Creating New Opportunities to Learn
Charter Schools and Education Reform in Washington
by Melissa Lambert Milewski, Policy Analyst

Contents

I. Introduction ............................................................................................................. 1

II. A Short History of Charter Schools ................................................................. 2
   1. Charter schools in the United States ........................................................... 2
   2. Charter schools in Washington ................................................................. 3

III. The New Washington Charter School Law ....................................................... 3
   1. Who can run charter schools? ................................................................. 4
   2. Which students attend? ....................................................................... 5
   3. How many charter schools and students? ............................................. 5
   4. What rules must charter schools follow? ...................................... 6
   5. How are charter schools funded? ..................................................... 7
   6. Teachers at charter schools ......................................................... 7

IV. Case Studies: Charter School Proposals in Washington ............................. 8
   1. Knowledge is Power Program (KIPP) ............................................... 8
   2. Evergreen View Charter School ..................................................... 10
   3. Eatonville Montessori School ....................................................... 11
   4. Sea Mar Charter School ............................................................. 12
   5. Marlin Hutterite Community School ......................................... 13
   6. Harvard Academy ............................................................................. 13

V. Referendum 55 .................................................................................................. 14
   1. Groups for and against charter schools ...................................... 14
   2. Summary of arguments for a “no” vote ........................................ 15
   3. Summary of arguments for a “yes” vote ....................................... 16

VI. Research on Charter School Performance ................................................. 16
   1. Studies supporting charter schools .............................................. 17
   2. Studies criticizing charter schools ............................................ 18
   3. American Federation of Teachers Study ........................................ 18
   4. Charter schools in California .................................................... 19

VII. Policy Recommendations ........................................................................... 20

VIII. Conclusion ................................................................................................. 21
I. Introduction

In March 2004, a bill authorizing charter schools in Washington passed the state legislature and was signed by Governor Locke, making Washington the 41st state to legalize charter schools. The legislation authorized the establishment of 45 charter schools over the following six years. But the new law was suspended when charter school opponents on June 9th turned in more than 135,000 valid signatures as part of a referendum campaign to put the issue before the voters.¹ The law will be decided by voters through Referendum 55 on the November ballot. Voters will be asked to either confirm or reject the new law authorizing charter schools in Washington.

Charter schools are independent public schools that are exempt from many state and federal regulations that govern traditional public schools. Like other public schools, charter schools are funded by public education money and do not charge tuition. Charter schools cannot pick and choose their students, but they have much more autonomy than a traditional public school to manage their own educational programs. In Washington, each charter school would be managed by a private non-profit organization and overseen by a public sponsor, often the local school district. Charter schools in Washington would be required to show academic progress in order to keep their doors open.

Proponents say charter schools allow educators to escape the smothering bureaucracy that entangles other public schools and to find creative solutions to help struggling students. Opponents say such schools drain needed money away from traditional public schools and lack

sufficient oversight and accountability. In the midst of this ongoing debate, the national charter school movement has grown rapidly since it began a little over a decade ago.

To help inform the public debate on this important and complex issue, this study will:

- examine the charter school movement in Washington and in the nation;
- review the charter school law the legislature passed in March 2004;
- summarize the proposals of several groups hoping to start charter schools;
- give a summary of the referendum to repeal charter schools in Washington;
- look at the arguments put forward by charter school supporters and opponents;
- give an analysis of the research on the effectiveness of charter schools.

II. A Short History of Charter Schools

1. Charter schools in the United States

   In 1991, Minnesota became the first state to authorize charter schools. California followed in 1992, and over the following decade forty states and the District of Columbia authorized them. Washington is the 41st state to pass charter school legislation. Currently, there are 2,967 charter schools throughout the United States, enrolling about 687,000 students. California has the highest number of such schools (500), Arizona the second highest (491) and Florida the third highest (258).

   Where they exist, charter schools are popular. In 2001, “nearly 70 percent of charter schools [had] a waiting list equal to their enrollment.”

