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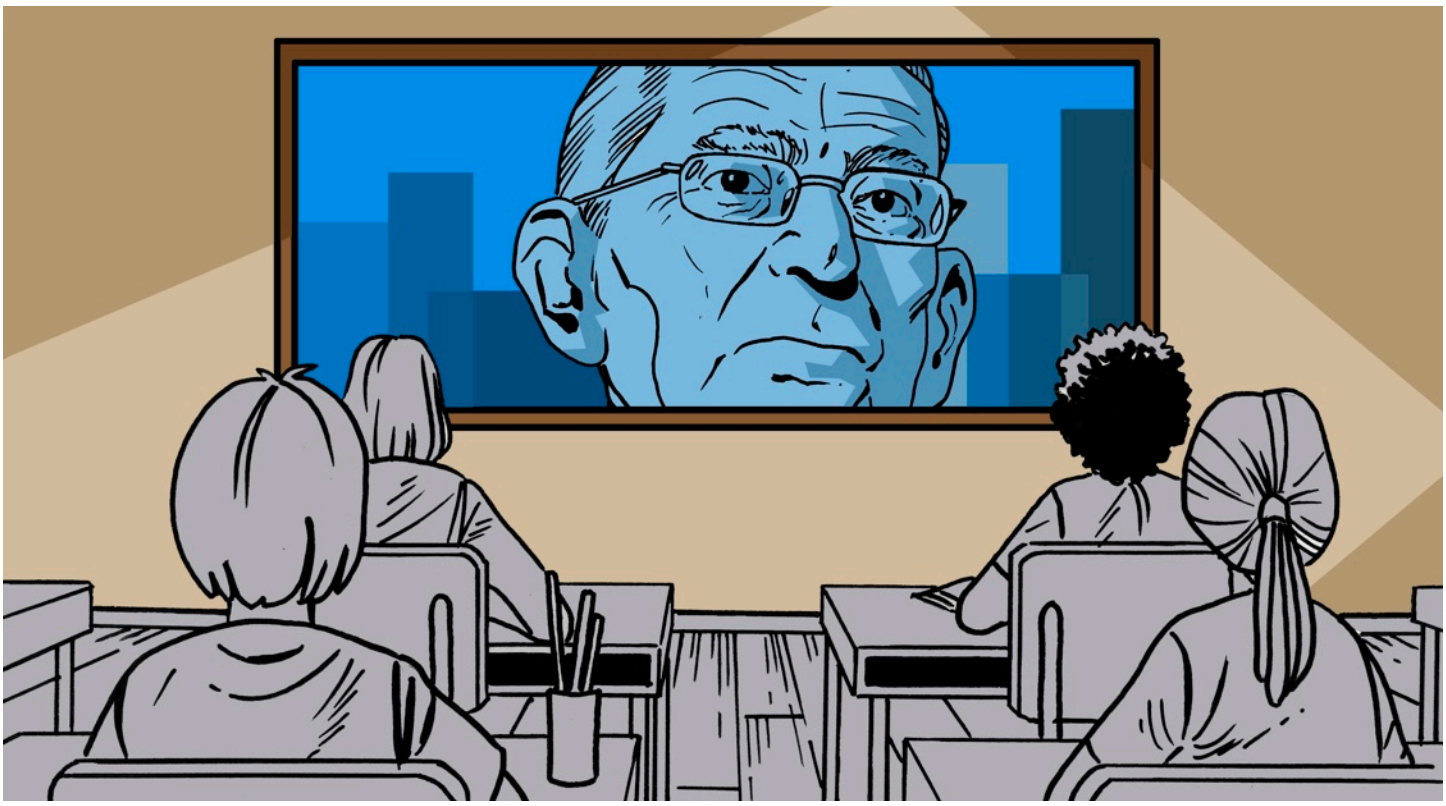
Failing the Test



Charter Schools, Privatization and the Future of Public Education in Los Angeles & California

June 2016

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About this Series

California has become a battleground in the heated national debate over public education and charter schools. Critics argue that charters leave some kids behind, even as they enjoy taxpayer support and broad exemptions from the laws that govern traditional public schools. Charter advocates are aggressively pushing for dramatic growth, despite evidence that they don't improve overall student performance.

In "Failing the Test: Charter Schools, Privatization and the Future of Public Education in Los Angeles and California," Capital & Main explores the true impact charter schools have on the state's public education. This in-depth series is based on extensive reporting and interviews with education experts, community advocates, parents, teachers and elected officials on both sides of the escalating controversy over charter schools. It also presents a set of ideas for how the state can better address the challenges facing public education.

About

CAPITAL & MAIN
INVESTIGATING POWER & POLITICS

Capital & Main reports from California on the most pressing economic, environmental and social issues of our time.

Our mission is to expose threats to the public interest and advance progressive ideas and policies in the nation's most populous state and one of the world's most influential centers of commerce, culture and technology. We pride ourselves on fulfilling this mission with independent, high-quality journalism that provokes, surprises and entertains.

Working with top writers, editors and visual artists, we cover income inequality and the decline of the American dream; the enduring power of corporate interests in one of the nation's bluest states; climate change and the uneven rise of the green economy; the polarized battle over public education; race, law enforcement and incarceration; and the epic demographic changes foreshadowing the U.S.' coming shift to a majority-minority nation. Capital & Main also integrates coverage of California's globally influential arts and entertainment sectors, with an emphasis on the intersection of culture, politics and social issues.

Capital & Main contributors include a wide range of award-winning journalists and artists. Our stories appear in locally and nationally syndicated outlets including the Huffington Post, Salon and Alternet. Produced in Los Angeles and infused with the transformative energy of the West Coast, Capital & Main provides rich content that is indispensable to Californians and appealing to those far beyond our borders.

A New Series Examines Charter Schools

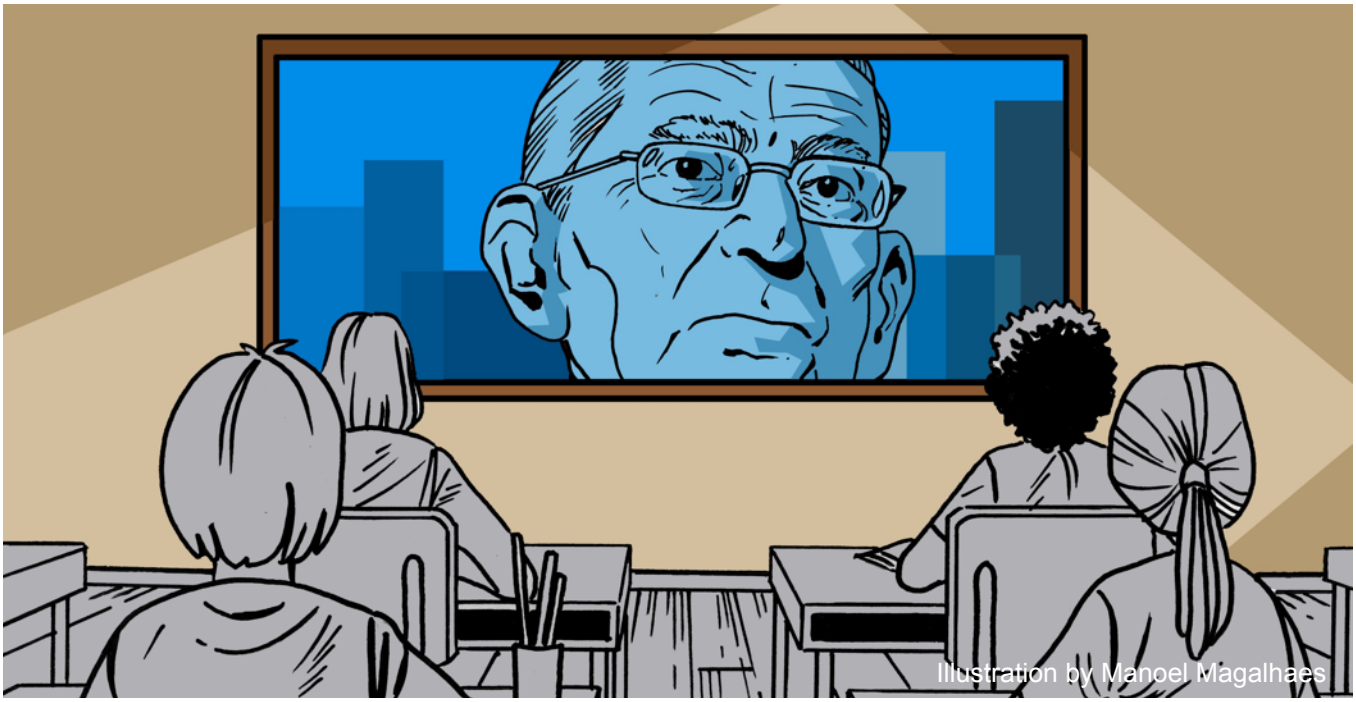
Illustration by Manoel Magalhaes

By **BILL RADEN**

When the Great Public Schools Now Initiative, the $490 million blueprint to turn half of Los Angeles' public school system into charter schools, was first leaked to Los Angeles Times reporter Howard Blume, it triggered an uproar among the city's education community. The Los Angeles Unified School District already has more charter seats than any school system in the country, though at a lower percentage (about 16 percent) of total enrollment than Oakland's — which, at roughly 25 percent, is proportionally the state leader. And like Oakland, and many other urban school systems in the U.S., LAUSD is teetering on the brink of bankruptcy.

This comes at a time when charter-supporting philanthropists, led by the Broad, Walton Family and the Bill and Melinda Gates foundations, have been aggressively pushing charter schools across the country under the banner of "parent choice." The initiative, which originally surfaced with a cover letter signed by Eli Broad and is often referred to


Photo by Pandora Young

as the Broad Plan, argues its case by charging that the country's "urban school districts are not serving students. This failure is particularly acute for low-income and minority students who are in the greatest need of a quality education." But contrary to the plan's claims, the charters' overall report card has not been so stellar.

According to University of Colorado, Boulder professor Kevin G. Welner and others, charters have been shown to offer no tangible academic advantages overatraditional public schools. Welner, who is director of the National Education Policy Center, told Capital & Main, "If we're talking about test scores, we're not seeing any real meaningful differences between charter schools as a whole and noncharter public schools."

