

Charter Schools in Alabama: Challenges & Opportunities





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Charter Schools in Alabama: Challenges and Opportunities **by Dr. John R. Hill, Director of Research**

Layout, Design, and Editing by Kristin A. Day and Emily A. Parrish

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For additional copies, please contact:
Alabama Policy Institute
P.O. Box 59468
Birmingham, AL 35259
(205) 870-9900
info@alabamapolicy.org

Executive Summary – Charter Schools

Choice is important if the quality of education in Alabama is to improve. One way to do that would be by legalizing charter schools, which are essentially public schools that are allowed a freer reign in instruction and curriculum, in return for higher-than-average academic performance. Charter schools are public schools that exist through a contract with either a state agency or a local school board. The charter—or contract—establishes the framework within which the school operates and provides public support for the school for a specified period of time.

Charter Schools in Alabama: Challenges and Opportunities examines the successes and challenges of charter schools established across the country. It also tries to predict where resistance to charter schools would likely come from if a serious effort were made to legalize them in Alabama.

This report finds:

- Thirty-seven states, the District of Columbia and Puerto Rico already have charter schools, and over half a million students are enrolled.
- Charter schools allow teachers to become genuine professionals by taking risks private school teachers routinely assume. Because students come to the school by choice rather than by compulsion there is a greater sense of community and enhanced academic achievement.
- Charter schools are subject to the same state regulations as traditional public schools, including special education, bilingual education, academic standards and assessments, health, and safety. They may not accept any private tuition payments, nor does money spent on charter schools diminish the resources available for public education.
- Charter schools tend to reduce the exodus from public schools to private schools and other alternate forms of education.
- Although charter schools do not have as much autonomy as schools in a full school choice setting, their increased responsiveness to local parental input produces better results than the normal public school.
- Charter schools have more freedom in hiring, firing and transferring teachers, choosing curriculum, and determining which instructional methods will be used. These freedoms enhance the educational improvement of low-income, minority students.
- If a charter school fails, the state can revoke its charter. While this may appear to be a serious disadvantage to charter schools, it is a better choice than in traditional public education, where poor schools often continue to grind on in mediocrity.

Careful legislative drafting can provide the opportunity for individuals dedicated to the public educational system to avoid the frustrations and red tape of normal public education.

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CHARTER SCHOOLS IN AMERICA

The Basics

Charter schools are public schools that exist through a contract with either a state agency or a local school board. The charter—or contract—establishes the framework within which the school operates and provides public support (such as state money and legal authorization) for the school for a specified period of time. The length of the contract granted varies by state, from one to 15 years, with the average length being three to five years. The school's charter gives the school autonomy over its operation and frees the school from regulations other public schools must follow. In exchange for this flexibility, the schools are held accountable for achieving the goals set out in the charter, including improving student performance.¹

Charter schools are subject to the same critical state regulations as traditional public schools, including special education, bilingual education, academic standards and assessments, health, and safety. They may not accept any private tuition payments, nor does money spent on charter schools diminish the resources available for public education.²

At present, 37 states, the District of Columbia and Puerto Rico have charter school legislation signed into law. In addition, Tennessee, Vermont and West Virginia have initial active charter school legislation under consideration.³

In FY 1999, approximately 350,000 students attended charter schools. By FY 2001, that number had risen to more than 500,000 students attending 2,370 charter schools. Another 67 schools have been authorized to begin operating in 2002.⁴ This rapid growth would in all likelihood have been more pronounced if states had not limited the number of charter schools that can be started each year. When teachers and parents are added to this sum, charter schools affect more than 1.3 million people.⁵

Most charter schools in America average 250 students, as compared to the national median enrollment of 475 students in public schools.⁶ Few charter schools have enrollments of more than 600 students (eight percent v. 35 percent of all public schools).⁷ Only one percent has more than 1,000 students as compared to 11 percent of all public schools.⁸

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More than half of all charter schools do not easily divide out into the normal “elementary school,” “middle school” and “high school” classifications.

They can, however, be roughly divided as follows:

- Elementary and below - 58%
- Secondary and above - 20%
- Both Elementary and Secondary - 22%⁹

DIFFERENCES AMONG CHARTER SCHOOLS

In evaluating charter schools it is critical to understand that state charter school laws implement three widely different types of accountability structures which may have a direct bearing on their success.

These structures can be summarized as:

- a centralized state agency approach;
- a market-driven approach; and
- a district-based, local accountability approach in a framework of state testing.¹⁰

States also differ widely on what kind of schools they allow to become charter schools. Most states allow for both the conversion of public schools as well as the establishment of new charter schools. A handful of states—Hawaii, Mississippi and New Mexico—only allow existing public schools to convert to charter schools. If conversions are allowed, states often mandate that a certain percentage of teachers and parents in the school or district must support changing to charter school status before the conversion can be made. Currently almost 60 percent of charter schools are newly created.