   Charter schools have enjoyed bi-partisan support at the national level and are supported by former President Bill Clinton and President George W. Bush. In 1993, President Clinton proposed a federal grant program to help new charter schools, the Public Charter Schools Program. The program, which is operated by the U.S. Department of Education, became a reality in 1994. It provides federal funding during the first three years of a charter school’s existence.

   In his 1997 State of the Union address, President Clinton called “for the creation of 3,000 charter schools by the year 2000.” In addition, in 2002, President Bush called for $200 million to support charter schools.

   Charter schools continue to draw fire from teachers unions and certain other groups within the education establishment. Supporters, such as Jeanne Allen, President of the Center for Education Reform, explain this opposition by saying: “While some see charter schools as a moderate, middle-of-the-road reform, observers should note that the education establishment

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2 California also has the highest number of charter school students (153,935), Texas has the second highest number of students (74,129), and Arizona has the third highest number of students (73,542). “Charter Schools,” The Center for Education Reform, www.edreform.com.


never actively fights anything that does not fundamentally alter the existing system. While charter schools enjoy diverse support, they radically transform the current public education system.\(^6\)

2. Charter schools in Washington

Charter schools were proposed a number of times in the Washington legislature during the 1990s. Each time the idea faced strong opposition from the teachers union and the effort to authorize charter schools failed to clear both Houses. In 1996, a charter school initiative was put on the ballot, but earned only 36\% of the vote statewide.\(^7\) In 2000, a more modest charter school initiative made the ballot, this time falling short of passage with slightly over 48\% of the vote.\(^8\)

In 2004, a bill authorizing 45 charter schools over six years passed both houses in the last days of the 60-day legislative session. Governor Gary Locke signed it into law on March 18th. The new law authorized the first five charter schools to open on October 10th, 2004. However, these plans were suspended by the qualification of Referendum 55.

In early July, charter school opponents turned in 153,718 signatures to the Secretary of State to qualify a charter school referendum for the ballot. Approximately 135,745 of the referendum signatures were determined to be valid, well above the 98,867 signatures required.\(^9\) As a result, Referendum 55 will appear on the November ballot, allowing voters to confirm or veto the charter school law passed by the legislature. A “yes” vote on the referendum would confirm the law passed by the legislature and allow charter schools in Washington state. A “no” vote would veto the law passed by the legislature and would retain the current system of public education in Washington.

If voters confirm the charter school law on November 2nd, the earliest the first schools could open is March 2005. Since that is in the middle of the school year, most charter schools would likely open after August 2005.

III. The New Washington Charter School Law

The newly-passed Washington charter school law authorizes the creation of 45 charter schools over six years. The guidelines in Washington about who can run a charter school and which students can attend are more limited than those of charter school laws in most other


\(^{7}\) Election results for Initiative 177, Office of the Secretary of State, November 1996. Final result was 762,367 (35.57\%) votes in favor and 1,380,816 (64.42\%) votes opposed. See http://www.secstate.wa.gov/elections/results_report.

\(^{8}\) Election results for Initiative 729, Office of the Secretary of State, November 2000. Final result was 1,125,766 (48.16\%) votes in favor and 1,211,390 (51.83\%) votes opposed, see http://www.secstate.wa.gov/elections/results_report.

The table below gives a quick overview of how the law would work, with more detail given in the following sections.

<table>
<thead>
<tr>
<th>What are charter schools?</th>
<th>Charter schools are public schools that are privately run and exempt from many state and federal rules.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who can run a charter school?</td>
<td>A non-profit, public benefit organization that is not religious or sectarian in nature.</td>
</tr>
<tr>
<td>How many allowed in WA?</td>
<td>45 over 6 years, 5 each year in the first 3 years, 10 each year in the following 3 years.</td>
</tr>
<tr>
<td>What are the aims of WA charter schools?</td>
<td>To help educationally disadvantaged students, give families more choice, meet academic standards.</td>
</tr>
<tr>
<td>Do students have to pay to attend?</td>
<td>No, charter schools are funded by public education money and do not charge tuition.</td>
</tr>
</tbody>
</table>

1. Who can run charter schools?

Charter schools can only be run by tax-exempt non-profit organizations and may not be run by religious or for-profit organizations. The proposed educational program must also be “free from religious or sectarian influence.”11 In most other states, businesses, individuals or other organizations may run charter schools as well as non-profits.