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"One is [that] you start to siphon off the most motivated families out of the traditional system and into the charter system. [Then] the charter system starts to look more and more like a network of private schools. So that kind of creaming process is very worrisome. The second thing is their fragile financial situations — especially Oakland's. As you drain the dollars out of the mainstream system, the traditional system starts to shrink and implode as it tries to compete."

These caveats have led some critics to question not only if charter schools represent a viable or effective solution to improving learning opportunities for the state's most disadvantaged children, but whether reforming public education is the only driver of charter expansion in the state.

Steve Zimmer, the LAUSD school board president, has his doubts. Zimmer, who has been one of the harshest critics of the Broad Plan, points to the charter industry's pattern of existing expansion in Southern California. The LAUSD's 130,000 charter-student population already would make it roughly the 20th largest school district in the country. It also, Zimmer says, represents an overpopulated charter school oasis surrounded by a veritable charter-free desert of even more

Photo by Pandora Young

desperate, high-needs districts like Lancaster, Palmdale, Santa Ana, Pasadena, Lynwood and Compton.

"Even if you accepted the argument that choice is the most important lever for change and that charter schools were providing extraordinary opportunity," he pointed out in an interview, "how could you possibly justify opening a hundred more charter schools — or 10 more charter schools even — in L.A. Unified, when there are districts with lower student outcomes all around L.A. Unified, places where there are no charter schools? The only answer is that it's not about kids and it's not about kids who need choice the most. And it's not even about choice. It's about what is in LAUSD that's not in any of these other districts."

What makes LAUSD a priority target, Zimmer maintained, is its board of education, which has been staunchly supportive of effecting reform within the public school system rather than through privatization, and the influential, 31,000-member United Teachers Los Angeles (UTLA), the second largest teachers union local in the nation.

Zimmer may have a point. In a section on political strategy titled "Improving Conditions for Los Angeles Charters," the Broad Plan emphasizes its goal of winning a pro-charter majority on the LAUSD school board, and it spells out the effectiveness — and importance — of lobbying by the California Charter School Association to "improve the political and regulatory landscape."

That muscle was flexed last year when CCSA effectively killed or stalled several reform bills, including a measure by State Assembly member Tony Mendoza (D-Artesia) that would have allowed school districts to take fiscal impacts into account while considering charter school applications, and a law proposed by state Senator Mark Leno (D-San Francisco) designed to rein in so-called "push-out" abuses by charters related to suspensions, expulsions and the basing of admissions on standardized test scores.

In both the Broad Plan's rhetoric and rationale, an increase in charter seats translates directly to an increase in political constituency and more influence over policy, both locally and in Sacramento.

"The number of parents with children in charter schools now dwarfs the number of teachers who are members of the California Teachers Association and the California Federation of Teachers," the plan boasts. "When parents are effectively engaged, organized and mobilized, positive political change for charters in California will not only be possible, but will be expected." (Disclosure: The CTA is a financial supporter of Capital & Main.)

Regardless of motives, the charter initiatives in Oakland and Los Angeles together signal a significant watershed in the growth of a statewide movement that was birthed by California's Charter Schools Act of 1992 to create classroom laboratories that might develop the dynamic new curricula and teaching methods needed to reinvigorate schools that were failing the state's most underserved and disadvantaged children.

How that modest experiment in fixing neighborhood public schools could morph in less than 25 years into the replacement of public schools with an unproven parallel system of privately run, taxpayer-funded academies is only half the story of California's education wars that will be examined in this series, much of which is based on conversations with both sides of the charter school debate. "Failing the Test" looks at the following issues:

- *The influence wielded by libertarian philanthropists who bankroll the 50-50 takeovers.*
- *How charter schools spend less time and money on students with learning disabilities.*
- *The lack of charter school transparency and accountability.*
- *How charter expansion is pushing Oakland's public school district toward a fateful tipping point.*
- *The success of less radical yet more effective reforms that get scant media coverage.*
- *Nine solution takeaways for struggling schools.*

In California, charter schools are publicly funded but run independently by nonprofits (though often with ties to for-profit companies) and operate will little oversight – much like private businesses, which is why the movement is often described as "privatization" by its critics. More important, charters compete dollar-for-dollar within public school districts for the same limited education money that traditional schools do. Every new charter seat created within a district siphons an equal amount of Average Daily Attendance (ADA) money — which last year averaged $9,794 per pupil — from noncharter district schools.

Under California law, the current cap on charter schools is 1,950 statewide, but the cap automatically increases by 100 schools each year. The law also forbids local districts, which in California are the main authorizers for new charters, to take into account the potentially crippling impact of new charters to district financing when the districts consider approving new schools.

And since there is no theoretical limit to charter proliferation over time under the law, say traditional public school advocates, already under-resourced urban districts like LAUSD or Oakland are at risk of spiraling into insolvency. But signs suggest Oakland may already be there. The district has been forced to cut back on services and close neighborhood schools in recent years as it steadily contracts in the face of aggressive charter expansion.

Every new charter seat siphons an equal amount of money from noncharter district schools.

In a revealing report commissioned last year by then-LAUSD superintendent Ramon Cortines, before the Broad Plan came to light, an independent financial review panel attributed half of a six-year, 100,000-student drop in enrollment to charter schools. The report warned that unless the trend is reversed, "the District's future planning will be characterized by constant downsizing and loss of revenue until the District reaches a new equilibrium at a lower, but sustainable, level."

One area on which both the pro-charter and public school supporters agree is that the current system is inequitable. Large urban school districts in the state are typically under-resourced and over-stratified. The issue, said Kevin G. Welner, is whether a radical charter transformation will make things better or worse.

Steve Zimmer, LAUSD School Board President: *"How could you possibly justify opening a hundred more charter schools — or 10 more charter schools even — in L.A. Unified?"*

"We're not talking about moving away from a perfect system," Welner emphasized. "We're talking about a system that's already flawed and under-resourced and stratified, and in need of real reform. The problems of stratification increase when you move from a system that is based on neighborhood schools, which are [already] stratified, to a system with an overlay of charter schools. You would just have an additional layer of stratification."

Nevertheless, charter-school advocates insist that free-market competition and a system liberated from collective-bargaining contracts is the cure-all for the state's education woes. It's a narrative that has so dominated the education reform discussion that alternative, unambiguously effective models for improving public schools have all but been pushed to the sidelines.

"The bad news is that there are no magic bullets, charter schools or otherwise," Welner reflected. "But the good news is that we know how to provide the sorts of supportive, rich opportunities to learn that children need. We're never going to provide high-quality education by focusing on test scores and by forcing each child's family to navigate an ocean of school possibilities. The only way to truly close the opportunity gap is by building up the communities where our students live and the schools in those communities."

Measuring Charter School Performance


Photo by Pandora Young

By **JULIAN VASQUEZ HEILIG**

Charter schools, their lobbyists and choice proponents often discuss the underperformance of traditional public schools in the public discourse. But what data should be trusted by parents and policymakers alike when comparing charters with traditional public schools?

Peer-reviewed research literature is the gold standard in all fields, including education — and the predominance of such studies in the United States does not show positive impacts on average for the charter school sector. While it is true that one can find an occasional peer-reviewed study that identifies small effects for particular charter schools, studies that show a positive achievement effect are often produced by researchers primarily funded by foundations and think tanks that are ideological school-choice advocates.

Charters and their lobbying organizations often spin test score data, student attrition, graduation rates and college attendance rates as evidence that charter schools are superior to neighborhood public schools.

Are there examples of student success in charters? Of course, as there also are in public schools.

Charter schools, which are typically public schools that are privately operated, have grown rapidly since the enactment of the first charter school law in Minnesota in 1991. A recent report by the National Alliance for Public Charter Schools (NAPCS) reported that there are now more than 6,800 charter schools enrolling an estimated 2.9 million students.[1] In California, the growth of charters was more rapid than any other state during the past year as 80 new charter schools opened.[2]

An upcoming Stanford Law & Policy Review article attributes the rapid growth to the fact that many states have been prodded by lobbyists and foundations to lift caps on the number of charter schools contained within states. Also behind the growth are hundreds of millions of dollars in financial incentives created by federal grant programs such as Race to the Top.[3] Other federal and state grant programs for charter planning and implementation have encouraged growth even more.[4] As a result, according to a NAPCS report, "There are now 27 states with at least 50 operating charter public schools and nearly 20 states with 100 or more charter schools."[5]

Among the most prominent philanthropic supporters and proponents of the school "choice" cause are the Koch brothers, American Legislative Exchange Council [ALEC], Walton Family Foundation, Eli and Edythe Broad Foundation, Heritage Foundation and Foundation for Educational Excellence. Eli Broad's Great Schools organization recently suggested that half of all the schools in Los Angeles should be turned into charter schools.[6]

Each of the choices pressed by neoliberal-leaning foundations and think tanks move the responsibility and funding of public education into the hands of organizations external to the traditional democratically controlled public school system. Charters and their lobbying organizations often spin test score data, student attrition, graduation rates and college attendance rates as evidence that charter schools are superior to neighborhood public schools.

We must consider these data with caution. Since the inception of the charter school movement, concerns have been raised about access and equity, particularly for high-needs students.[7] These concerns are linked directly to the incentives embedded in markets: Under conditions of competition, organizations (such as charters) may seek to maximize their market position by targeting relatively easier to serve clientele.[8] Consistent with this theory, charters have been accused by many of strategically recruiting relatively advantaged — "easier to serve" — students from nearby public schools.[9]

Furthermore, recent research from the Civil Rights Project at the University of California, Los Angeles has demonstrated that charters are more likely than traditional public schools to suspend students of color, creating a creaming effect in the student body.[10]

Researchers analyzing data at the local district and school level have found that the diversity in aggregate data tends to disappear when charters are compared to their home districts and nearby schools.