Some states allow home schools or distance-learning facilities and for-profit companies to apply for charters, while others prohibit these types of schools. For-profit corporations such as Edison and Tesseract operate about 10 percent of the nation's charter schools and are especially popular in Massachusetts and Arizona. While some states are hesitant to allocate public education dollars to for-profit corporations, many charter operators often burdened by start up costs and a lack of planning time, welcome the extensive resources brought to schools by these companies.

Home-schooling charters have been controversial. In Michigan, for example, the charter school law was amended to prohibit home-schooling charters after the state law that fostered them was ruled unconstitutional because of a perceived lack of supervisory control over the charter schools.¹¹

Major differences between the states are also seen in the legal provisions, requirements (and preferences given to) charter schools that serve special student populations such as “at risk,” learning-challenged students, students with disabilities, and so forth. Some states, for example, require that a certain percentage of charter schools serve at-risk or other special populations.¹² Other states give preference to charter school applications that serve at-risk populations. Texas and Nevada, for example, have limited the number of “mainstream” charter schools in their states, but have not limited the number of charter schools serving at-risk students.¹³ These types of legislation have helped somewhat in mitigating early concerns of “creaming,” in which charter schools would absorb the best and brightest students from the existing public schools.

In spite of these statutory requirements, absolute equity has not been achieved. In states where charter school legislation is at least two years old, most schools have student waiting lists. Lotteries are the most widely used method for selecting students because they are perceived as fair and equitable. Some states, however, give preference to “founding families” (parents who spent many hours organizing the charter application) or to siblings of students already enrolled in the charter school.¹⁴

CHARTER SCHOOLS AND TRADITIONAL PUBLIC SCHOOLS: DIFFERENCES AND SIMILARITIES

Student-Teacher Ratios

On average, charter schools tended to have slightly smaller student-to-teacher ratios during the 1998-99 school year (16:1) than traditional public schools (17.2:1).¹⁵ It remains to be seen, however, whether this difference significantly affects student performance.

Racial Composition

Contrary to popular opinion, charter schools have not become enclaves for predominantly white students. According to the U.S. Department of

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Charter schools enroll a slightly higher percentage of students eligible for free or reduced-price lunch than do all public schools in 27 charter states, according to a survey by the U.S. Department of Education as part of their fourth annual report on charter school trends.

Education, the racial composition of about 70 percent of all charter schools nationwide is similar to that of their surrounding district. Interestingly, white students comprised about 48 percent of charter school enrollment in 1998 compared to about 59 percent of public school enrollment in 1997-98. “Charter schools in several states—Connecticut, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, North Carolina and Texas—enroll a higher percentage of students of color than public schools in those states, while charter schools in Alaska, California and Georgia serve a higher proportion of white students.”¹⁶

Students in Poverty

Charter schools enroll a slightly higher percentage of students eligible for free or reduced-price lunch than do all public schools in 27 charter states, according to a survey by the U.S. Department of Education as part of their fourth annual report on charter school trends. This percentage varied from four percent in Alaska to 95 percent in South Carolina, much higher than public schools, which ranged from almost 23 percent in Connecticut to 60 percent in the District of Columbia.¹⁷

Students with Disabilities

About eight percent of students in charter schools during the 1998-1999 school year had disabilities, which was lower than the national average of 11 percent.¹⁸ It should be noted, though, that these percentages tend to fluctuate from year to year.

Outsourcing of Services

Two of the choices most charter schools have are whether to offer certain services, and if so, who will provide them. Almost all charter schools in 1998 offered special education services and testing (95 and 97 percent, respectively). Moreover, 82 percent had social service programs, health service programs, or both, 72 percent had before- and after-school care, 71 percent had food services, 66 percent had transportation services, and about half (54 percent) offered athletic programs.¹⁹

Of these services, “charter school staff most often provided such non-educational services as before-and after-school care (65 percent), athletic programs (63 percent), and special education services (39 percent). Charter schools most often acquired transportation (42 percent) and food programs (39 percent) from public school districts and purchased special education testing (36 percent) and social services (42 percent) from an outside provider.

When charter schools provided health services, a nearly equal percentage of the services were provided by the school (35 percent), the district (29 percent), or an outside provider (33 percent).²⁰

“Averaging across all service areas in 1998-99, more than one-third of charter schools provided services themselves (36 percent), about one-third of charter schools used only an outside provider (34 percent), and slightly more than one-quarter of schools used the district as the sole service provider (26 percent). Newly created and pre-existing private schools were much more likely to provide services themselves or to secure services from an outside provider whereas pre-existing public schools were most likely to retain the district as the service provider.”²¹

EFFECT OF CHARTER SCHOOLS ON ACADEMIC ACHIEVEMENT

The question of whether charter schools produce better students—particularly in underperforming public school districts—is complicated to answer. The answer appears to be “yes,” with the understanding that differences regarding school contract lengths, student populations served, the particular mission of each school, differing assessment standards and the frequency with which students are tested to measure academic achievement make it difficult to provide a uniform result.