Organizations wishing to establish a new charter school or convert an existing school must draw up a contract (charter) that includes a detailed five-year plan about how organizers plan to operate the school. The “charter” describes the school’s mission, curriculum, teaching approaches, student achievement requirements, financial plan, discipline procedures and program for parent involvement. To be approved, the proposed program must help students meet the state’s academic standards.12

Applications to run a charter school are first submitted to the local school board for approval. Applications to the school board must be approved or denied within 105 days of receipt. If an application is rejected by a local school board, it may be forwarded to the state Superintendent of Public Instruction. The Superintendent of Public Instruction must approve the application if it meets the law’s requirements and it “is in the best interests of the children of the proposed school.”13 Once a charter is approved, it remains in effect for five years. During this time, a board chosen by the chartering organization operates the school according to the terms of the contract.

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10 For a summary of charter school laws in other states, see “State Profiles,” at www.uscharterschools.org/pub/uscs_docs/sp/index.htm.
12 “Application Requirements,” and “Approval Criteria,” House Bill 2295, Sections 8 and 9.
2. Which students can attend?

According to the law, charter schools in Washington have the “primary purpose of providing more high-quality learning environments to assist educationally disadvantaged students and other students in meeting the state’s academic standards.” Therefore, the majority of charter schools in Washington are reserved for schools focused on assisting disadvantaged students: students with limited English proficiency, special needs or disabilities, economic disadvantages or who are at risk of failing state and federal academic standards. After March 31st of each year, any charter slots not used by schools assisting disadvantaged students are available for schools with other purposes. Every charter school in Washington must also conduct active outreach to educationally disadvantaged students. Several other states also give priority to charter schools enrolling at-risk students. However, Washington’s law reserving most charter schools for disadvantaged students narrows the scope of who can attend compared to most other states.

When an existing public school is converted into a charter school, the school’s previous students must be allowed to enroll in the charter school if they wish. If more new students apply than the school can accommodate, siblings will be given priority and then an impartial process such as a lottery must be used to allot any remaining spaces. Similarly, new charter schools must enroll all students who want to attend, as long as space permits. If more students apply than enrollment slots available, siblings will be given priority and then an impartial process must be used to allot any remaining spaces.

3. How many charter schools and students?

If Referendum 55 passes, the law provides that 45 charter schools would be phased in over a six-year period. During the first three years, five charter schools could be established each year and during the following three years, 10 charter schools per year could be established. Existing public schools could only be converted to charter schools if they have failed to make adequate progress for three consecutive years or are eligible for school improvement assistance.

14 “Intent,” House Bill 2295, Section 1.
15 “Admission Requirements” and “Number of Charter Schools,” House Bill 2295, Sections 6 and 18.
16 “Admission Requirements,” House Bill 2295, Section 6.
The Superintendent of Public Instruction could also require a district to convert a failing public school to a charter school.\textsuperscript{17}

The Office of Superintendent of Public Instruction estimates that each new charter school would have an average of 140 students. Approximately 88\% of charter school students are estimated to come from existing public schools and 12\% of students from non-public schools. The Office of Superintendent of Public Instruction projects total charter school enrollment in Washington would be 3,580 students in 2006-07 and 10,370 students by 2009-10.\textsuperscript{18} Now that a final decision on charter schools has been postponed until November, these numbers will be slightly lower since, if approved, most charter schools would open almost a year later than originally planned.