Charter proponents contend that competition, rather than leading to stratification, reduces market barriers by delinking residence from schooling opportunity.[11] Charter advocates, in support of this theory, point to national data showing that, in the aggregate, charter schools serve higher percentages of low-income students, and higher proportions of African American and Latino students, than traditional public schools.[12] [13]The NAPCS has noted "public charter schools across the nation enroll, on average, a greater percentage of low-income students (46 percent versus 41 percent), black and Latino students (27 percent versus 15 percent and 26 percent versus 22 percent, respectively), and students who perform lower on standardized assessments before transferring to charter schools."[14]

Researchers analyzing data at the local district and school level, however, have found that the diversity in aggregate data tends to disappear when charters are compared to their home districts and nearby schools. Using district and school demographics as the point of reference, researchers have concluded that charters are in fact quite segregated, enrolling either disproportionately more white students, or disproportionately high concentrations of students of color.[15] Studies examining individual student transfer data between traditional public schools and charters have similarly found that students tend to transfer into charter schools in which students from their own background are more represented. [16]

In markets there are winners and losers. In the case of choice, the long-term losers in a large-scale market-oriented education appear to be historically underserved students of color and special populations. Writing in the journal Teachers College Record, University of Colorado education professor Kevin Welner identified 12 ways that charters avoid students of color and special populations — a dirty dozen.

The National Education Policy Center has also noted that "charter schools may be public, but they can shape their student enrollment in surprising ways. This is done through a dozen different practices that often decrease the likelihood of students enrolling with a disfavored set of characteristics, such as students with special needs, those with low test scores, English learners, or students in poverty."[17]

So school choice is just that — except that charter schools are doing the choosing instead of communities. Parents and students should be able to choose a neighborhood public school with the important characteristics that are already established in the research literature and consistently observed in wealthy high-performing public and private schools. [18] As they seek the best educational environment, they should remember this: The predominance of data and peer-reviewed literature demonstrate that charters, on average, have not produced the equity, social justice and achievement benefits that proponents claim.

[1] http://www.publiccharters.org/wp-content/uploads/2016/02/New-Closed-2016.pdf

[2] http://www.publiccharters.org/wp-content/uploads/2016/02/New-Closed-2016.pdf

[3] E. Frankenberg & G. Siegel-Hawley, Does law influence charter school diversity? 16 Mich. J. Race & L. 321, 321-376 (2011).

[4] U.S. Department of Education, US Department of Education awards nearly $15 Million in charter school grants for planning, program design, implementation and dissemination, (October 5, 2011), available at http://www.ed.gov/news/press-releases/us-department-education-awards-nearly-5-million-charter-school-grants-planning-program-design-implementation-and-dissemination

[5] Id at 2.

[6] http://dianeravitch.net/2016/01/17/la-times-outdoes-its-broad-worship/

[7] Julian Vasquez Heilig et al., Is Choice a Panacea? An Analysis of Black Secondary Student Attrition from KIPP, Other Private Charters and Urban Districts, 2(2) Berkeley Rev. Educ., 153, 153-178 (2011).

[8] Natalie Lacireno-Paquet, Thomas T. Holyoke, Michele Moser, & Jeffrey R. Henig, Creaming vs. Cropping: Charter School Enrollment Practices in Response to Market Incentives, 24(2) Educ. Evaluation & Pol'y Analysis 145, 145-158, (2002).

[9] See Diane Ravitch, Con: Say 'no thanks' to Charter Schools, available at https://www.washingtonpost.com/blogs/answer-sheet/post/ravitch-why-states-should-say-no-thanks-to-charter-schools/2012/02/12/gIQAdA3b9Q_blog.html

[10] http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/charter-schools-civil-rights-and-school-discipline-a-comprehensive-review/losen-et-al-charter-school-discipline-review-2016.pdf

[11] See J. Nathan, Heat and Light in the Charter School Movement, 79(7) Phi Delta Kappan 499, 499-505 (1998); J.P. Viteritti, Choosing Equality: School Choice, the Constitution, and Civil Society, Brookings Institution Press (1999).

[12]] California Charter Schools Association (N.D.) Dispelling Myths About Charter Schools available at http://www.calcharters.org/understanding/faqs/myths.html.

[13] A Growing Movement: America's Largest Charter School Communities (7th ed. Nat'l Alliance for Pub. Charter Schools 2012) available at http://www.publiccharters.org/wp-content/uploads/2014/01/NAPCS-2012-Market-Share-Report_20121113T125312.pdf

[14] Details from the Dashboard: Charter School Race/Ethnicity Demographics 1 (Nat'l Alliance for Pub. Charter Schools 2012) available at http://www.publiccharters.org/wp-content/uploads/2014/01/NAPCS-2010-2011-Race_Ethnicity-Details-from-the-Dashboard_20120516T152831.pdf

[15] Casey D. Cobb & Gene V. Glass, Ethnic Segregation in Arizona Charter Schools (1999), available at Education Policy Analysis Archives, 7(1), http://epaa.asu.edu/ojs/article/view/536; Gary Miron et al, Schools Without Diversity: Education Management Organizations, Charter Schools, and the Demographic Stratification of the American School System, (2010) available at EPIC/EPRU, http://epicpolicy.org/files/EMO-Seg.pdf; Gary Miron & Christopher Nelson , What's Public About Charter Schools?: Lessons Learned About Choice and Accountability (Sage Publications 2002).; L. Renzulli, & L. Evans, School Choice, Charter Schools, and White Flight, 52 Social Problems 398, 398-418 (2005); though for an opposite conclusion, see NAPCS, 2012b, supra at

[16] R. Bifulco & H. Ladd, School choice, racial segregation, and test-score gaps: Evidence from North Carolina's charter school program, presented at the Annual Meeting of Allied Social Sciences Associations, Boston MA (January, 2006); K. Booker, R. Zimmer, & R. Budin, The Effects of Charter Schools on School Peer Composition, RAND Corporation (2005), available at http://www.rand.org/pubs/working_papers/WR306/; D. A. Garcia, Academic and Racial Segregation in Charter Schools: Do Parents Sort Students into Specialized Charter Schools?, 40(5) Educ. and Urban Soc'y, 590, 590-612 (2008); Y. Ni, The Sorting Effect of Charter Schools on Student Composition in Traditional Public Schools, 26(2) Educ. Pol'y, 215, 215-242 (2012).

[17] http://nepc.colorado.edu/newsletter/2013/05/tcr-dirty-dozen

[18] http://cloakinginequity.com/2013/11/21/reframing-the-refrain-choice-as-a-civil-rights-issue/

Charter Schools' Winners and Losers

By **CAPITAL & MAIN STAFF**

At first, Rosalba Naranjo was thrilled that her two daughters were attending Richard Merkin Middle School, a charter school located near downtown Los Angeles. After all, the Pico Union neighborhood school, which is operated by Alliance College-Ready Public Schools, offered relatively small class sizes and the promise of a good education. And her son, who is now in high school, had previously attended the school.

Naranjo, a 42-year-old Mexican immigrant, was looking forward to being involved in her daughters' education and playing a role in the school community. But when she became concerned over several issues, including what she described as a high teacher-turnover rate, she says the school wasn't interested in hearing from her and other parents.

"Over time I've come to find out that we as parents don't have any participation in the schools," Naranjo says in Spanish, speaking through an interpreter during an interview with Capital & Main. "When they talk about charter schools they always say they are the best and that they want what's best of our kids and are here to help us. It makes me feel very sad because my daughters aren't getting the kind of help I want and it's a challenge. I've tried to be involved – at this school, they don't allow that to happen." (Capital & Main repeatedly asked Alliance Schools to respond to this article but received no reply.)

Among other things, Naranjo says that she has been warned not to ask questions in front of other parents and has been pressured to take a stand against a campaign by teachers for unionization. To be sure, Naranjo has positive things to say about the school. "The education is good a lot of the time, from what I can tell," she says. "But sometimes I do feel there is not enough being done – and we are not allowed to ask questions about that to administrators."

Naranjo's claims are typical of those made by other parents against charter schools at a time when philanthropist Eli Broad, the Walton family and many others are seeking to dramatically increase the number of charters operating in Los Angeles.

Research Shows that Charter Schools:

- *Place huge financial burdens on traditional public schools*
- *Increase racial and economic segregation*
- *In L.A., enroll a smaller percentage of children with severe disabilities than do L.A.'s public schools*

The issue exploded publicly last September after the Los Angeles Times obtained a copy of a 44-page memo that outlined a proposal spearheaded by the Eli and Edythe Broad Foundation, under which one-half of all Los Angeles Unified School District students would be enrolled in charter schools within eight years. Currently, about 16 percent of the students in LAUSD attend charters. The proposal notes that since 2004, the Broad Foundation has invested more than $75 million to support Los Angeles charter schools. This funding has helped fuel the growth of several large charter operators, including Alliance, which is the largest provider of charter schools in Los Angeles, with 27 charter high schools and middle schools serving about 12,000 public school students.

Charter school supporters, such as Broad and the California Charter Schools Association (CCSA), argue that the schools provide a superior education and give opportunities to children in poor neighborhoods. For that reason, they say, it makes sense to increase the number of charters in Los Angeles and elsewhere.

"If you have schools doing really well that are making an impact on student learning, you should expand them," Jason Mandell, a Los Angeles-based spokesman for the CCSA, says in an interview. "People are desperate for schools that are helping kids learn. I would encourage all of us to not forget the reason we are here – which is student learning."

However, interviews with educators, charter school proponents and opponents, and a review of respected academic studies, show that some highly motivated students benefit from charters while others do worse; that the growth of charters places a huge financial burden on traditional public schools that send them into a tailspin and that charters may increase racial and economic segregation. Furthermore, the percentage of total LAUSD charter school students with severe disabilities is less than one-third the percentage of students with disabilities in LAUSD public schools.

Steve Zimmer and parents. (Photo: Pandora Young)

"Charter schools are inherently a 'some kids' model," says Steve Zimmer, who was elected to the Los Angeles United School District (LAUSD) Board of Education in 2009 after 17 years as a high school teacher and counselor, referring to his belief that certain children do well in charters and others do not. "There's no doubt that some kids have been served well by charters. I think there is an inflation of outcome celebration with charter schools, but I also want to give credit where credit is due, there has been some very good instructional quality and instructional outcome from some of our charter partners."

But charters don't merely claim that, as in any other school, some students excel while others fail. Rather, they boast higher rates of academic achievement – a claim for which there seems to be no hard evidence.

"The student that we know is going to be served by well by most charter schools are students who do well in small environments," Zimmer continues. "They tend to be highly competitive and more stable in terms of the support systems that are around [them]."

Zimmer, however, cautions that there are several types of students that are typically losers under the charter model.

"Students who have fairly substantial special education needs," he begins, referring to students with significant learning and other disabilities. "Students who do not come from a stable home environment. Students who have ongoing behavioral problems. Students who have persistent academic weaknesses for which interventions have not been successful. Those are the students who typically do not do well."

