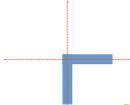


# Hopes, Fears, & Reality

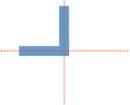


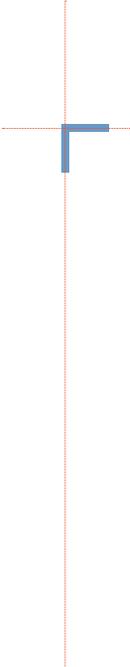
A BALANCED LOOK AT AMERICAN  
CHARTER SCHOOLS IN **2007**

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# About NCSRP

The National Charter School Research Project (NCSRP) brings rigor, evidence, and balance to the national charter school debate.

NCSRP seeks to facilitate the fair assessment of the value-added effects of U.S. charter schools and to provide the charter school and broader public education communities with research and information for ongoing improvement.

NCSRP:

- Identifies high-priority research questions.
- Conducts and commissions original research to fill gaps in current knowledge or to illuminate existing debates.
- Helps policymakers and the general public interpret charter school research.

The Project is an initiative of the Center on Reinventing Public Education.

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## CHAPTER 2

# Under New Management: Are Charter Schools Making the Most of New Governance Options?

*Joanna Smith, Priscilla Wohlstetter, and Dominic J. Brewer*

The charter school concept is a double-barreled attempt at school governance reform. It places decisionmaking power and responsibility at the school site. At the same time, it broadens the representation of individuals making those decisions. Champions of the charter school movement argue that if policymakers want to see real change in public schools, the system will need to be successful at attracting new individuals and organizations into educational leadership, empowering them with true site-based decisionmaking, and allowing them to apply their new and non-traditional perspectives so as to foster innovation in governance—and ultimately, improve school performance.

As unexciting as the topic of governance may be to non-specialists, it is far from a trivial issue. Most charter schools fail for non-academic reasons such as operational mismanagement and financial difficulties.<sup>1</sup> Creating an effective organizational structure is critical to charter schools' survival and success.

Establishing such a structure is no easy task. Charter leaders must figure out how to engage stakeholders in support of the school, how to involve teachers in decisionmaking, and how to involve community groups. The list of people to be consulted and brought on board is long.

Today, more than 15 years since the first charter school law was passed, several key questions remain. Have those who started charter schools taken advantage of their relative freedom to involve people and organizations in new and more productive ways?

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What challenges are presented by innovative governance arrangements? What have charter leaders learned about overcoming those challenges? Perhaps most complicated of all: Is placing decisionmaking power at the school site fundamentally at odds with attempts to empower teachers, community organizations, and charter school boards?

This essay examines those questions. It addresses three main areas of charter governance: teacher involvement, community partnerships, and charter boards. The analysis draws on early findings from a study by the National Resource Center on Charter School Finance and Governance (NRC), with which the three authors are associated.<sup>2</sup> The NRC's research to date has included a review of all state charter laws and interviews with two charter school policy experts in each state. What seems clear from this research is the following:

- charter schools have produced some notable innovations in governance, especially in the areas of teacher empowerment, community partnerships, and formal board operations;
- despite these pockets of innovation, the movement as a whole employs fairly traditional governance models; and
- charter movement leaders and funders should encourage more experimentation and work to connect different governance practices to outcomes.

### EMPOWERING TEACHERS: FROM INCREASED DECISIONMAKING TO TEACHER COOPERATIVES

In 1988, Albert Shanker, President of the American Federation of Teachers, was one of the first to introduce the notion of charter schools to the nation.<sup>3</sup> He saw the creation of charter schools as a way to improve education for all students, and anticipated that the schools would be created by groups of teachers (or parents with teachers) who wanted to develop new curricula or teaching strategies to improve student learning.

Charter schools, in this conception, offered the prospect of involving teachers in governance in new ways, departing from the traditional industrial-style union model in which educators and school boards were separate entities pitted against each other. However, since charter schools would also be direct employers of teachers—in contrast to hiring through a district's central office—a tension existed in the concept at the outset. Teachers would be empowered in charter schools, but they would also be school

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employees. How would that tension work itself out? Could it be maintained in the long run, or would the internal contradiction undermine these schools?

There is some evidence that charter schools attract teachers who are more interested in participating in decisionmaking than those in traditional public schools. Although charter school teachers are much less likely to receive tenure, and some report working longer hours,<sup>4</sup> scholars exploring motivation for working in charter schools generally find that teachers value greater professional autonomy, the opportunity to work with like-minded peers, an educational mission that matches personal philosophy, and commitment to education reform.<sup>5</sup> Still, greater participation in day-to-day decisionmaking at a school site is a far cry from Shanker's original vision of charters as a creation of independent teachers. Moreover, as even Shanker himself understood, it is not clear how many teachers want full management responsibility.