Below is the enrollment estimate of the Office of Superintendent of Public Instruction, pushed one year later because of the delay made necessary by the vote on the referendum.\textsuperscript{19}

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<tbody>
<tr>
<td>Charter school students</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>who previously attended a public school</td>
<td>666</td>
<td>2,207</td>
<td>3,144</td>
<td>5,018</td>
<td>6,893</td>
<td>9,100</td>
</tr>
<tr>
<td>Charter school students</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>who previously attended a private school</td>
<td>74</td>
<td>303</td>
<td>436</td>
<td>702</td>
<td>967</td>
<td>1,270</td>
</tr>
<tr>
<td>Total charter school students</td>
<td>740</td>
<td>2,510</td>
<td>3,580</td>
<td>5,720</td>
<td>7,860</td>
<td>10,370</td>
</tr>
</tbody>
</table>

### 4. What rules must charter schools follow?

Charter schools operate under a powerful incentive to succeed that is absent in traditional public schools. In Washington a charter school will close if students are not learning at satisfactory levels. A sponsor can revoke the five-year charter before it expires for emergency health and safety reasons. If a warning is given and school leaders do not correct deficiencies, charters can be revoked for violation of the contract or poor fiscal management. In addition, charters will not be renewed if the academic progress of charter school students in the most recent two years is inferior to the progress of similar students in the local district.\textsuperscript{20}

While charter schools are free of most bureaucratic regulations, certain basic standards still apply.\textsuperscript{21} Charter schools must:

\textsuperscript{17} “Charter Application—Chartering Process,” and “Number of Charter Schools,” HB 2295, Sections 7 and 16.

\textsuperscript{18} “Attachment A: SHB 2295 Charter Schools,” Office of Superintendent of Public Instruction.

\textsuperscript{19} Ibid.

\textsuperscript{20} “Application Requirements” and “Charter Renewal and Revocation,” House Bill 2295, Sections 8 and 11.

\textsuperscript{21} “Charter Schools—Exemptions,” House Bill 2295, Section 5.
● Conduct annual self-assessments and report on progress at least annually to the school district and to parents.
● Comply with all state and federal requirements about health, safety, parents’ rights, nondiscrimination and civil rights.
● Participate in free and reduced-priced meal programs.
● Participate in the WASL, ITBS and other measures of academic success.
● Be subject to financial, performance and accountability examinations.

5. How are charter schools funded?

In Washington, each charter school would receive approximately $5,599 in public funds per student in 2005-06. Those converted from previously-existing public schools would also receive local funding from existing property levies. New charter schools sponsored by a school district would receive funds from levies passed after the school is established. Charter schools receiving levy funding would get an estimated total of $6,500 per student. Even with levy funding, charter schools would operate with significantly less money, about 31% less, than traditional public schools. Traditional public schools received $9,454 per student in 2003-04.

The Office of Superintendent of Public Instruction estimated before the qualification of Referendum 55 that about $12 million of public school funds would be spent on charter schools in 2005-06, and that by 2008-09, approximately $42.3 million of public school funds would go to charter schools. The Superintendent of Public Instruction also filed an application for $5 million in federal charter school funds. It is unclear how Referendum 55 affects the state’s application for federal funds. If the Referendum passes and the state’s charter school law is confirmed, it is likely the application will still be considered by federal officials.

6. Teachers at charter schools

Professionals with strong academic qualifications, but without a formal teaching certificate, can be hired at charter schools along with certificated employees. Teachers in traditional public schools can take a leave of absence of up to two years to teach in a charter school.