CAN CHARTER SCHOOLS BE COMPARED TO TRADITIONAL PUBLIC SCHOOLS?

When a charter school is established, it is given increased autonomy in exchange for increased accountability and improvements in two primary areas: academics and fiscal savings. Depending on the state's statutory law, accountability may be to the state or other state-designated sponsor (multiple forms of sponsors have been delegated in some state laws), parents of children in the charter school, the taxpayers funding the schools, or some combination of these groups.²²

A longitudinal report on charter schools published by the U.S. Department of Education in 2001 found that, “in general, they are held to the same student outcome measures as other public schools, particularly with respect to state testing requirements.”²³ Indeed, only 14 percent of the states with charter school legislation grant the charter schools freedom from comparable student assessments and freedom from state budgeting and audit requirements.²⁴ The general rationale is that since charter schools are still

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public schools that receive public funds and produce a “public good” (educated students), they should be held accountable for the use of tax-funded resources and the academic results achieved.²⁵ Because states with charter schools have chosen to require the same academic and fiscal outcome measures, a valid comparison should be possible in evaluating academic progress in successful charter schools.

FACTORS AFFECTING COMPARISONS OF CHARTER SCHOOLS AND TRADITIONAL PUBLIC SCHOOLS

Intermediate Monitoring

Intermediate monitoring refers to the periodic monitoring a charter school receives prior to the expiration and subsequent renewal of its charter. The preliminary results of this kind of monitoring appear to indicate that charter schools are, for the most part, producing academic success.

It should be noted, though, that not all states are as consistent in their intermediate monitoring as might be required by their laws.

According to The State of Charter Schools, an annual report published by the U.S. Department of Education:

There was greater variance across states for some areas of monitoring than for others ... A large proportion of schools in most states reported monitoring on student achievement ... In those categories in which there was greater variance, patterns emerged among states. While more than 80 percent of charter schools in Louisiana reported monitoring of instructional practices, the proportion of schools reporting monitoring was below 55 percent in each of those areas in Florida, Minnesota, North Carolina, and Wisconsin. In the five states in which there was only one charter-granting agency, a pattern also emerged. Connecticut, Georgia, Massachusetts, New Jersey, and New Mexico all had high proportions (above 75 percent) of schools reporting monitoring of instructional practices.²⁶

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In addition to external intermediate monitoring and reports provided by the schools—99 percent of charter schools claimed they planned to make self-generated reports to at least one of their key constituency groups—more objective measures of academic success are the results of standardized tests.²⁷ In 1998-99, nearly every charter school used standardized assessments of student achievement (96 percent), though a higher percentage of charter schools used norm-referenced assessments (86 percent) than criterion-referenced assessments (62 percent). The majority of charter schools also used nonstandardized assessments. Specifically, charter schools also measured student achievement through student demonstrations of their work (89 percent), student portfolios (81 percent), and performance assessments (74 percent).²⁸

More recently, a survey by the Center for Education Reform found that, during the 2000-2001 fiscal year, 97 percent of charter schools administer at least one standardized test. Of these, 73 percent required a state-specific test, 42 percent required the Stanford 9, and 18 percent required the Iowa Test of Basic Skills.²⁹

There are a handful of statewide measurements of academic gain achieved by charter schools. The Pioneer Institute, for example, has done a limited study in Massachusetts and found that the average charter student scored five points higher than district school students did on the state exam.³⁰

Charter School Attendance: Long-Term Effects

Because charter schools are a relatively new phenomenon in the United States, little long-range data exists that could be used to compare them with traditional public schools in areas such as post-school labor market outcomes, probability of pursuing higher education and their performance once there, and overall quality of life.³¹ In the interim, researchers Timothy Gronberg and Dennis Jansen have analyzed several years' worth of data from Texas schools to identify whether charter school students possess different test score levels and whether these scores change.³²

Texas has adopted a statewide test known as TAAS (Texas Assessment of Academic Skills) which measures students' academic achievement within any given school year. The Texas Education Agency, however, does not mandate other national academic tests such as the Iowa Test of Basic Skills or the

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For every year in our sample, for both math and reading, continuing charter students (that is, students enrolled in a charter the previous year and continuing in a charter in the test year) show greater increases in their test scores than do continuing traditional public school students.”

—Timothy Gronberg
and Dennis Jansen

Stanford Achievement Test, so no comparison of Texas students with those nationwide is possible.

