poll by the Fordham Foundation oppose or strongly oppose public charter schools from being free of many of the rules and regulations traditional school districts face.⁶ (See Graph 1)

Taking time to understand both what is working and what is not working is vital to ensuring a quality system of public charter schools. Also important is increased attention to public oversight of Ohio's public charter schools. In states where more careful attention has been paid to both public oversight and planned growth of charter schools, the charter school movement has proven to be more successful. For example, many of the accomplishments of charter schools authorized by Chicago Public Schools (CPS) have been attributed to the slow growth and methodical planning that has occurred in CPS.

The district has established an office to provide oversight for district charter schools.⁷ In addition, the district advertises request for proposals (RFPs) for charter schools, identifies operators to consider submitting RFPs and communicates desired goals for success and detailed expectations for charter school performance. CPS is highly selective during the application process and approves only 15% – 20% of the applicants that respond to the RFPs.⁸ The result of this cautious approach is that many Chicago charters are out-performing comparable public school programs.

There is no doubt the charter school movement has had some positive effects on

5 A report by the Progressive Policy Institute, indicated that 58 percent of Ohio charter schools fell into the academic watch or academic emergency categories in 2003-2004 compared to 10 percent of the traditional public schools. Yet, since 2003, when the state's authority for sponsoring schools disappeared, only 15 of the state's community schools have been closed (Akron Beacon Journal, November, 28, 2005).

6 Fordham Foundation 2005 study

7 Bierlein Palmer, Louann and Rebecca Gau, Charter School Authorizing: Are State Making the Grade? (2003) Thomas B. Fordham Foundation & Lake, Robin J. & Rainey, Lydia. Chasing the Blues: Charter Schools Scale Up in Chicago. (2004) Progressive Policy Institute

8 Bierlein et al., Charter School Authorizing: Are State Making the Grade? & Lake et al., Chasing the Blues: Charter Schools Scale Up in Chicago

public schooling in Ohio. As a result of the pressure from the charter school movement, district schools are beginning to open up their doors to communities in ways that are long overdue. However, sound public policy must be concerned about the effects of the market on all students. In a market system of public schooling that is not well-regulated, the true losers are not the schools that are losing money or services. Instead, it is the children in those schools who, for whatever reason, must remain in schools with reduced resources.

In order to meet their potential as a public system of choice for all students, public charter schools need more rigorous accountability. Charter school advocates are calling for authorizers to increase their diligence in overseeing charter schools through training for authorizers and more accountability of charter schools by individual school sponsors.⁹ Charter advocates also have recognized the need for a better system of information to the public.

What advocates fail to support is increased government regulation of public charter schools. However, if in fact actors on both sides of the charter school debate recognize a need for increased accountability in order to ensure increased quality of these public schools, policy directing a higher level of accountability may well be required. Without policy protecting the public's interests in these schools, there is little to prevent the exercise and abuse of private power. The question the court and other policymakers need to address is what can be done to provide choice in a way that protects the public's

interest in fair and equitable education for all students.

The answer is not to do away with choice, but to understand that public charter schools are only quasi-public schools. These schools must continue to operate with public oversight and adhere to regulation in order to ensure that equal and open access is available for all students. Furthermore, by operating in the public eye, charter schools would protect themselves against isolation from public interests. They would also protect the public from a growing ignorance of what these schools are, whom they serve, and how they operate. Information must flow to the public so that the public might be better equipped to make decisions. That is not to say, however, that charter schools should go back to a level of regulation that prevents them from attempting the innovations some set out to design, but Ohio's charter school policy does not come close enough to requiring sufficient public oversight to warrant public status and public funding.

Recommendations

The issue policymakers need to consider is how to balance autonomy with responsibility for public interests and public oversight. Here are some possibilities:

- Reverse the decision to allow private sponsorship of public charter schools and create a system of public authorizers to monitor public charter school boards. Authorizers should be close enough to the schools to provide effective oversight but far enough away to allow for autonomy. County-level public authorizers or district boards may

provide such a mix. By encouraging closer ties to local public governing bodies, policymakers will be promoting valuable partnerships that support a system of school choice that enhances rather than divides public resources for public education. Through such partnerships, school districts could be looked at as entities offering innovation and diverse educational experiences in the marketplace and charter schools could have greater public legitimacy through a local public authority.