Gary Miron, a professor in the College of Education at Western Michigan University, says that children with engaged and supportive parents, and who handle rigor well, generally do well in charter schools – as they probably would do in any school. But, he says, "I don't think this is what's best for the population as a whole."

One problem, Miron and others say, is that the traditional public schools often go into a steep slide once charters enroll a substantial percentage of motivated students with engaged parents. As a result, traditional public schools are left with a disproportionately high percentage of children with disciplinary problems, as well as with severely disabled students, who are expensive to educate.

Professor Gary Miron, Western Michigan University:

"What we find is that once a district loses six to seven percent of its students to charter schools, the traditional public schools go into a downward spiral."

Bennett Kayser, Former L.A. School Board Member:

"Charter schools are killing the public schools. The public schools lose money, meaning they have to cut back and provide a diminished educational experience."

(Again: Charter students comprise 16 percent of the LAUSD.)

"You lose resource-rich families first [and] those who are highly-engaged. Between the lost [state] money and the loss of families [that are] most engaged, it will be harder to compete and the schools will go into a negative cycle."

Bennett Kayser, a former LAUSD school board member who was defeated for re-election last year after charter school proponents spent heavily against him, puts it more bluntly.

"Charter schools are killing the public schools," Kayser says in an interview. "They take kids away [from traditional public schools]. They don't necessarily do anything better. I don't think the kids get a better education. The public schools lose money [by losing attendance numbers], meaning they have to cut back and provide a diminished educational experience."

The problem is made worse by the fact that "charter schools discriminate against kids with special needs, who they refer to [traditional] public schools. So not only are there fewer students within LAUSD but more expensive students in LAUSD as well."

Ana Martinez:

They discriminated against my daughter because she has a learning disability. I was in shock. I walked out crying.

Ana Martinez, the single-mother of a 15-year-old daughter with a learning disability, believes she experienced such discrimination after she enrolled her daughter at Alliance Morgan McKinzie High School, a charter school in East Los Angeles. She says she chose the school because she felt its small size would be good for her daughter and because it was close to her home.

“When I spoke to the principal the first time, I specifically told him that she had a learning disability and needed a lot of special help,” Martinez says in Spanish during an interview at her home. “He told me not to worry because they had the help and she will be received like any other student.”

Ana Martinez and daughter Melanie

But according to Martinez, her daughter was pushed out on the first day of school, following a two-week summer session during which she had problems with the homework and was being bullied by other students. On the first official day of school this year, Martinez says, she was called to attend a meeting at which school officials told her that her daughter could not attend the school after all.

“I arrived and the principal and teacher were there. They began to tell me her academic level was too low for the school,” Martinez recalls. She claims the school official told her they could not offer her daughter the help she needed and would have to be enrolled in a school that could offer such help.

“They discriminated against her because she has a learning disability and they cannot assist a student with a disability,” Martinez continues. “I was in shock. I walked out crying. I wanted them to see my daughter as a normal person. She does not have a physical disability. She has a learning disability. That’s the only thing that holds her back from her goals. By not allowing her to stay, they gave her an understanding that she cannot go far in life. They did not think about that, but that is what they did.”

(As with Rosalba Naranjo’s story, Alliance did not respond to requests for comment.)

Such examples are not atypical, and have a financial as well as human cost.

Traditional public schools generally have a higher percentage of students with disabilities, and spend more on special education costs, resulting in an uneven and unfair distribution of costs. This is particularly true for students with severe disabilities, who are far more expensive to educate than students with no or mild disabilities.

In a presentation to the LAUSD board committee in January, Megan Reilly, LAUSD’s chief financial officer, explained that special education funding is based on a uniform rate per student without regard to severity of disability, and that traditional public schools serve a disproportionately higher share of severely disabled students than charter schools.

In 2013-2014, 3.8 percent of LAUSD’s enrollment was made up of students with severe disabilities. That’s more than triple the 1.2 percent of disabled children in charters within LAUSD.

What’s more, LAUSD spent $9,888 for every student with a disability, while charters spent $1,291 per student with a disability – the ratio of special education spending between LAUSD and charters was a highly significant 7.6 to 1 per student.

"As a result, the district bears disproportionally higher costs for students with disabilities than charter schools," Reilly and an LAUSD colleague state in a PowerPoint presentation prepared for the school board. The presentation examined the fiscal impact of LAUSD becoming an all-charter district.

None of that surprises Gary Miron. Traditional public schools, he says, have a "higher concentration of children with disciplinary problems and lower performing children. When we look at severe disabilities there is a higher concentration in traditional public schools because they have to take them." The problem is that this creates an unfair system, in which district schools are forced to take money from other programs to fund programs for the severely disabled, he says.

Marshall Tuck (Photo by Mark Lawson Shepard)

"That's what's going to happen in Los Angeles," he says. There will be a bigger burden on district schools and a higher concentration of children with severe disabilities and the traditional public schools will become "a dumping ground for children with disabilities and disciplinary problems."

Charter schools, according to Marshall Tuck, a former president of Green Dot charter schools, have recently been enrolling a higher percentage of special education students, though not necessarily the most expensive severely disabled students. He suggests that parents of those students simply believe that LAUSD schools are best able to serve their children.

Tuck concedes that if the traditional public schools are taking on a disproportionate financial burden, steps should be taken to make things more equitable.

"There's work to be done," Tuck tells Capital & Main. "I don't believe in two separate systems. If district [schools] have a higher financial burden" for severely disabled students, "that burden should be shared," by charters and traditional public schools under a unified policy.

UCLA Report:

More than 500 charter schools suspended black charter students at a rate that was at least 10 percentage points higher than that of white charter students.

Another area where significant differences exist between charter schools and traditional public schools revolves around the ways in which schools discipline students, and the relative lack of rights for students at charters. Bruce Baker, an education professor at Rutgers University in New Jersey, says that, overall, charter school students have fewer rights than their counterparts in traditional public schools. "When privately managed charter schools adopt rigid disciplinary policies, students tend to [suffer from] loss of rights," Baker says in an interview.

A study released earlier this year by the University of California, Los Angeles' Center for Civil Rights Remedies, looked at school discipline records for the nation's more than 5,250 charter schools and concluded that "a disturbing number (of charters) are suspending big percentages of their black students and students with disabilities at highly disproportionate rates compared to white and nondisabled students. The analysis was based on data from the 2011-2012 academic year, the first time charter schools were required by the federal government to report discipline data.

Among other things, the analysis showed that nationwide more than 500 charter schools suspended black charter students at a rate that was at least 10 percentage points higher than that of white charter students, and 1,093 charters suspended students with disabilities at a rate that was 10 percentage points higher than that of students without disabilities.

In Los Angeles, Kim McGill, an organizer with the Youth Justice Coalition, which helps run a charter school intended to give a second chance to students who have been expelled or suspended from traditional public schools and charters, says she has "a lot of concerns" about the way that some charters are quick to push out students for relatively minor infractions.

She says that students in charters have been expelled or suspended for such relatively minor infractions as wearing black beanies, refusing to take off baseball caps or to give up cellphones.

“Anybody that doesn’t fit within the Board of Education superstar category and doesn’t guarantee charters solid attendance – those are the people pushed out,” she says.

Jason Mandell, the CCSA spokesman, disputes critics who say charter schools have less accountability, transparency and oversight than traditional public schools.

“There’s an increasingly thorough review process,” he says. “If a charter school isn’t meeting standards, the charter can be shut down. When you know you’re going to be scrutinized and people are watching, you better perform. [Charters] have more autonomy in exchange for greater accountability. I don’t think there’s anything [wrong] with nonprofits that know how to run schools.”

Even those who have serious concerns about charter schools say that some charters do an excellent job.

“I have a charter school in my district that serves highly at-risk students and does an outstanding job at it,” says LAUSD board president Zimmer. “It’s called the APEX Academy. We also have a charter school that does a full inclusion model for special education. That’s WISH – Westside Inclusive School House. Then there’s a charter school network called Camino Nuevo that does an outstanding community schools education model that is excellent. There are exceptions, but the large box charters – KIPP, Alliance, Aspire – for the most part they do very well at serving largely stable, academically successful students.”

Adds John Rogers, a professor of education at the University of California, Los Angeles: “To make the argument that charters are the boogeyman is clearly wrong-headed.” Rogers, however, also takes issue with charters being run like private businesses. “Public education is supposed to be a public service,” he says. “The ideal of public education argues against having a small handful of plutocrats having undue influence.”

Even if many charters perform well, there is an overarching problem with a system that entrusts much of its public education to private institutions, say some critics, including Kevin Welner, director of the National Education Policy Center at the University of Colorado at Boulder.

“Charters decrease the publicness of public schools,” says Welner. “They are not under democratic control.”

Searching for Accountability in Charter Schools

Photo by Pandora Young

By **BOBBI MURRAY**

The original concept of charter schools emerged nationally more than two decades ago and was intended to support community efforts to open up education. Albert Shanker, then president of the American Federation of Teachers union, **lauded the charter idea in 1988** as way to propel social mobility for working class kids and to give teachers more decision-making power.

"There was a sense from the start that they would develop models for the broader system," John Rogers tells **Capital & Main**. Rogers, a professor at the University of California, Los Angeles' Graduate School of Education and Information Studies, is director of UCLA's **Institute for Democracy, Education, and Access**. He adds that charter schools were to be laboratories where parents and educators would work together to craft the best possible learning environment and to serve as engines of innovation and social equity.

But critics of today's market-based charter movement say monied interests have turned those learning labsinto models for capital capture in the Golden State and beyond–"the charter school gravy train," as Forbes describes it. Charters are publicly funded but privately managed and, like most privately run businesses, the schools prefer to avoid transparency

Billions of taxpayer dollars have flowed into expanding America's privately-run charter school system over the past two decades, including $3.3 billion in federal funds alone, reports an analysis by the Center for Media and Democracy. California has the nation's largest number of charter schools, with most of them located in Los Angeles County. But in an age when

The lack of charter school oversight has cost California $81 million.

in their operations. This often has brought negative publicity to the schools – last month the Los Angeles Daily News reported that the principal of El Camino Real Charter High School charged more than $100,000 in expenses to his school-issued credit card, many of them for personal use.