Interestingly, the TAAS data revealed that students in charter schools performed at a lower level than those in traditional public schools. This finding, however, can be attributed to a certain number of Texas charter schools being required to serve at-risk student populations. Gronberg and Jansen stated:

[These results] likely reflected the achievement level of students who choose to enter charter schools at least as much as the effectiveness of the schools themselves. Not surprisingly, the average performance of students in at-risk charter schools is far below the statewide student average... It should be noted that even those charter schools which are not specifically serving at-risk populations may, in many cases, be serving poorly performing students. Indeed, poor performance is a likely motivation for parents to consider enrolling their child into a charter school.”³³

Gronberg and Jansen also noted that the “baseline case is students staying in traditional public schools, and these pupils exhibit an average annual improvement in Texas Learning Index (TLI) scores. Students staying in charters exhibit an even higher average annual improvement in TLI scores. Charter students' TAAS test scores often decline in their first year but recover strongly thereafter... For every year in our sample, for both math and reading, continuing charter students (that is, students enrolled in a charter the previous year and continuing in a charter in the test year) show greater increases in their test scores than do continuing traditional public school students.”³⁴

Students who remained in a Texas charter school for at least three consecutive years showed remarkably similar progress to students in an earlier study of charter schools in Arizona by the state Department of Education's Measure of Academic Progress (MAP). Specifically, while only five percent of Arizona's schools have charters, they represent approximately 18 percent of the state's best-performing schools in terms of demonstrating at least a year's academic gain in a year's time. “Further,” the study noted, “65 percent of the specific charter school grade levels in the MAP analysis showed a

year's gain in a year's time which is the exact same percentage of grade levels in district schools making a year's worth of gains."³⁵

Since 1997, Arizona's Department of Education has also tracked between 40,000 and 60,000 charter school and traditional public school students with regard to their scores on the Stanford Achievement Test, Ninth Edition (SAT9).³⁶ After matching students based on initial test score, grade level and school attended, the state found that, in general, "charter schools had a greater impact on test scores than traditional public schools."³⁷ Specifically, the study also found students who attended charter schools for at least two consecutive years scored better on math and reading than those in traditional schools. Likewise, "students who started in a charter school and then moved to a traditional public school gained more than students who remained in a traditional public school for two years."³⁸ The state concluded that the academic foundation laid by charter schools prepared students to perform better upon their return to traditional schools. As proof of this, they noted that the students with the lowest academic gains were those who had started in a traditional public school and moved to a charter school.³⁹

The study also found that entering a charter school negatively affected students' grades in both reading and math. This result, however, was attributed to "mobility"—the effect of moving a child from a familiar learning environment to a new one. Interestingly, students who moved among charter schools for three years fared better than those who remained in a traditional public school for all three years.⁴⁰

Ironically, the Arizona study found "lower achieving students tend to leave charter schools and return to traditional public schools" although these students are "in fact, the exact students who achieve the greatest absolute gains." In addition, the study traced mixed results in math to "a serious shortage of qualified math (and science) teachers in K-12 education" because "even new math and science graduates are bid away from public education by the private sector." A final significant finding in Arizona was that "charter students were more likely to be white and to speak English, and more likely to be classified as special education but less likely to be gifted."⁴¹

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While most reports regarding the efficacy of charter schools use standardized test scores as their basis of comparison, little literature exists regarding the test scores of students prior to entering a charter school and their scores after they have been enrolled for one or more years. This absence is disconcerting to those who believe the true criterion for measuring academic success is improved student knowledge as reflected on memory, reasoning, computation and recall-related examinations. The research regarding the effectiveness of charter schools in Texas and Arizona has provided a significant initial sample, yet it is evident that much more research needs to be done in other states with charter school populations.

ESTABLISHING A NATIONAL CRITERIA OF ACADEMIC SUCCESS FOR CHARTER SCHOOLS

Notwithstanding the successes documented by states such as Arizona and Texas, creating a uniform measure of success to allow charter schools to be compared at a national level to traditional public schools has been an elusive goal. Following are some of the reasons “success” has been difficult for charter schools to measure.

State-Specific Requirements

Certain provisions that are built into many state charter school laws may, in fact, mitigate their academic success. For example, most states expect charter schools to live up to their own goals and objectives in addition to the standard academic and fiscal comparisons with “regular” public schools. These additional requirements can include everything from dropout and attendance rates, to student behavior and graduation/promotion rates, to parental involvement and parental satisfaction. Other measurable—and hence accountable—goals in some states include community service, service learning, and efforts to reduce racial, economic and ethnic isolation.⁴² As a result of these additional goals in different states, different regions within a state, and even specifically targeted school districts, factors may be introduced that might skew the precise interpretation of academic “success.”

