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Legislation could help – or hinder – charter public schools

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Minnesota was the first state to use charter schools as a way of bringing innovation to public education. While nine states have no legal provisions for charter schools, Minnesota has the strongest charter laws in the nation, according to the Center for Education Reform, a pro-charter group based in Washington, D.C.

And if legislators act carefully, Minnesota could have an even better policy environment for charter schools at the end of the session.

Charter public schools not only have their own governing boards, but they also have sponsoring organizations (sometimes called authorizers) that are responsible for ensuring they meet the academic, fiscal and governance terms of their charter. Minnesota leads the nation in charter schools, in part, because it allows multiple types of organizations (colleges, nonprofits, the department of education, etc.) to serve as sponsors. In some states, by contrast, charter schools must be legally and financially part of school districts. By embedding charters within districts, those states weaken the power of charter schools to serve as laboratories of innovation. A key question about charter schools is “Who oversees the overseers?” And what happens when some sponsors are not up to the job?

Several charter school-related bills have been introduced this session, including H.F. 935 (sponsored by Rep. Linda Slocum, DFL-Richfield) and S.F. 867 (sponsored by Sen. Kathy Saltzman, DFL-Woodbury). Those two bills aim to rework laws governing charter schools, and especially chartering authorities.

(Much of the Saltzman bill was rolled into the Senate omnibus bill that the Senate passed on Tuesday. The House K-12 Education Finance Committee on March 10 heard Slocum’s charter school legislation. The committee laid over an amended form of the bill for possible inclusion in the House education omnibus bill, which will be unveiled on Monday after the Easter recess as a delete-all amendment. Committee members plan to review the omnibus bill on Tuesday, and are expected to mark up the bill at a hearing on Wednesday.)

Though any law can have unforeseen consequences, some parts of these bills have reasonable and commonsense provisions that should, as some charter public school fans have told me, strengthen public confidence in these schools. Clarifying and strengthening conflict-of-interest regulations is one example. Requiring charter school boards to create a development plan for administrators is another.

Saltzman’s bill also allows for the creation of two organizations specifically designed to oversee charter schools. While many of the nonprofits that oversee charter schools have done a good job,

there's something to be said about having new organizations that work only on charter schools – Minnesota could benefit from having some.

These are a few of the good measures contained in the current form of the legislation. But other ideas (some of which were removed from earlier versions of the bills) threaten the vitality of charter schools.

For example, an early version of S.F. 867 imposed a numeric cap on charter schools. Even if some schools need better governance, a moratorium on new schools is a poor response, and a blunt instrument that shuts off new schools. Even a temporary cap sets a dangerous precedent. Fortunately, it has since been removed from the legislation.

Another regulation, still in play, would prohibit for three years the establishment or relocation of a charter school within one mile of a district school that had been closed. Saltzman tells me that the limit is a “placeholder,” a way to recognize a problem: A school district may have too much classroom space. It closes a school, bringing enrollment and capacity into balance, but upsetting parents. A charter school opens nearby, and students leave for the new charter in droves – and the lesser number of students in a school district classroom leaves the district once again with too much empty space. Though the latest version of the bill allows the education commissioner to waive the requirement, its presence in the legislation privileges school administrators at the expense of students. Eugene Piccolo, executive director of the Minnesota Association of Charter Schools, tells me this one-mile, three-year provision is his organization's primary concern with the bill.

Another risky proposition, discussed early on, was to require charter school leaders to have the same kind of licenses that school district leaders have. The Minnesota Association of Secondary School Principals, for example, has favored the idea. Fortunately, this provision is not in the current Senate legislation.

The thing is, many charter school leaders are effective despite – you might even say because of – their training and experience outside the usual career path for school administrators. One example is Paul Vallas, who was head of the Chicago Public Schools from 1995-2001 (he's now head of the Recovery School District in New Orleans). Vallas had spent most of his career in finance, and was budget director for Chicago Mayor Richard M. Daley. But when Daley appointed Vallas head of the school system, Vallas became instrumental in starting reforms in the schools there. To me, that shows you don't need traditional certifications to make a positive impact on schools.

The current Senate bill does not require a charter school administrator be certified in the same way that a school district administrator is. But it does say that charter school boards have to lay out a professional development plan for their school leaders. While that's a step towards layering schools with red tape, it could be worse. Saltzman tells me the intent is not to require, beyond broad categories, the content of a development plan, but to make sure that schools have one.

Can charter schools be better governed? Certainly. Any type of organization can be. But as school districts demonstrate from time to time, a sheaf of regulations and laws cannot eliminate malpractice or malfeasance. Vigilant parents, who value the fact that charter schools offer their children different curricula or environments, are important watchdogs as well.

As they work through the education bills, Minnesota legislators need to tread lightly. When it comes to charter public schools, it's the aspects that make them distinctive that make all the difference.