"Information belongs to the public," says Daniel Losen, who conducts law and policy research on education equality issues. "To the extent that you think choice should benefit parents—good choices are made with good information." Losen co-authored a March, 2016 report about charter schools' disciplinary policies, produced by the Center for Civil Rights Remedies at the Civil Rights Project at UCLA.

words like "accountability" and "transparency" dominate political discourse, the financial mechanics of charters receive less oversight and scrutiny than the average public school bake sale.

The National Alliance for Public Charter Schools candidly spells out the Golden State's laissez faire rules of the game on its website: "California law provides that charter schools are automatically exempt from most laws governing school districts."

The California Charter Schools Association (CCSA) has explicitly opposed state legislation that would clearly define the existing transparency laws and codes for

charter schools — standards charters can now avoid despite their use of public funds.

"Charters don't have to disclose budgets," says Jackie Goldberg, a long-time Los Angeles school teacher and former Los Angeles Unified School District (LAUSD) board president, who also served in the California State Assembly. "Once a charter is written, it's not subject to the Brown or the Public Records acts."

Open Meetings

California public schools are required to follow the Ralph M. Brown Act that requires regular meetings with notices posted in advance, along with public testimony and the availability of agendas and minutes. Open meetings guarantee the right of local parents, teachers and taxpayers to participate in discussions about policy, funding, disciplinary standards—all the heated issues that arise in local schools or that go before school boards.

Charter schools were originally intended to support community efforts to open up education.

The CCSA opposes several bills currently progressing through the state legislature that would bring charter school transparency requirements into line with those expected of public schools. One measure spells out the expectation that charters would follow the same standards as public schools when it comes to the Public Records Act that guarantees access to public records; CCSA argues that most charter schools already voluntarily comply— so the law is therefore unnecessary.

Here are several of areas of concern often cited by charter school critics:

But a group called the Charter Schools Development Center provides advice and wiggle room to attorneys representing charter schools on Brown Act requirements. Charters are frequently run by a nonprofit whose board members are chosen and named by previous board members. The CSDC's Guide to the Brown Act pointedly raises the question of whether governing structures fit the profile of "local legislative bodies" required to comply with the Brown Act and recommends charter school boards "cover their bases" and follow at least the spirit, if not the precise requirements, of the Brown Act.

Disciplinary Protocols and "Counseling Out"

The California Education Code stipulates that a public school student undergoing the drastic disciplinary measure of expulsion is entitled to a due process hearing that includes district administrators and the principal, and allows the student and parents to present arguments and information.

That doesn't apply to California charter schools, according to a 2013 state Court of Appeals ruling that holds charters can "dismiss" a student without due process. The ruling differentiates between expulsion and dismissal. Following a dismissal, a student is then sent back to the public school system. (The UCLA report that Daniel Losen co-authored found national suspension rates at charter schools were 16 percent higher than those of public schools.)

Charter schools depend on their reputations for teaching students who hit high test-score marks. The practice known as "counseling out" is used to winnow out difficult students, and extends beyond California—the *New York Times* has detailed incidents in a high-achieving charter school in Brooklyn.

Counseling out can happen for a variety of reasons, not just disciplinary. Jackie Goldberg says she personally witnessed a counseling out session at a South Los Angeles charter, where a student's mother was simply told by a school staff member that her son was better off finding "a school that meets his needs."

Public schools, on the other hand, cannot "counsel out" challenging students.

Daniel Losen, law and policy researcher on education equality issues:
"Information belongs to the public. Good choices are made with good information."

Conflicts of Interest

Public school governments are required to follow California Government Code 1090, which states that officials can't vote on issues or contracts wherein they have a vested interest. Charter decision-makers are not subject to the conflict-of-interest code.

Veteran educators and administrators interviewed by Capital & Main have expressed deep concern about the disparities between transparency requirements for public schools and publicly funded charter schools.

L.A. school board president Steve Zimmer

Most California charters are run by educational management organizations (EMOs), which are described bythe National Education Policy Center at the University of Colorado as "private entities [that] may not be subject to the same financial or other document/records disclosure laws that apply to state-operated entities and public officials."

Steve Zimmer, the current LAUSD school board president and a former high school teacher and counselor, has been critical of the lack of oversight of charter funding.

"You don't have to go through a procurement process, you don't have to follow labor standards," he says. "This is playing out on a multiplicity of levels."

Audits are not routinely required in the California charter system. It was only in 2006—some 14 years after California became the second state in the nation to pass legislation to create charter schools —that the stateCharter Schools Act was amended to allow local school officials to request a state audit of a charter school's financial transactions when they suspect something is amiss.

It took a state audit—triggered by a request from the Los Angeles County Office of Education—to uncover $2.6 million in payments that went to Kendra Okonkwo, the founder of Wisdom Academy for Young Scientists charter school, and to her close family members — with no oversight from the governing board of the nonprofit running the South Los Angeles school.

Another audit uncovered an Oakland charter school founder directing $3.8 million to companies he owned. American Indian Model Schools founder Ben Chavis is presently under IRS and FBI investigations related to his dealings with the school district.

More recently, a San Jose Mercury News investigation of California Virtual Academies, an online charter school chain run by the Virginia-based, publicly traded company K12 Inc., found that not even half of its enrollees graduated with a high school diploma and even fewer—almost none—were qualified to attend a California state university.

The online chain, launched by former Goldman Sachs banker Ronald Packard, with seed money from Larry Ellison, cofounder of tech giant Oracle, and former junk bond purveyor Michael Milken, has collected more than $310 million in state funds over a dozen years. (An April 12 statement from K12 Inc. criticized the investigation as incomplete.)

A study commissioned by the Center for Popular Democracy calculates the lack of oversight has cost California $81 million.

Jason Mandell, Director of Advocacy Communications at the California Charter Schools Association, says that charter school opacity is changing. "There's an increasingly thorough review process. If a charter school isn't meeting standards, the charter can be shut down. When you know you're going to be scrutinized and people are watching, you better perform. [Charters] have more autonomy in exchange for greater accountability."

Last year, however, Governor Jerry Brown, himself a charter school founder, passed on a chance to tighten that accountability. He vetoed a bill approved by both houses of the legislature that would have made it explicit that schools should be subject to the Brown and Public Records acts.

David Tokofsky, a former member of the LAUSD Board of Education who has also worked for a charter school operator, cautions that the push for charter schools has been framed in terms of "education reform," although the movement behind these schools, he says, is really one for deregulation of financial oversight and management.

"Deregulation was supposed to be about curriculum," Tokofsky says, allowing teachers and parents more freedom to craft education and programs to fit the students. "It has become deregulation about every aspect of the school."

"We know," he adds, "when deregulated banks fail; we know when deregulated airplane doors fail. Do we know when deregulated schools are hurting your kids?"

Charter School Powerbrokers

By **CAPITAL & MAIN STAFF**

The Billion Dollar Investment

Charter proponents, most notably the Walton Family Foundation, contribute large amounts of money to expand charter schools in select cities around the nation. The foundation says it has invested more than$385 million in new charter schools over the past two decades and, earlier this year, announced that it plans to give $1 billion over five years to support charters and school-choice initiatives.

In announcing its $1 billion strategic plan to support new and existing charter schools, the foundation has said the money would go to four initiatives – investing in cities, supporting the school-choice movement, innovation and research. It identified 13 cities nationwide where it said it can have the biggest impact, including Los Angeles and Oakland. Los Angeles already has more charter schools than any other school district in the United States and Oakland has the highest percentage of charters for any district in California.

"If funders like Eli Broad or the Walton Family Foundation were truly committed to education equality," says John Rogers, an education professor at the University of California, Los Angeles, "they could have taken steps to simply support reducing class size or after-school [activities] or summer programs that would provide more educational opportunity, rather than try to invest in strategies to undermine the capacities of a school district. The primary aim is to dismantle the school district as a whole and replace it with a new way of doing public education."

Philanthropists, says Kevin Welner, director of the National Education Policy Center, *"like charters in part because they decrease the publicness of public schools."*

Gary Miron, a professor of education at Western Michigan University, agrees. "They believe in privatization," he says. Miron co-authored a critical study, sponsored last year by the National Education Policy Center, that focused on the charter industry's funding policies.

But why do so many charter advocates embrace privatization?

"I don't think it's about the money," says Kevin Welner, director of the National Education Policy Center at the University of Colorado at Boulder. "They like charters in part because they decrease the publicness of public schools. They want a system much more based on market forces because they don't trust democracy."

Netflix founder and prominent charter advocate Reed Hastings seemed to confirm this view when, during a 2014 convention of the California Charter Schools Association, he decried publicly elected school boards for their alleged lack of stability in governance. He then praised the closed-governance charter model of private boards whose "board members pick new board members."

But should the private sector be in charge of public education?

"No," says Welner. "The public sector should be in charge of public education. Public education should be under democratic control."

Welner is not alone in his view.

"The radical agenda of the Walton family," says a damning report issued last year by the American Federation of Teachers and In the Public Interest, "has taken the U.S. charter school movement away from education quality in favor of a strategy focused only on growth. It's been lucrative for some, but a disaster for many of the nation's most vulnerable students and school districts."

Capturing school boards has become a major goal of the charter-school movement.

The direct funding of charter schools is only one of several strategies charter advocates are using to influence public opinion and school policies. They also fund academic studies and "grassroots" organizations such as Parent Revolution, along with powerful political lobbies such as the California Charter Schools Association (CCSA). Just as important, they contribute millions of dollars to school board elections in order to replace those perceived to be anti-charter with pro-charter board members, as seen in recent elections in Los Angeles and Oakland, two cities where charter-expansion partisans have been particularly aggressive.

Reshaping School Boards

"I don't see myself as just pro-charter," Ref Rodriguez tells **Capital & Main**. "It's a little more nuanced. My focus is on quality." In 2015 Rodriguez ran as a pro-charter candidate for a seat on Los Angeles' Board of Education. Rodriguez admits he received a lot of money from charter advocates, but says that he is not beholden to them. In any case, he handily defeated his incumbent opponent, Bennett Kayser, in a bitterly-fought election that gave charter school proponents a key ally on the seven-member board. Even so, Rodriguez says he does not support Broad's plan, citing what he believes is its flawed data relating to the plan's claims about long charter-school waiting lists.