Some models of what Shanker had in mind do exist. There are a handful of teacher-operated charter schools, in which groups of teachers hold the charter. They typically operate as a "professional practice" or as a formal worker cooperative. For example, in the 2006–2007 school year, 28 charter schools in eight states were affiliated with EdVisions, a cooperative established in Minnesota in 1992 with a mission to "create and sustain small, project-based, teacher-led, democratic schools."<sup>6</sup> These teacher-run schools minimize the traditional dichotomy between management and labor. It is not clear why more charter schools have not adopted a similar model. It may suggest that many teachers do not want the additional responsibility of making management decisions, time that could be otherwise spent on the core tasks of instruction, including curriculum planning, teaching, and assessment.

The reality is that in most charter schools it is more common for teachers to be treated as school employees. In most cases, for example, school management sets teachers' pay. This empowers management and makes it possible for school leaders to assemble like-minded teaching staffs and reward performance and loyalty. The theoretical scenario of empowered teachers has not always translated into practice; some teachers report they are treated no differently, and are given no greater power, than in traditional public schools.

Charters, therefore, seem to face an ongoing challenge of learning how to manage personnel issues in ways that empower both management and teachers. Lessons from decades of research on various types of site-based managed schools are fairly clear; they

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suggest that, in the long run, charters that value teachers and involve them in decisions will probably do better than schools that keep a sharp line between labor and management.<sup>7</sup>

In addition to the continuing interest in the concept of teacher-operated charter schools, teachers unions have played a founding role in a few charters. For example, in 2005 the United Federation of Teachers (the New York local from which Shanker launched his career in labor politics) sponsored two charter schools in Brooklyn. Recently, the Los Angeles-based charter management organization, Green Dot Public Schools, the only non-district public school operator in California that has unionized teachers, announced an agreement with the United Federation of Teachers to open a charter school in the South Bronx.<sup>8</sup>

However, despite these pockets of innovation and teacher empowerment, many charter schools do not involve teachers in decisionmaking. The prospect of charter schools being a significant vehicle for teacher empowerment remains, but it is a long way from being realized.

## EMPOWERING OUTSIDE ORGANIZATIONS: THE ROLE OF PUBLIC-PRIVATE PARTNERSHIPS

Permissive state laws and pervasive operational challenges have led many charter schools to pursue partnerships with public, nonprofit, and for-profit organizations.<sup>9</sup> Such partnerships provide charter schools with a host of organizational, political, and financial resources. At the same time, partner organizations gain access to educational decision-making and school governance. In some cases, members of the partner organization participate on the charter school board; in other cases, they provide or supplement the curriculum that forms the focus of the school. For example, partnerships with museums offer resources that can become integrated into a charter school's curriculum.

Despite the benefits to both the charter school and the partnering organization, there are barriers that prohibit some partnerships from forming. Time, human resources, and costs can be an issue, but beyond that many charter school laws prohibit certain types of organizations from serving as partners, most notably sectarian organizations and for-profit organizations.<sup>10</sup> Separation of church and state is a fundamental characteristic of public policy in this country. Without eroding that principle, many resource-starved

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charter schools alleviate the high costs of renting, renovating, or purchasing their own facilities by partnering with a religious institution. Restricting the types of partners eligible to offer space to a charter school sometimes forces schools to spend a high portion of their operating budgets on facilities, or to “make do” in inadequate facilities.

While charter school laws often prevent for-profit organizations from applying to open a charter school, a host of educational management organizations (EMOs, generally for-profit entities that may also manage public schools under contract) and a handful of charter management organizations (CMOs, typically nonprofits that focus exclusively on charter schools) have formed partnerships with charter schools to handle everything from what and how students are taught, to “back office” tasks and whole-school management. These partnerships have proven beneficial in many cases, but can result in “turf wars” between charter school leaders and the management organization (MO). Some school leaders claim their MOs needlessly centralize decisions and make them functionaries. On the flip side, some MOs claim they cannot find charter leaders who will implement the organization’s program as it was designed. State-level administrators also note a tension between MOs intent on setting policy and charter school boards fulfilling that role according to the charter. The question remains as to how the organizational and support advantages of MOs can be obtained without sacrificing the advantages of local site decisionmaking.