- Establish criteria for charter school boards that include an expectation of diverse representation to protect against these boards serving singular and insular interests.
- Increase access to public meetings and thereby increase opportunities for expression by enforcing laws that oblige all public charter school boards to conduct meetings in open and accessible buildings.
- Require board training for public charter school board members to ensure all board members have at least an initial understanding of their public responsibilities.
- Increase the flow of information to the larger community by requiring that regular reports be published and distributed to the community at-large. Increasing information flow between public school academies and local neighborhoods will provide citizens the opportunity to examine what benefits these provide the community and how citizens can contact the school's public authorities for questions or concerns.

Conclusion

The issue of accountability of public charter schools goes well beyond parents entering and exiting a school. Accountability of public education is an issue of protecting public interests. Because charter schools are seen as autonomous institutions of innovation, many may argue that they should be free from the constraints of regulation. However, these quasi public schools using public dollars have the same responsibility for serving public interests as our district schools. Public oversight that ensures and in fact enforces attention to public interests is a necessary component of all such institutions. Without such oversight, we risk school authorities placing programmatic goals over the more public aims of public education.

References

- Allen, A. (2006). Changing ties: Charters redefine the school-community connection. *Journal of Public School Relations*, Vol. 27, No. 1, pp. 84-119.
- Allen, A. (2006). Representation in the Age of Choice in Hoy, W. & Miskel, C (eds.) *Contemporary Issues in Educational Policy and School Outcomes*. Greenwich, CT: Information Age Publishing, pp. 51-71.
- Betts, J. (2005). The Economic Theory of School Choice. In J. Betts and T. Loveless (eds.) *Getting Choice Right*. Washington, D.C.: Brookings Institute.
- Bracey, G. W. (2005) Charter Schools' Performance and Accountability: A

- Disconnect. Tempe, AZ: Arizona State University, Education Policy Studies Laboratory, Education Policy Research Unit..
- Bracey G.W. (2002). *The war against America's public schools: Privatizing schools commercializing education*. Boston: Allyn and Bacon.
- Center for Education Reform. Ohio charter law. Retrieved January 14, 2006, from <http://www.edreform.com/index.cfm?fuseAction=cLaw>
- Coalition for Public Education (January, 24, 2005). Ohio charter school fact sheet.
- Fields, R. & Stephens S. (August 18, 2005). Ohio charter schools struggling, data show; More in low-performance categories, but some raise test scores. *Cleveland Plain Dealer*, p. B1.
- Fiske, E.B. & Ladd, H.F. (2000). *When schools compete: A cautionary tale*. Washington, D.C.: Brookings.
- H.B. 66, 126th Gen. Assem., Reg. Sess. (Oh. 2005).
- Lake, R. J. & Rainey, L., 2004. *Chasing the Blues: Charter Schools Scale Up in Chicago*. Washington, D.C.: Progressive Policy Institute. Retrieved on January 14, 2006, from http://www.ppionline.org/ppi_ci.cfm?knlgAreaID=110&subsecID=134&contentID=253368
- Mathews, D. (1996). *Is there a public for public schools?* Dayton, OH: Kettering Foundation Press.
- Miron G. & Nelson, C. (2002). *What's public about public schools: Lessons learned about choice and accountability*. Thousand Oaks, CA: Corwin.
- North Central Regional Educational Laboratory (NCREL), School Development Outreach Project, (1997). *Charters in our midst: The impact of charter schools on school districts*. Boston: NCREL.
- Oplinger D. & Willard D., (July 23, 2005). Charter school oversight shifts. *Akron Beacon Journal*.
- Oplinger D. & Willard D., (November 28, 2005). Charter school oversight shifts. *Akron Beacon Journal*.
- Palmer L. & Gau R, (2003) *Charter School Authorizing: Are States Making the Grade?* Thomas B. Fordham Insitute.
- Russo, A. (2005) *A tough nut to crack in Ohio: Charter schooling in the buckeye state*. Washington, D.C.: Progressive Policy Institute. Retrieved June 5, 2005, from http://www.ppionline.org/ppi_ci.cfm?knlgAreaID=110&subsecID=134&contentID=253140
- Schroeder, J., 2004. *Ripples of Innovation: Charter schooling in Minnesota, the nation's first charter school state*, Washington, D.C.: Progressive Policy Institute. Retrieved January 14, 2006, from http://www.ppionline.org/ppi_ci.cfm?knlgAreaID=110&subsecID=134&contentID=252555
- The Thomas B. Fordham Foundation (November 2005). *Halfway out the door: Ohioans sound off on public schooling, with a special analysis of the views of African Americans and Dayton residents*. Washington, D.C.:FDR Group
- Willard, D.J., Oplinger, D. (1999). "Charter experiment goes awry: Schools fail to deliver." *Akron Beacon Journal*, December 12, p. A1.