The election of pro-charter members to school boards has become a major goal of the charter-school movement. The boards make critical decisions involving charters – from hiring school superintendents to creating policy about whether, and how many, charter schools should be authorized and renewed within a district.

In last year's Los Angeles Unified School District board race a CCSA political action committee spent more than $2 million, including roughly half a million dollars in negative ads, to defeat Kayser, a onetime teacher and school administrator who was generally opposed to opening new charter schools. By contrast, Rodriguez was the cofounder of a charter school network, Partnerships to Uplift Communities, and a former CCSA board member.

In addition to money spent by the CCSA PAC, Rodriguez received contributions from Eli Broad and his wife Edythe, from Laurene Powell Jobs (the widow of Steve Jobs and a wealthy charter advocate), from a PAC affiliated with the StudentsFirst education advocacy group, which was founded by Michelle Rhee, and from numerous employees and officials at various charter schools.

The United Teachers Los Angeles union spent about $800,000 in support of Kayser.

Jason Mandell, CCSA's director of Advocacy Communications, says that the charter lobby's political action arm gives money in an effort to ensure that charter schools get a fair hearing on school boards.

"We hope for school board members who understand charter schools and are supportive of their growth, or at least the high performing ones," he says. "There are folks who are opposed to charter schools, period, regardless of their impact on students. We think the communities are better served by having school board members not so ideologically extreme and who are happy to support charters when they are performing well and helping kids. School boards make real decisions on charter schools."

For all the money that charter school proponents spent on the 2015 Los Angeles school board elections, the Broad Plan continues to be vigorously opposed by the education community.

Molding Public Opinion

In an effort to shape public opinion and sway policy makers, the Walton Family Foundation awards research grants to professors studying charter schools and other educational initiatives. The grants, totaling millions of dollars, have funded academic studies at Harvard University, MIT, Stanford University, the University of Pennsylvania, Vanderbilt, the University of Michigan and the University of Notre Dame. These studies are then quoted in the mainstream press or in the media that pro-charter philanthropists directly control – creating an echo chamber that is used by the charter movement to expand the numbers of charter schools across the United States.

These institutions officially say that they maintain control of research findings and that the studies don't always reflect the views of the funders. A study by Stanford University's Center for Research on Education Outcomes (CREDO), funded by the Walton foundation, concluded last year, for example, that

Nonetheless, the funding of academic studies raises concerns. "It's part of the war of ideas," says UCLA's Rogers.

That war of ideas certainly includes funding education coverage in the media.

The Los Angeles Times' "Education Matters" initiative to expand education coverage, for instance, is receiving $800,000 from a group of foundations, including the Eli and Edythe Broad Foundation. And the respected Education Week, among others, has received funding ($250,000 in 2014) to cover "school choice" issues from the Walton Family Foundation.

Last January a New York-based charter school advocacy website called The Seventy Four, which has received funding from the Walton Family Foundations took over LA School Report, a respected online publication devoted to covering Los Angeles public schools. The Seventy Four – named for America's 74 million school-age children – is owned by former CNN anchor Campbell Brown, a high-profile charter-school advocate and a key player in a lawsuit to end teacher tenure protections in New York.

The Seventy Four's takeover of LA School report is part of a pattern in which prominent charter school proponents, such as philanthropist Eli Broad and the Walton Family Foundation, seek to influence the public and school policy makers by acquiring or investing in education coverage. The move, which involved replacing LA School Report's editor, came months after a group led by Broad proposed that half of the Los Angeles Unified School District's students be enrolled in charter schools within the next eight years. *(Broad did not respond to requests for comments for this article.)*

Oakland's Charter School Tipping Point

Oakland school board member Rosie Torres, left.

By **BILL RADEN**

Last September's sensational leak of the Great Public Schools Now Initiative, a half-billion-dollar plan to double the number of charter schools in the Los Angeles Unified School District (LAUSD), sparked a firestorm of controversy. Citing the plan's potentially crippling fiscal impact on a financially troubled district that already leads the nation in its number of charters (around 230), critics denounced the plan as "an outline for a hostile takeover" and "a declaration of war on public schools."

The combination of public furor and the LAUSD school board's unanimous repudiation of the initiative — which was quickly dubbed the "Broad Plan" after its sponsor, Los Angeles philanthropist Eli Broad — subsequently forced the nonprofit tasked with implementing it to beat a retreat in its rhetoric, if not its intent to transform half of Los Angeles' public schools into charters.

Yet Capital & Main has learned that a similar private initiative has been on the table for the Oakland Unified School District (OUSD) for at least a decade. Virtually unknown to Oakland's parents, and without the benefit of public exposure or open debate by its school board, the Oakland charter expansion scheme has been quietly driving policy under the political radar for a number of years. (The OUSD school board did not respond to Capital & Main's request to comment for this article.)

Rosie Torres, Oakland School Board Member:

"What's going to happen if we continue to have charter schools opening and we destabilize the financing of public schools?"

Charter schools, which were born of the education reform movement of the 1980s, compete for public tax dollars but are today often run like private businesses and aren't bound by much of the state's education code. But what makes such large-scale expansions problematic, researchers contend, is how charters exacerbate existing inequities through access, retention and recruiting practices that "cream" high-achieving, inexpensive-to-educate children and "push out" students challenged by learning disabilities, limited English skills, academic deficits or chaotic family lives. That leaves already struggling urban district schools burdened with a larger percentage of high-needs kids but a smaller amount of money with which to serve them.

The major Oakland charter advocacy groups that responded to requests for comment about the 50 percent charter-school goal issued carefully worded denials or demurrals. Jason Mandell, a spokesperson for the California Charter School Association lobby group, admitted to "a goal for growth, but not a specific target in each district." Rhonnel Sotelo, who has been executive director at the Rogers Family Foundation for nearly two years, said he's never heard of a 50 percent goal for Oakland. And Debbie Veney, a spokesperson for the Silicon Valley-backed NewSchools Venture Fund, said she "can't confirm that such a plan exists." The city's pro-charter coalition, Great Oakland (GO) Public Schools, didn't respond to requests for comment.

Mike Hutchinson

Yet according to Bruce Fuller, an education and public policy professor at the University of California, Berkeley, that 50 percent charter-school objective has been more or less an open secret in East Bay charter circles.

"They were probably talking about [it] 10 years ago, about whether they could take over Oakland. The idea's been kicking around for a while," he stated in an interview, recalling that he first heard the figure

Bruce Fuller,
University of California, Berkeley:
The idea of charter schools taking over Oakland has been kicking around for a while.

through the NewSchools Venture Fund.

Many charter supporters, Fuller added, believe a 50 percent stake is necessary to "drive the 'reform' agenda" in a school district. The problem with the way that charter school funding works in California is that there's no way that a charter school's expansion will not push a school district closer to bankruptcy. The math is simple: For every new charter seat created, a traditional district loses that much state Average Daily Attendance (ADA) money, which represents the bulk of its funding. Taking half of OUSD or LAUSD's enrollment means taking half of their budgets.

Worse, though the ADA money follows the child to the charter, the students that remain in the public school actually become more expensive to teach. As students are siphoned from a neighborhood school to the charter down the street, the building overhead and paychecks to teachers, nurses, librarians and custodians at the non-charter do not go down correspondingly. It costs the district the same to open the doors of a classroom whether it is full or at 75 percent capacity. The emptier the classroom, the more the economies of scale that allow California districts to educate a student at the rock-bottom annual price of $9,794 collapse.

Creaming and push-out by the charters only further inflate the expense as, over time, neighborhood public schools accumulate a disproportionate share of difficult and expensive-to-teach, high-needs kids. All a school can do is cut staff and services, along with art and music instruction, band, recess and phys ed. Eventually, those under-occupied classrooms are seen by districts budget managers as "overcapacity" and the neighborhood school itself must be closed.

Charter school defenders deny that charters are to blame and insist that districts can offset the fiscal chaos of ADA "siphoning" by simply restructuring school budgets to expand and contract with enrollment by, among other things, automatically cutting staff along with "legacy costs" like retiree health care.

Yet massive school closures were the scenario in Oakland in 2010, when OUSD's then-superintendent, Tony Smith, floated a contentious plan to close 25 to 30 city schools. In the fierce public outcry over the destabilizing dislocations that the closures would pose for thousands of Oakland public school children, Smith and the board backed off, and in the end only closed five. Research on the student impact of mass school closures in Chicago and Philadelphia, triggered in part by charter expansions there, suggests the disruptions may hinder, and rarely help, students' academic progress.

Mike Hutchinson, a local education activist and school board candidate who was at the center of the fight to save the schools, believes that when Los Angeles looks at the future of its public schools, it should consider what's already happened to a large degree in Oakland. Districts like OUSD, he told Capital & Main, are being used as a kind of policy Petri dish by charter supporters, precisely to refine the kind of detailed takeover strategies outlined for Los Angeles by the Broad charter expansion plan.

"A lot of these policies were first tried out in Oakland," he said. "If you go back and look at the Eli Broad handbook on school closures, a lot of the source information that they used for that report is from Oakland. Because they used Oakland to experiment for a lot of these things."

Clarissa Doutherd, Executive Director, Parent Voices Oakland: *"Racially we are a diverse city. But that doesn't mean that we have to have the McDonald's of schools coming in."*

Kim Davis

One evening in February about 100 parents filled the auditorium of East Oakland Pride Elementary School, a stately, prewar Spanish Colonial Revival structure spread along a quiet street of low-income, single-family homes. The neighborhood sits at the center of the "Deep East," a fingerlike diagonal of flatlands sandwiched between San Francisco Bay and the 580 Freeway. This community's high-crime streets rank at the top of Oakland's neighborhood stressor index.

The gathering's mostly Latino and black families had turned out for an "informational meeting" held by the Oakland school board for parents who were deciding whether to enroll their children in one of the 86 district-run neighborhood schools or one of the 37 charter school upstarts (seven more are authorized by the Alameda County Office of Education). These have given Oakland the largest percentage (over a quarter of all students) of charter enrollment in the state.

That night a tension hung in the room, caused by OUSD superintendent Antwan Wilson's "common enrollment" program. The controversial $1.4 million plan, proposed by Wilson last fall, would for the first time in California combine district schools and charters in one enrollment process.