Most Original Charters Still in Effect

The average length of a charter nationwide is three to five years. Nevertheless, only 29 percent of states with charter school legislation have had any schools come up for renewal, and in those states, almost all schools

seeking renewal have been successful. Most renewal activity has been concentrated in five states—California, Colorado, Massachusetts, Minnesota, and Wisconsin—and every state facing renewals has measured charter school merits by their own state's standards, making it very difficult to compare their efforts to other states or a national norm.⁴³ Moreover, because not all charter school states implemented them at the same time, and because the length of time between obtaining a charter and renewing a charter varies from one to 15 years, not all states have yet had a final benchmark by which to assess their charter schools' success.

Contributions of Closed Charter Schools Cannot be Assessed

Despite the fact that most schools that have come up for charter renewal have been renewed, “20 states with charter schools (53 percent) note that at least one school in their state had been the subject of some corrective action, such as non-renewal, revocation, or probation.”⁴⁴ Although the majority of the corrective actions are related to money and management, this fact brings up an interesting problem when comparing the success rate of charter schools with that of “regular” public schools.⁴⁵

Since 1992—the year the first charter school opened—only about four percent of all charter schools have closed.⁴⁶ It should be evident that one of the reasons charter schools may have a better success rate overall is that they cease to exist if they fail, whereas failing “regular” public schools continue to grind on in mediocrity. Consequently, charter schools will always demonstrate a fairly consistent ability to surpass their regular public school counterparts.

Differing State and Local Charter School Laws Not Yet Compared

The largest study of charter schools to date does not include a detailed analysis of student performance in the already large and growing number of charter schools nationwide under multiple configurations and forms of law. Such a comprehensive assessment is beyond the scope of this analysis. Thus, the conclusions of limited academic superiority of charter schools reached in this analysis are tentative and based primarily on a few state-based studies and the initial impressions of students, parents and personnel involved in the actual programs. A definitive study of this information, however, is projected

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as part of the future reports of the Planning and Evaluation Service of the U.S. Department of Education.⁴⁷

CHARTER SCHOOLS IN RURAL AREAS

No specific studies have been done regarding the effects of charter schools in rural areas. General observations, however, can be made about how charter schools might affect rural school districts. First, since most rural districts in Alabama are relatively small in both the number of schools and the size of the schools involved, each individual charter school in those areas should have a proportionally greater impact on the entire district than a charter school of the same size in a metropolitan area. Second, since attendance at a charter school is normally voluntary and available to any applicant, each charter school, in proportion to the percentage of students it can attract and has room to accept, will provide greater market incentive for improvement of the surrounding public schools in a rural area. Conversely, lack of public transportation in rural areas may pose a barrier preventing charter schools from having as large an impact as an urban charter school might have with its easier access. Also, certain rural schools in Alabama pride themselves on the parental support and academic status they currently have. This might make it more difficult for charter schools to gain an established existence in those areas. On the other hand, some rural counties would probably benefit from any form of charter school that was introduced. In sum, all rural areas are not equivalent, and any study investigating this issue in Alabama or elsewhere would need to account for these differences.

OBSTACLES TO CHARTER SCHOOLS IN ALABAMA

General Obstacles

Given the impediments to charter schools encountered in other states, the following obstacles can be expected in Alabama:

Prohibitive Cost

Often, initial credit and cash flow can become a problem for groups considering establishing a charter school since funding systems are designed for regular public schools.⁴⁸ From 1995 to 1998, new charter school operators responding to a survey by the U.S. Department of Education's Planning and Evaluation Service cited a lack of start-up funds as the single greatest obstacle to opening a charter school. Interestingly, though, the proportion of respon-

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dents identifying cost as a barrier dropped from 60 percent in 1995 and 1996 to 39 percent in 1998.⁴⁹ According to the report, “Groups seeking to open charter schools were often obliged to capitalize the planning and early development of their schools out of their own pockets or by incurring debt. Finding, renting or buying, and renovating space were particular barriers, according to early surveys of the charter school field.”⁵⁰ As a result, many charter schools are found in creative locations such as strip malls, old warehouses or schools, or churches.⁵¹

Lack of Planning Time

Many charter schools start too quickly. After scrambling for facilities, staff and students, they sometimes find they have not taken enough pains with curriculum, materials, training, orientation, and the innumerable logistical hassles of running a school. But because charter schools do not receive any significant public funding until they have students, prolonged planning time is a luxury that may be possible only where private resources or sweat equity can be tapped.⁵²

In 1999, about one in three new charter schools (34.5 percent) identified a lack of planning time as a difficult barrier to overcome. Newly created schools were most likely to consider lack of planning time difficult (37.4 percent), while pre-existing private schools that converted were least likely to identify it as an obstacle (23.9 percent).⁵³

Inadequate Facilities

Thirty-two percent of new charter school operators in 1999 cited inadequate facilities as a significant obstacle in their efforts to establish their school. Again, newly created schools were most likely to identify this as a serious problem (35.4 percent), while pre-established private schools that converted to charter schools were least likely (24.4 percent).⁵⁴