Thus, while charter schools have gained significant experience with partnering over the past decade, tensions remain between management at the school site and management organizations. Working toward a solution, perhaps a legal framework or memorandum of understanding that would delineate a division of responsibilities, is worth the investment since partnering is an important mechanism through which many charter schools alleviate resource shortages.

### CHARTER SCHOOL BOARD PARTICIPATION: ONE VEHICLE TO EMPOWER DIVERSE STAKEHOLDERS

In all but a handful of states, charter schools are required to be governed by a board of directors. Such boards have a number of legal requirements, which vary by state. Common requirements include a board that is representative of the community and provides oversight of operations. In addition, boards typically hire and fire some staff, help raise funds, and generally promote the mission of the school.

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Unlike school district board elections, which typically attract very low voter participation and a great deal of rancorous special interest politics, the establishment of charter boards offers the opportunity of incorporating diverse stakeholders in a position of formal decisionmaking authority. In principle, charters encourage parents and other community members to be involved in the governance of their schools, thereby enhancing democratic participation in schooling. In some states, parental involvement on the charter governing board or other decisionmaking body is a requirement.<sup>11</sup>

Some states also require teacher representatives on the school's governing board. For example, Minnesota's charter law requires licensed teachers to constitute a majority of the school board by the end of the third year of operation. "Approximately 350 Minnesota charter school teachers are now serving on charter school boards and over one half of the boards have a teacher majority."<sup>12</sup> On the other hand, some states restrict teachers from serving on the school's governing board, citing a potential conflict of interest in having teachers set policy that affects the conditions of their own employment. In a few states, the legality of teachers serving on charter school boards is being challenged in the courts.<sup>13</sup>

Despite these challenges, charter school boards provide an opportunity to involve new stakeholders in the decisionmaking process. However, stories of malfunctioning boards are common. According to one study, "Many charter schools report serious difficulties in creating and operating good working boards. Tensions among board directors, conflict between board and staff, and non-functioning boards are among the problems that have plagued charter schools in many places."<sup>14</sup> Hill and Lake write that "many [boards] have become sources of instability and disruption,"<sup>15</sup> implying that the requirement to have a board is unhelpful given that schools are already accountable to an authorizing board and to parents who can transfer their children to another school.

Needless to say, difficulties with school boards are not unique to charter schools. Indeed there is a longstanding literature that has documented the difficulty of operating any organization through a board, be it corporate, nonprofit, or membership based. Traditional district school boards have often found it difficult to recruit talented individuals to serve on them, and have a hard time staying focused on high-level policy decisions rather than day-to-day management.<sup>16</sup> Many charter schools, particularly new start-ups, are focused on a core mission that drives the school.<sup>17</sup> While the mission can serve as a clear organizing principle, it can get diluted as board members are recruited and the founders move on. The practical problems involved with identifying and

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recruiting board members, delineating their roles and responsibilities, providing training and development, and setting a structure for decisionmaking are never-ending and complex. Initially, charter schools frequently operate in a chaotic atmosphere of enthusiastic zeal coupled with the grinding day-to-day realities of securing funding and facilities, hiring staff, and recruiting students. Establishing the conditions under which a charter school board can function effectively may not be a priority.

One solution to these challenges has been to offer board training. In some cases, states have mandated board training as part of the charter contract, or have made training a condition tied to grant funds.<sup>18</sup> More commonly, states offer elective fee-based or free board training. This is sometimes run by the department of education charter school office, or by a state resource center. In, New York, for example, a charter school support organization provides “training for [charter] school leaders on governance, from the beginning of their planning. As they get closer to opening after they’re authorized, we do more training. And we host a quarterly forum of board chairs ... as a way for us to communicate to board chairs.”<sup>19</sup>

Although training can help boards function more effectively, one unanswered question is whether the advantages of school-site decisionmaking power are lost by the effort to empower diverse stakeholders through board participation. Real conflicts of interest persist, for example, between school managers, who under obligations of their charter contract must focus on the school’s performance, and others who have totally different agendas, such as parents whose interests may be limited to the few years their children attend the school. From the United Kingdom, some lessons are available about engineering board membership: In England, the equivalent of charter school board members are often selected specifically to augment or enrich the school’s expertise. New board members might be recruited to strengthen areas such as fund-raising, technology, public relations, or accounting.<sup>20</sup> Tracking exemplars of how best to engineer board membership will be crucial to the future development and sustainability of high-quality, effective boards.