Oakland public schools advocates immediately condemned the policy as the latest move by Wilson and the East Bay's charter school forces to accelerate the migration of district students to charters and tip the city's already under-resourced neighborhood schools off a financial cliff. It's a suspicion fueled by the fact that common enrollment's main financial supporter is Educate 78, a local pro-charter school group financed by the NewSchools Venture Fund.

After board president James Harris brought the meeting to order, Silke Bradford, the polished and well-spoken director of OUSD's charter school office, delivered a PowerPoint presentation of charts and side-by-side comparisons of district-wide performance statistics and demographics of charters and district-run schools. The show was flattering to charters, particularly in slides showing that charters bested district schools on the new, Common Core-oriented SBAC (Smarter Balanced Assessment Consortium)standardized tests in math and reading by 13 to 22 percent. This, despite teacher complaints last spring that the tests were confusing and didn't provide a meaningful assessment of academic performance.

However, one of the Oakland school board members, who are called directors, took a look but refused to sit with her colleagues beneath the auditorium's proscenium arch. Later, District 5 Director Rosie Torres explained her decision to Capital & Main.

"I was so angry, I just walked out," she said. "It seemed like everybody danced around and talked about wanting a strong leader, or talked about wanting diversity — everything but the issue [of] what's going to happen if we continue to have charter schools opening and we destabilize the financing of public schools."

It was a startling admission from a woman who, in 2012, enjoyed the endorsement and financial backing of CCSA and GO — the latter of which receives funding from NewSchools and the Gates and Walton foundations. GO was founded with seed money from the Rogers Family Foundation, Oakland ice-cream magnate Gary Rogers' pro-school-privatization nonprofit. That election saw GO's candidates wrest control of the school board, which ever since has generally supported GO's policies in the face of increasingly vocal public opposition.

Torres said, however, that once she was in office she quickly dropped her charter "neutrality" when she learned of the scope of the East Bay charter advocates' plans for Oakland. "They actually want 50 percent [of OUSD's enrollment]," she said. "The former charter school association president said, 'We're going for 50 percent of Oakland school kids.'" Torres was stunned. "Financially, what is our role as a board if not to mind and to be directing public dollars in a way that would not decapitate us?"

"I'm concerned … about whether or not we will still have public schools in the future," Torres announced through a bullhorn. "That 20, 30 years after a takeover, corporations can just turn around and walk away. What would happen if this was a complete charter district? We will be left with empty buildings, no teachers, no education for students who can't afford to go to private schools, students who can't afford to up and move to another city that will have public education."

Clarissa Doutherd

Oakland's charter school movement has been growing since the district was taken over by the state in 2003 because of a $35 million budget deficit. It was put under the control of state administrator Randolph Ward, a Broad Academy graduate, by then-mayor Jerry Brown and then-California Superintendent of Public Instruction Jack O'Connell. By 2009 the district emerged from receivership — and from under two more Broad Academy administrators — having ballooned from 15 authorized charters to 33. (The academy is one of two Broad Foundation programs that groom future education officials in a pro-charter school environment.)

"The state takeover and appointment of a Broad-trained superintendent," teachers union president Trish Gorham remembered, "was pretty much the writing on the wall. [Ward] began the school closures then."Ward closed 14 traditional public schools during his three years and opened 13 charter schools, cutting into enrollment at district schools. Mike Hutchinson, the education activist, believes that the public pushback against school closures has made Oakland charter groups rethink their tactics but not their overall goal.

Part of that shift, Hutchinson says, is reflected in Oakland Education Strategy 2020, unveiled in 2014 by the Rogers Foundation and NewSchools Venture Fund. The program strives for "creating new and redesigned high-quality schools with the collective capacity to serve 10,000 students by 2020" – which would bring the charter schools' share of Oakland's total enrollment to just under 45 percent.

Mona Treviño, Parents United:

"Why should the public school district pay for the enrollment of schools that are not accountable to the district?"

Though the Rogers Family Foundation's Rhonnel Sotelo denied that the plan was "necessarily trying to add 10,000 new charter school seats," the 2020initiative certainly allows the expansion, even as it dovetails with OUSD's Quality School Development Policy, announced by Wilson that same school year. Under the Wilson plan, the school board each year would designate persistently underperforming district-run schools to be placed in this Quality School Development Policy. Once selected, the school site then sets up a redesign committee and a redesign process to overhaul the school's curricula and classroom culture.

Although Oakland is the state's most racially diverse city, the East Bay's charter expansion has not exactly been colorblind. The most telling slide in Silke Bradford's PowerPoint presentation was how, at 19.2 percent, African-American students were dramatically underrepresented in Oakland charters, particularly compared to Latinos at 54.7 percent (compared to 29.5 percent and 42.9 percent respectively in district-run schools).

Oakland education's emerging racial divisions worry Clarissa Doutherd, the executive director of Parent Voices Oakland. A single parent with an African-American son, Doutherd sees the racial disparities between charter and neighborhood school enrollments as part of a larger pattern of real estate development, gentrification and displacement that has been dividing the city's communities and, in particular, impacting its African-American population.

"Racially we are a diverse city," Doutherd said. "But that doesn't mean that we have to have the McDonald's of schools coming in. Letting the market decide who my son's going to be, I can't imagine that. That's a scary future."

The 44-page Great Public Schools Now Initiative, which lays out a step-by-step blueprint for the creation of "260 new high-quality charter schools" and the generation of "130,000 high-quality charter seats" in eight years, more than doubling LAUSD's current charter enrollment, openly states its intention to make Los Angeles a model for similar charter takeovers in other cities.

In Los Angeles, however, even the Broad Foundation's Greg McGinty later backed off from the initiative's takeover rhetoric. McGinty, the Broad Foundation's executive director and managing director of policy, insisted that the plan was created only "for discussion purposes." And Myrna Castrejón, a former CCSA lobbyist who was named executive director of the new, eponymous organization created to implement the plan, held out the hope that some of the plan's privatization philanthropy could conceivably be used to expand LAUSD's successful pilot school program, though she maintained that the plan's "original intent hasn't changed."

The simmering anger of last February's East Oakland Pride meeting — the one Rosie Torres walked away from — was eventually vented in the school's parking lot as parents, teachers and board members headed to their cars. Mona Treviño and Kim Davis of the activist group Parents United, along with another parent, Tylon Hunter, paused to speak about their frustrations over what they felt had been left unsaid —that the board was pitting parent against parent.

"Why is our board putting us in this position?" asked Davis. "This was, 'Listen to what these people say.' You know, they want this kind of division between us, and I'm not sure why."

Tylon Hunter

Oakland Parent Tylon Hunter: *"They should be held accountable because it's not public school parents against the charter school parents. We all should be looking at the district."*

"We're not having a conversation about whether or not the district should pay for charter school enrollment," Treviño added. "Why should the public school district pay for the enrollment of schools that are not accountable to the district? I mean, the district is accountable — or the county — for allowing these [charter] schools that are pushing kids out."

"They should be held accountable," Hunter agreed emphatically, "because it's not public school parents against the charter school parents. We all should be looking at the district. And really, if you're going to take money from the state, the county, then you should abide by the same rules that the public schools abide by."

At the dawn of the charter movement, the education writer Alfie Kohn noted that the biggest hurdle facing meaningful education reform was Americans' attenuated sense of community. That much of the charter school movement effectively says to parents, "'Never mind about what's best for kids; just shop for the school that's best for your kids.' It's not a community; it's a market — so why would we expect things to be any different inside the school?"

This is the underlying concern of Oakland's neighborhood public schools advocates — what happens to the communitarian safeguards of democratic governance that have guided public education for the last century as that system is replaced by one of philanthropic noblesse oblige?

School Solutions and Turnarounds

Yolanda Rodriguez Photo by Pandora Young

By **BOBBI MURRAY & BILL RADEN**

Elana Goldbaum was happy working at Burbank Junior High School, a public school located in Los Angeles' Highland Park neighborhood, until she was let go during the recession in 2008. She now works with what Goldbaum calls "a talented and amazing team" of educators at the Alliance Gertz-Ressler charter school, one of a network of 27 high schools and middle schools spread across the Los Angeles area. She loves teaching history to 10th graders, even though she finds herself embroiled in some of the teacher-management conflicts that have defined charters.

When Goldbaum began working at Alliance in 2008 she enjoyed autonomy in her teaching approach. But then, she said, she increasingly felt beset by bureaucracy as "the home office" of the Alliance organization intervened more in the curriculum and with her teaching methods. The creativity that she had found so effective in engaging students was straitened, she told Capital & Main, by a growing number of mandates that provided little practical direction—but more penalties for instructors. The situation went from one of teacher innovation to that of teachers being forced to follow home office directives.

Elana Goldbaum

Charter schools were first created partly as alternatives to just such top-down bureaucracy. Yet while charters are increasingly becoming scrutinized for their pedagogical and managerial philosophies, traditional public schools are developing their own solutions to problems that typically plague the education system. These schools are showing a creative resilience and ability to change that have not received much media attention. Many parents of students who have successfully matriculated through the Los Angeles Unified School District believe that the key to a successful education means viewing a school as a community.

Yolanda Rodriguez is one such parent. Four of her five children attended LAUSD magnet schools before attending college. Magnet schools were created in the 1970s and are part of the local public school system but have curricular themes (science, technology, engineering, math or the arts), vocational and career paths.

Not that it's easy to get four students into magnet schools. Students must apply to enter and are chosen by lottery.

"My experience was always good," Rodriguez said of her children's years in magnet schools. "They were always in small classes." She's concerned about the fact that not all charter teachers have to be certified.

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Yolanda Rodriguez, Activist Parent:
"What's most important is to work well together with good communication between parents, teachers and students."

Rodriguez became active with Inner City Struggle, an L.A. education-justice organization that works with parents in communities east of downtown Los Angeles. She was an ever-present volunteer at the localLAUSD parent center before LAUSD tapped her to become a community representative, said Inner City Struggle associate director Henry Perez. Today Rodriguez connects parents with English-language and health workshops, and helps them in navigating the school system, and in communications with teachers and administration.

"What's most important," she said, "is to work well together with good communication between parents, teachers and students, and help parents with resources."

Twenty miles southeast of downtown Los Angeles, in the city of Cerritos, a teacher-management collaboration in the ABC Unified School District, which has 30 schools and 21,000 students, has raised the attendance rate from 93 percent to 97 percent, said Ray Gaer, president of the ABC Federation of Teachers. "The district and union agreed that [a] common ground was student absenteeism." Chronic absenteeism is directly related to the dropout rate and cuts into funding schools receive from the state.