Resistance at the State or Local Level

In general, “pre-existing private schools that converted to charter status were more likely than newly created or pre-existing public schools to report difficulties with state department of education resistance and teacher certification requirements.”⁵⁵ Specifically, one in five charter school start-ups in

1999 (20 percent) noted opposition from state or local school boards as significant obstacles, while about one in eight (12.3 percent) identified opposition from the state's department of education.⁵⁶

The National Education Association (NEA)

While the NEA acknowledges the widespread support and popularity of charter schools, it is skeptical regarding the possibility of such schools drawing the best students from traditional public schools, as well as differing accountability standards that make comparisons to regular schools difficult.⁵⁷ To solve these “problems,” the NEA suggests holding charter schools to high standards of accountability and welcoming and educating all students.⁵⁸

As this study points out, charter schools’ populations already tend to mirror the community around them, making this a baseless argument for the majority of charter schools. Moreover, some charter schools are required to enroll disproportionately more special-needs children than surrounding traditional schools. As for accountability, charter schools that fail to meet their goals are closed, which is a far greater degree of accountability than that for public schools.

Teacher Issues

“Schools surveyed more recently [than 1999] were more likely to face difficulties with hiring staff (10.4 percent) than schools in previous years. This finding may reflect the nationwide teacher shortage.”⁵⁹ In addition, new charters and private schools were also concerned about teacher burnout (10.6 and 9.1 percent, respectively), while pre-existing public schools did not consider it as much of a problem (3.8 percent).

In sum, “newly created [charter] schools were more likely than pre-existing schools to face difficulties with inadequate operating funds, lack of planning time, inadequate facilities, internal conflicts, school administration and management, teacher turnover, community opposition, and communication with parents.”⁶⁰ On the other hand, “pre-existing private and newly created charter schools were more likely than pre-existing public schools to face difficulties from lack of start up funds, health and safety regulations, and teacher burnout.”⁶¹ Finally, “charter schools that converted from public status were similar to newly created charter schools in that they were more likely than pre-existing private schools to find state or local board opposition, district resistance or regulations, and hiring staff to be difficult barriers.”⁶²

Administrative Issues

A variety of managerial and business skills are needed for the effective operation of a new business entity. For example, organizers must assume responsibility for hiring staff, selecting materials and curricula, following laws such as health and safety codes, and establishing a clear governance structure. The founders may or may not be gifted in the administration of the tasks entailed in running the school, and they may have difficulty delegating authority to those who do have the skills for the job.⁶³ Some schools have contracted with a school finance expert to solve some of these problems.⁶⁴

School Failure

As has already been mentioned, about four percent of charter schools fail. Some fail for educational reasons, but most close their doors as a result of economic and business difficulties. In the abstract, these failures can be depicted as positive signs of true accountability, but the public relations response to such failures could be negative. Regrettably, no state with charter schools has a plan for dealing with these kinds of failures. Nor, in most cases, do states have any kind of monitoring system in place to warn charter schools of potential trouble or offer assistance to help avoid such disasters.⁶⁵

Such programs need not necessarily be done by state employees. For example, a nongovernmental association of charter schools, a state or regional think tank, or even a university policy center might be a fine source of advice and help.⁶⁶

ALABAMA-SPECIFIC OBSTACLES TO CHARTER SCHOOLS

Aside from the impediments that most charter schools face when trying to start up, Alabama possesses its own unique set of barriers:

The Alabama Education Association (AEA)

According to Dr. Paul Hubbert, executive secretary of the AEA, establishing charter schools in Alabama would be unwise. Calling them “in effect, private schools funded with public money,” Hubbert has stated that charter schools have a “spotted history” because some of them have been forced to close down or are in financial trouble. In his words, “Why turn over the education of our children to outfits with little or no accountability?” Rather than create new schools, Hubbert contends existing public schools should be improved.⁶⁷

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The Alabama State Department of Education

According to Superintendent Dr. Ed Richardson, the history of charter schools so far has been mixed. He would support a move toward charter schools, as long as the new schools were run by public agencies and subject to all state and federal laws. “Beyond that I would have serious reservations,” Richardson said.⁶⁸ Earlier, Richardson labeled charter schools a “threat” to failing public schools.⁶⁹

Interestingly, while the AEA opposes establishing charter schools and the State Department of Education has its own doubts, Gov. Don Siegelman has shown some cursory interest in charter schools. On a trip to Michigan in early 2000, the governor toured one of the state's 173 charter schools, and has since added a researcher to his staff with experience in charter school development.⁷⁰

Absence of Charter School Legislation

While several legislators have drafted legislation for limited charter schools in Alabama, none has ever been introduced in either house of the State Legislature. Further, no state legislator has publicly endorsed or campaigned on charter schools.⁷¹

SUMMARY

The charter school movement is now 10 years old and encompasses 2,370 schools, 576,000 students and 37 states. Parental satisfaction is high and initial indicators point to a greater success rate for students in charter schools than for students in traditional public schools when the students remain in the charter schools for at least two consecutive years. Current satisfaction appears to be based on at least the following foundations: student academic achievement, parental choice, effective fiscal conservation, and the potential for bringing at-risk students (as well as others) to a level of achievement that will enable them to succeed in life. Obstacles to passing and implementing legislation, and then establishing individual charter schools in Alabama are challenging, but not insurmountable as already demonstrated throughout the United States.