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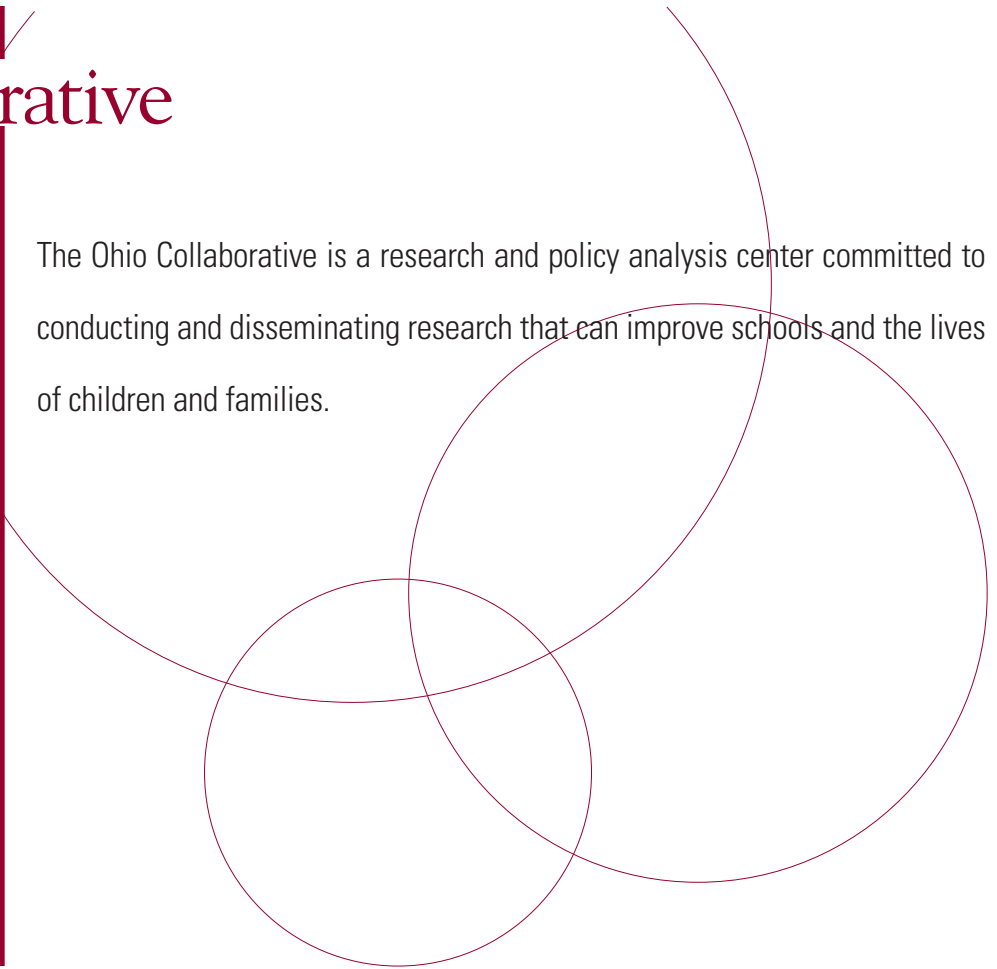
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