Conflicts in the classroom—bullying by other students, clashes with teachers—combined with other stressors and directly affected academics.

Gaer said teachers of different grade levels and schools came together to agree upon consistent approaches and protocols to address behavioral issues, rather than piecemeal approaches that can vary from classroom to classroom, and grade to grade. Their framework is based on the Positive Behavioral Interventions and Supports model, which works with teachers to develop tools to clarify behavioral expectations in the classroom and to reward positive conduct. The schools also work with students to help them understand and modify negative and disruptive behaviors.

"There's a counselor for every school that works with kids on social and emotional issues," Gaer said, and a psychologist available.

Artesia High School, where 77 percent of the students are eligible for free or reduced-price meals, bumped up its Academic Performance Index test scores from 557 in 2004 to 777 in 2013—comparable to schools in economically advantaged communities.

ABC has been invited by the Department of Education to make a presentation in June. Gaer welcomes the chance to explain the district's success. "There isn't a broadcasting of best practices," he said.

When Matthew Navo first drove into the sleepy Central Valley town of Sanger in 2000, he was greeted by that community's welcome sign—a billboard that had been altered by disaffected teachers to read, "Welcome to Sanger, Home of 400 Unhappy Teachers."

"There was so much dysfunction within the community," Navo remembered. He

had come to Sanger from Fresno to
interview for an assistant principal job at Jefferson Elementary School, then one of the lowest-performing schools in California. "I almost turned around and went back to my home district. But I was intrigued by the fact that a group of teachers were so upset they would feel the need to do that, and then, too, a community that actually tolerated it.

Matthew Navo, Sanger Unified School District Superintendent: *"There was so much dysfunction within [Sanger], I almost turned around and went back to my home district."*

Serving a predominantly Latino farming community 15 miles outside Fresno, the entire Sanger Unified School District was, by 2004, one of the lowest-performing districts in the state. By 2011, however, Education Trust-West had recognized it as one of the most improved high-poverty districts for low-income students, and the American Association of School Administrators honored Sanger's then-superintendent, Marcus Johnson as Superintendent of the Year. The following year, 97 percent of the district's students graduated, while the rate for its Latino students was 94 percent. And those achievements continue to be sustained today. In 2012, Matthew Navo took over as Sanger Unified's superintendent. "When people ask, 'How did that happen?'" Navo said, "I tell them, 'Because the relationships at Jefferson already existed when the journey started. There weren't many people in the organization that were resistant to doing something better and different.'"

The better and different, Navo said, boiled down to adopting three tools:

- The Rick DuFour model of teacher professional learning communities (PLCs) and knowing that helping kids meant helping teachers to learn to work together in a collaborative way.
- The Explicit Direct Instruction (EDI) model, with structures designed to help low-performing and language-minority students work on grade-level standards with frequent checking for understanding.
- Response to Intervention (RTI), a program that created both in-class intervention and a range of intervention classes to meet the specific needs of students at risk of falling behind.

Most importantly, however, were the imperatives behind the tools. Navo ticked them off:

"The need for principles that define your organization; initiatives that define your goals; goals that are simple and clear; and a willingness to build relationships [that can] transcend across districts in a very systematic way."

Sanger is now routinely mentioned by education researchers in the same breath as Union City, New Jersey or Long Beach, California as a national model for reversing the decline of high-poverty, high-immigrant urban public school districts from within. It's a continuous-improvement approach that University of California, Goldman School of Public Policy professor David L. Kirp calls "homegrown gradualism," as opposed to a top-down, charter-up method.

Veteran education researcher Jane L. David literally wrote the book on Sanger, with co-author Joan E. Talbert of Stanford's Center for Research on the Context of Teaching. One of the lessons she took away from places like Sanger, she told Capital & Main, is that the very language of "broken" and "fix" that charter advocates use to describe public schools wrongly characterizes the systems nature of public education as something mechanical.

Education researcher Jane L. David:
"Schools are reflections of our society and reflect the values of the communities that they reside in."

"A more appropriate perspective," David said, "is that schools are reflections of our society and reflect the values of the communities that they reside in, and they serve an incredibly important purpose in educating everyone to some level. I mean, that's just a different way of thinking about the systems as kinds of living, breathing things, more like a human being that might get sick but needs a really good diagnosis and a lot of support to improve."

Nine Solution Takeaways


Photo by Pandora Young

By **JULIAN VASQUEZ HEILIG**

Despite the trendy popularity of charter schools in some circles, their wholesale replacement of traditional public schools is unnecessary. Not only do decades of data and research show this, but in each city there are plenty of successful public schools on the other side of the tracks or highway or river. The wealthy in the United States, regardless of locality, continue to have access to quality public education. So what should allparents already be able to choose from in their existing neighborhood public schools?

High Quality Teachers. Shortages of teachers caused by district instability, difficult working conditions and low pay have enabled thousands of teachers with just five weeks of summer training (and sometimes as few as 30 hours) to enter the classrooms of primarily poor children during the past 10 years. All childrenneed teachers in every classroom who have extensive training in classroom management and developing and delivering curriculum.

Early Childhood Education. There are very few gold standards in the research literature, but Pre-K is one them. For Latina/os and African Americans, Pre-K has been shown to be especially promising for narrowing the disparities in readiness when kids reach kindergarten.

Equitable School Finance. Poverty and school finance do matter in schools, especially for immigrant students. Equitably funded schools ensure, as the U.S. Department of Education has said, that a "child's critical opportunities are not a function of his or her ZIP code."

Local Accountability. Top-down accountability policies inspired by George W. Bush's No Child Left Behind law did not deliver on their goal to make all students academically proficient by 2014. Why? Because we need an accountability system that doesn't stigmatize schools for students who score poorly on only one measure of success—high-stakes tests.

Arts and Other Extracurriculars. National polls of parents show that one of the top three priorities for schools is funding for arts and other extracurriculars. The past two decades of testing and accountability policies have caused a neglect of these programs.

Class size. California had a disastrous experience with class-size reduction because the shock to the system caused a variety of unintended consequences for teacher quality. However, research literature still solidly supports claims that smaller class sizes provide student success benefits for poor children.

Diverse Curriculum. The most recent research from Stanford University demonstrates that ethnic studies courses improve student achievement. State curriculum standards have been popular since the late 1990s. However, those standards often exclude communities of color. Since U.S. schools are now majority minority, it is important that we have curriculum that represents diverse populations.

School Desegregation. More than 60 years after the Supreme Court ruled that segregated schools produced inherently unequal education, American schools remain remarkably segregated by race and ethnicity. We need to avoid a perpetually balkanized society.

Ending the School to Prison Pipeline. Schools in the United States are sending droves of young black and brown students into the school-to-prison pipeline via harsh discipline policies. Educators must utilize innovative and restorative disciplinary approaches to stem this trend.

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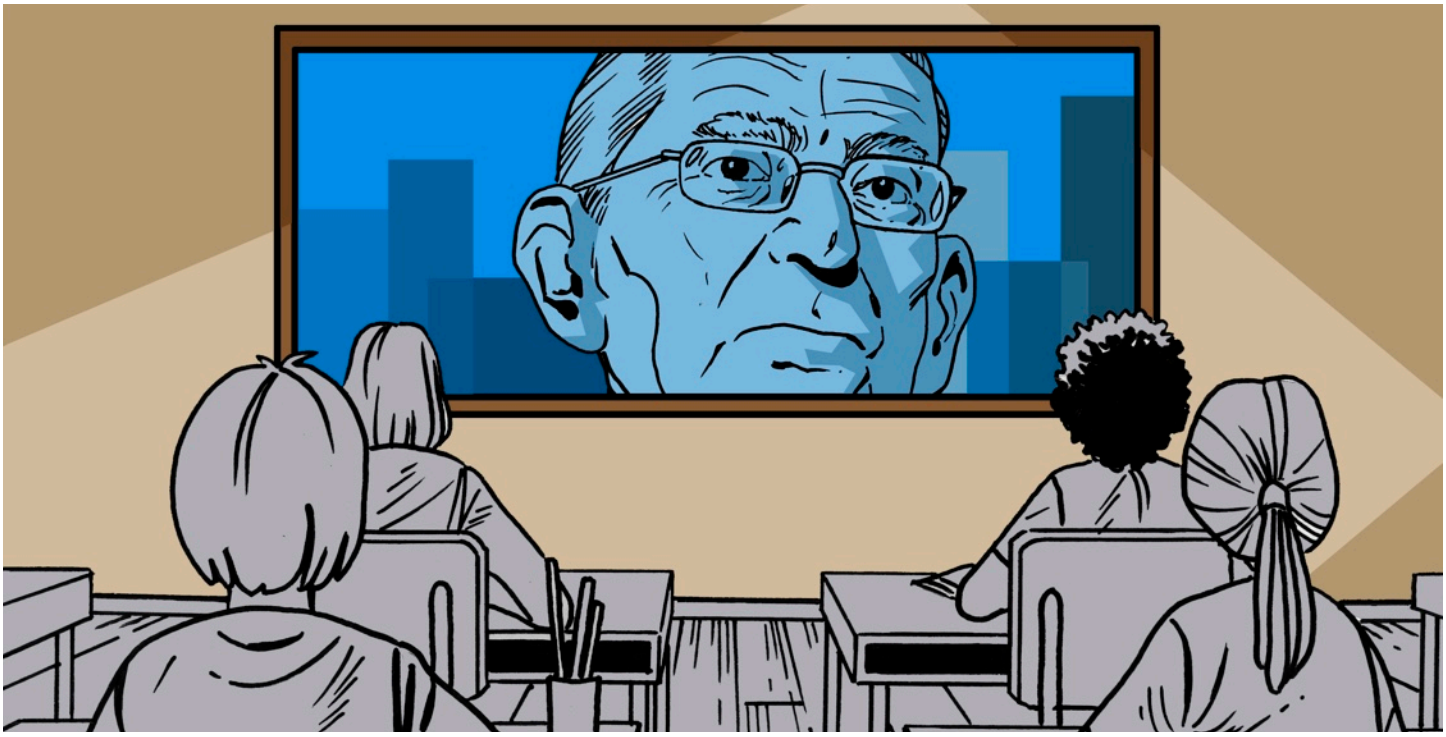

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