Interestingly, while the AEA opposes establishing charter schools and the State Department of Education has its own doubts, Gov. Don Siegelman has shown some cursory interest in charter schools.

- ¹ *The State of Charter Schools - Fourth-Year Report*, U.S. Department of Education, January 2000, n.p.
- ² “Charter Schools: Fears and Facts,” Pioneer Institute for Public Policy Research *Directions*, April 1995, p. 1.
- ³ “Charter School Legislation 2001,” Education Commission of the States, in *ECS State Notes: Charter Schools*, updated August 17, 2001.
- ⁴ *Monthly Letter To Friends Of The Center For Education Reform - No. 70: Back-To-School, 2001*, The Center for Education Reform, p. 5. Center for Education Reform.
- ⁵ *Monthly Letter to Friends Of The Center For Education Reform - No. 70: Back-To-School, 2001*, The Center for Education Reform, p. 5.
- ⁶ See, *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. B, “Basic Characteristics of Charter Schools: School Size”, n.p.
- ⁷ (Overview of Charter Schools: Benefits, US Charter Schools, 2001, n.p.)
- ⁸ See *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. B, “Basic Characteristics of Charter Schools: School Size”, n.p.)
- ⁹ See *1998-1999 National Charter School Directory*, Center for Education Reform, 1999.
- ¹⁰ See *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Executive Summary, n.p.
- ¹¹ *The Charter School Roadmap*, “Types of Charter Schools Permissible”, Education Commission of the States / National Conference of State Legislatures, funded by the Office of Educational Research and Improvement, U.S. Department of Education, September 1998, n.p.
- ¹² “At risk” populations are students who, because of physical, emotional, socioeconomic or cultural factors, are considered less likely to succeed in a conventional educational environment.
- ¹³ *The Charter School Roadmap*, “Students”, Education Commission of the States / National Conference of State Legislatures, funded by the Office of Educational Research and Improvement, U.S. Department of Education, September 1998, n.p.
- ¹⁴ *The Charter School Roadmap*, “Students”, Education Commission of the States / National Conference of State Legislatures, funded by the Office of Educational Research and Improvement, U.S. Department of Education, September 1998, n.p.
- ¹⁵ “Basic Characteristics of Charter Schools: Student to Teacher Ratio,” in *The State of Charter Schools 2000: Fourth-Year Report: January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, p. 24.
- ¹⁶ , “Students of Charter Schools: Student Racial/Ethnic Composition,” in *The State of Charter Schools 2000 - Fourth-Year Report: January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, p. 30.
- ¹⁷ *The State of Charter Schools 2000: Fourth-Year Report: January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, p. 34.
- ¹⁸ *The State of Charter Schools 2000: Fourth-Year Report: January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, p. 36.
- ¹⁹ “Starting, Implementing, and Being Accountable: Autonomy and Choice of Service Providers,” in *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, p. 48.
- ²⁰ *Ibid.*
- ²¹ *Ibid.*
- ²² The most formal accountability structure is in Massachusetts which employs an experienced, “on site” inspection team when a school comes up for renewal. This, however, is not the norm.
- ²³ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. v.
- ²⁴ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 40.
- ²⁵ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 40.
- ²⁶ *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. D., “Starting, Implementing and Being Accountable: External Accountability and Monitoring”, n.p.
- ²⁷ *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. D., “Starting, Implementing and Being Accountable: External Accountability and Reporting”, n.p.