## CONCLUSIONS

The charter movement has to some extent been fueled by the hopes and dreams of the parents, teachers, administrators, and community activists who have come to believe that schools of choice are part of the solution to reforming the nation’s public education sys-

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tem. The movement's early pioneers believed that charters were an innovation in educational governance, both because they were authorized by a local agency and operated by a private party, and because they would also develop models of how teachers, parents, and external organizations could be productively engaged in the decisionmaking and operations of schools. These two notions—school-based autonomy and stakeholder empowerment—need not always conflict, but there seems to be a clear tension between them that is often played out as the schools mature.

In particular, is placing decisionmaking power at the school site consistent with empowering teachers, outside organizations, and charter school boards? Charters have the challenge of learning how to manage their human resources in ways that empower both management and teachers. With outside management organizations in the mix, the possibility of tension between management at the school site and the CMO or EMO is introduced. The advantages of school-site decisionmaking power may be lost by the need to accommodate diverse stakeholders on governing boards. These various tensions magnify the governance challenges facing charter schools.

More than fifteen years into the charter movement, “hope” undoubtedly remains the operative word to describe school-level governance. In the areas of teacher empowerment, community partnerships, and formal board operations, progress has been made. There are pockets of innovation to be sure, but it would be fair to say that there has not been the widespread innovation some expected, and the status quo is more common in most charter schools. It may be that this will “naturally” change as charter schools overcome the inevitable complexities that come with starting any new enterprise; as charter schools mature, they may feel less tentative about innovating. But more can be done than waiting out this maturation process.

First, the charter school policy community could undoubtedly do more to encourage innovation in governance. Existing legislation tends to either mandate particular forms of governance (such as the requirement for a board) or is silent on the issue. The former limits the flexibility of charter founders to devise a governance structure best suited to their needs. The latter provides flexibility but little help in devising or implementing novel governance structures, nor any mechanism for learning about what has been successful elsewhere.

A more productive approach might be to devise incentives—contractual, financial, or in-kind resources—that encourage governance experimentation. It would also be pos-

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sible to reward certain kinds of policies or programs, such as the involvement of parents or teachers, the provision of board training, or the maximal use of community partnerships. This approach would be particularly useful if research were to demonstrate that a particular practice helped the school in terms of stability, accountability, or some other important attribute associated with good governance. It is probably time in the charter movement's development for such incentives to be created. Some serious thought needs to be applied to the question of what those incentives might look like in policy terms.

Second, the governance innovation that does exist tends to be spotty and is rarely visible or well known. Although formal and informal networks of charter schools exist, and organizations that provide technical assistance and professional development have sprung up, there is relatively little systematic dissemination of promising governance practices. For good ideas to spread—so that others can benefit from empowering new stakeholders in the schooling process—more systematic efforts would be helpful.

National organizations are beginning to provide such assistance. In addition, the federal government through the Office of Innovation and Improvement (OII) is funding the National Resource Center on Charter School Finance and Governance (2006–2009). This joint effort of the University of Southern California's Center on Educational Governance and two other nonprofit organizations (The Finance Project in Washington, D.C., and WestEd in San Francisco) will develop and disseminate information, tools, and technical assistance, helping charter leaders at all levels to take steps to improve charter school finance and governance.

Additionally, more systematic and rigorous evaluation of innovations in charter school governance—in terms of their effect on key outcomes, the processes involved, and how these innovations flourished or foundered—would be extremely helpful. This requires research sponsors to provide funds for such efforts, in conjunction with deliberate strategies of exploring the value of particular kinds of programs, such as board training and various ways of involving teachers.

Educational governance generally, and governing boards in particular, are problematic across both public and private entities. Charter school operators are now at the point of encountering a reality of organizational life: structure is a necessary but not sufficient correlate of organizational performance. Governance structures require constant attention and modification. Fortunately, while refining educational governance at the state or even district level is a daunting task, charter schools, as small laboratories of innova-

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tion, can adapt more easily as they grow and mature. While a “one best approach” is unlikely to present itself, charter schools can learn from the experience of others as they fine-tune their long-term efforts to provide meaningful learning opportunities for the students they serve.