- ²⁸ *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. D., "Starting, Implementing and Being Accountable: Accountability and Student Assessment", n.p.
- ²⁹ "Survey of Charter Schools 2000-2001," Center for Education Reform, Washington, DC, May 2001.
- ³⁰ K.C. Myers, "Charters Pull Ahead on MCAS," *Cape Cod Times*, April 2001.
- ³¹ *Navigating Newly Chartered Waters: An Analysis of Texas Charter School Performance*, Timothy J. Gronberg and Dennis W. Jansen, Texas Public Policy Foundation, April 2001, p. 24.
- ³² *Navigating Newly Chartered Waters: An Analysis of Texas Charter School Performance*, Timothy J. Gronberg and Dennis W. Jansen, Texas Public Policy Foundation, April 2001.
- ³³ *Ibid*, pp. 25-26.
- ³⁴ *Ibid*, pp. 26-27.
- ³⁵ See "Lies, Damn Lies, and Statistics - A Response to the Arizona School Boards Association's 'A Critique of the Arizona Charter Schools Study'", Mary Gifford, Goldwater Institute, March 3, 2000.
- ³⁶ *Does Charter School Attendance Improve Test Scores? The Arizona Results*, Lewis Solmon, Kern Paark, David Garcia, Goldwater Institute, August 17, 2001.
- ³⁷ *Ibid*.
- ³⁸ *Ibid*.
- ³⁹ *Ibid*.
- ⁴⁰ *Ibid*.
- ⁴¹ *Ibid*.
- ⁴² *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2000-06, 2001, p. 44.
- ⁴³ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 56.) For an extensive study of charter school accountability, see, *A Study of Charter School Accountability: National Charter School Accountability Study*, Center on Reinventing Public Education, Daniel J. Evans School of Public Affairs, University of Washington, Paul Hill, *et al.*, U.S. Dept. of Education, Office of Educational Research and Improvement, June 2001.
- ⁴⁴ (*Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 56).
- ⁴⁵ *Ibid*, p. 57.
- ⁴⁶ According to the U.S. Department of Education, "States that permit multiple but independent chartering entities account for 33 percent of all permanently closed charter schools (and 58 percent of the country's total number of operating charter schools). States that have multiple interdependent chartering entities account for another 31 percent (and 30 percent of the total universe of charter schools). States that allow only local entities to charter account for 22 percent of closures (and nine percent of the charter schools nationally). In contrast, states where a state entity is the only charter school authorizer account for 14 percent of permanently closed charter schools, despite having only three percent of the country's total number of charter schools" (Source: *The State of Charter Schools: Fourth-Year Report: January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Executive Summary, p. 58).
- ⁴⁷ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 63.
- ⁴⁸ C. E. Finn, L. Bierlein, and B. Manno, *Charter Schools in Action: A First Look* (Washington, DC: Hudson Institute, 1996).
- ⁴⁹ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, p. 22.
- ⁵⁰ *Evaluation of the Public Charter Schools Program: Year One Evaluation Report: 2000*, Planning and Evaluation Service of the U.S. Dept. of Education, Office of the Under Secretary, Document #2001-06, 2001, pp. i, 2-3.
- ⁵¹ Allison Beach and Perry L. Glazner, *Charting a New Course: A Parent's Guide to the Charter School Movement* (Colorado Springs, CO: Focus on the Family, 1997), p. 8.
- ⁵² Chester E. Finn, Louann A. Bierlein and Bruno V. Manno, *Charter Schools in Action: A First Look* (Washington, DC: Hudson Institute, 1996), p. 8.
- ⁵³ Four Year Report, p. 44.
- ⁵⁴ *Ibid*.
- ⁵⁵ *Ibid*.
- ⁵⁶ *Ibid*.

- ⁵⁷ National Education Association, "Charter Schools Overview," www.nea.org/issues/charter.
- ⁵⁸ *Ibid.*
- ⁵⁹ *The State of Charter Schools 2000 - Fourth-Year Report, January 2000*, National Study of Charter Schools, U.S. Department of Education, 2000, Sec. D., "Starting, Implementing, and Being Accountable: Implementation Challenges", p. 44.
- ⁶⁰ *Ibid.*
- ⁶¹ *Ibid.*
- ⁶² *Ibid.*
- ⁶³ L. Page, "The pitfalls and triumphs of launching a charter school," *Educational Leadership*, vol. 54, October 1996, pp.26-29.
- ⁶⁴ M. Cutter, "City academy," *Phi Delta Kappan*, September 1996, pp. 26-27.
- ⁶⁵ Chester E. Finn, Louann A. Bierlein and Bruno V. Manno, *Charter Schools in Action: A First Look* (Washington, DC: Hudson Institute, 1996), p. 9.
- ⁶⁶ *Ibid.*
- ⁶⁷ Michael Sznajderman, "Governor looks at charter school," *Birmingham News*, May 11, 2000.
- ⁶⁸ *Ibid.*
- ⁶⁹ Charles J. Dean, "Higher reading standard eyed," *Birmingham News*, October 20, 1998, pp. 1A-2A.
- ⁷⁰ Michael Sznajderman, "Governor looks at charter school," *Birmingham News*, May 11, 2000.
- ⁷¹ Charter school legislation has been consistently endorsed by the Alabama Policy Institute's *Legislative Agenda* (2000 and 2001 editions) and the American Legislative Exchange Council, the nation's largest bipartisan organization for state legislators (*Report Card on American Education: A State by State Analysis, 1976-1999* (Washington, DC: American Legislative Exchange Council, March 2000)).