## NOTES

1. Center for Education Reform, Charter Schools, <http://www.edreform.com/index.cfm?fuseAction=stateStatsandpSectionID=15&cSectionID=44> (accessed December 14, 2006).
2. The National Resource Center on Charter School Finance and Governance is a three-year initiative funded by the U.S. Department of Education. For more information, visit [www.charterresource.org](http://www.charterresource.org).
3. Albert Shanker, “Restructuring Our Schools,” *Peabody Journal of Education* 65, no. 3 (1988): 88-100.
4. Dominic J. Brewer and June Ahn, “What Do We Know About Teachers in Charter Schools?” in *Taking Measure of Charter Schools*, ed. Paul T. Hill, National Charter School Research Project (Seattle: Center on Reinventing Public Education, forthcoming 2008).
5. Courtney L. Malloy and Priscilla Wohlstetter, “Working Conditions in Charter Schools: What’s the Appeal for Teachers?” *Education and Urban Society* 35, no.2 (2003): 219-241; Charter Schools Development Center, *Beyond the Rhetoric of Charter School Reform: A Study of Ten California School Districts* (Los Angeles: Charter Schools Development Center, UCLA, 1998); Nick Khouri et al., *Michigan’s Charter School Initiative: From Theory to Practice* (Lansing, MI: Michigan Department of Education, 1999); Paul T. Hill et al., *A Study of Charter School Accountability* (Washington, DC: U.S. Department of Education, 2001); Susan Moore Johnson and Jonathon Landman, “Sometimes Bureaucracy Has Its Charms: The Working Conditions of Teachers in Deregulated Schools,” *Teachers College Record* 102, no. 1 (2000): 85-124.
6. Edvisions, <http://www.edvisions.com/> (accessed May 31, 2007).
7. Priscilla Wohlstetter and Penny Bender Sebring, “School-based Management in the United States,” in *The Governance of Schooling: Comparative Studies of Devolved Management*, ed. Margaret A. Arnott and Charles D. Raab (London: Routledge, 2000); Priscilla Wohlstetter, Susan Albers Mohrman, and Peter J. Robertson, “Successful School-based Management: Lessons for Restructuring Urban Schools,” in *New Schools for a New Century: The Redesign of Urban Education*, ed. Diane Ravitch and Joseph P. Viteritti (New Haven, CT: Yale University Press, 1997).
8. Green Dot Public Schools, [http://www.greendot.org/driving\\_reform](http://www.greendot.org/driving_reform) (accessed September 25, 2007).
9. Priscilla Wohlstetter and Joanna Smith, “Improving Schools Through Partnerships: Learning from Charter Schools,” *Phi Delta Kappan* 87, no. 6 (2006): 464-467.
10. In their 2002 review of charter school laws, Wohlstetter and Smith found that over a third of the charter school laws prohibited for-profit organizations from applying to start a charter school and another six further prohibit for-profits from managing or operating charter schools. Partnerships with sectarian organizations are likewise limited, with four states banning partnerships with sectarian organizations and another 11 prohibiting sectarian organizations from applying to open charter schools. See Priscilla Wohlstetter and Joanna Smith, *Charter School Laws and Partnerships: Expanding Opportunities and Resource*, Policy Brief (Denver, CO: Education Commission of the States, 2004).
11. For example, the Connecticut charter school law specifies, “The application shall include information concerning the charter school that describes: ... (4) parental involvement in the operation and decisions of the governing board.”

12. Jon Schroeder, *Ripples of Innovation: Charter Schooling in Minnesota, the Nation's First Charter School State* (Washington, DC: Progressive Policy Institute, 2004), 15.
13. For example, in California, a ruling in the sexual harassment case of *Knapp v. Palisades Charter High School* found that the school was not protected under the *Government Tort Claims Act* because the school is organized as a nonprofit 501(c)3. As one of the experts interviewed as part of this research noted, "The logical extension of that position could be troubling if, in the end, the courts in California, let alone nationwide, decided that any charter school that's a 501(c)3 is really not a public agency, but a private agency," which could mean that teachers serving on charter boards would be in violation of conflict of interest rules.
14. New York City Center for Charter School Excellence, *NYC Charter Schools Governance and Board Development Guidebook* (New York: NYCCCSE, 2006), 1.
15. Paul T. Hill and Robin Lake, "Charter School Governance," in *Charter School Outcomes*, ed. Mark Berends et al. (Washington, DC: National Center on School Choice, 2007).
16. Dominic J. Brewer and Joanna Smith, "A Framework for Understanding Educational Governance: The Case of California," *Education Finance and Policy* 3, no. 1 (forthcoming Winter 2008).
17. WestEd, *Innovations in Education: Successful Charter Schools* (Washington, DC: U.S. Department of Education, Office of Innovation and Improvement, 2004).
18. In New Jersey, for example, newly approved charter schools must undergo board training as well as any new board members that come on once the school is operational. In Maryland, charter schools that receive program funds through the state department of education are required to attend a 1–2 day governing board training.
19. Anonymous quotation from NRC interviews conducted between February and August, 2007.
20. Priscilla Wohlstetter and Lesley Anderson, "What Can U.S. Charter Schools Learn from England's Grant-Maintained Schools?" *Phi Delta Kappan* 75 (1994): 486–491.