Teachers at new charter schools will have more independence from union restrictions, as they will be part of a separate Washington Education Association local than other educational employees in the school district for at least the first five years of the charter school’s operation. Teachers at a charter school converted from an existing public school remain in the same union bargaining unit as other school district employees. If the conversion charter school applicants or

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23 “Funding,” House Bill 2295, Section 12.
27 Interview with Dawn L. Billings, Project Director, Office of Superintendent of Public Instruction, July 9, 2004.
board want to make a change in the collective bargaining agreement, they must submit the issue to mediation.28

IV. Case Studies: Charter School Proposals in Washington

Several non-profit groups were ready to file charter school proposals shortly after the law was to go into effect on June 10th. As a result of the qualification of the Referendum, school districts cannot consider any applications until after the general election. Despite this, three groups filed proposals with school districts in June 2004, although these groups do not gain any advantage by filing early. The potential charter schools that filed proposals are the Evergreen View Charter School (Federal Way School District), Eatonville Montessori School (Eatonville School District) and the Mount Vernon Charter School (Mount Vernon School District).

A number of other groups are continuing to work toward starting a charter school while they wait for the outcome of the referendum. There are two main approaches to starting a charter school: 1) bring in a tested, well-known program such as KIPP, the Knowledge is Power Program or; 2) rely on local leadership. Examples of proposed Washington charter schools that use both approaches are profiled below.

1. Knowledge is Power Program (KIPP)

One group interested in establishing a charter school in Washington is the Knowledge is Power Program (KIPP), a national network of charter schools. There are currently 31 KIPP schools in 13 states, with seven more KIPP schools slated to open in fall 2005. Over 95% of KIPP students are African American or Latino and more than 80% are eligible for free or reduced lunches. KIPP schools, which are mostly middle schools, operate according to an extremely rigorous academic formula. KIPP students spend 70% more time in school than other public school students, attending from 7:30 a.m. to 5:00 p.m. on weekdays, for four hours on Saturdays, and for three to four weeks during the summer. Students, known as “Kippsters,” complete between two to three hours of homework each night. Teachers carry cell phones so students can call them at any time to ask questions about homework. While KIPP schools take all comers, parents, students and teachers must sign a ‘commitment to excellence,’ pledging to put school first.

28 House Bill 2295, Sections 19 and 20.
Chantal Laurie, KIPP manager of Fellow Programs, explained, “There is a powerful culture at KIPP schools. We expect kids to succeed; failure is not an option. In each school, there is a huge focus on teamwork. There is also a lot of chanting – lots of raps and rhythms – because it builds a sense of teamwork and camaraderie. College is also a big focus – we name the schools after colleges and universities.”

Another key to the KIPP program is extremely dedicated teachers who “put forward whatever effort is necessary to enable the children to learn.” According to KIPP, their program “is about roll-up-your-sleeves quality teaching, and more of it.” Each local KIPP school leader is put through an intensive one-year training program, in which they observe successful KIPP schools and learn how to start a KIPP school of their own. Every KIPP school leader has control over the school’s budget and hiring and firing.

One of KIPP’s two flagship schools has been the highest performing public middle school in the Bronx every year since the 1997-1998 school year. Students in KIPP’s other flagship school, in Houston, Texas, earned passing rates of 94% in reading and 96% in math on the state assessment test. Other KIPP schools have similar results, with the test scores increasing the longer the schools are open. Laurie says that KIPP schools are also influencing nearby schools: “In San Francisco, the public school down the street is now having their students wear school shirts like we do at KIPP. In Arkansas, the school nearby is trying to extend their school day.”

KIPP has been talking with a number of school district officials in Washington about locating a KIPP school in their district. KIPP is looking in the Seattle-Tacoma metropolitan area where the need is the greatest, according to Steve Mancini, the public affairs director for KIPP. Mancini said that KIPP is waiting until the outcome of the referendum vote before submitting a proposal. Mancini reports that based on the KIPP program’s experience in other states, “charter schools provide increased results for families, increased levels of accountability and respect for the idea of local control. Charter schools also bring increased resources to a state – both federal and philanthropic.”

It is possible under current state law for KIPP to start a contract school in Washington, in which the school would remain under the control of the school district but day-to-day operations would be contracted out to KIPP. But KIPP officials say they would prefer to operate as a true charter school because it is “harder to get the freedom to carry out the KIPP program without a charter.” Six of KIPP’s total of 31 schools are contract schools, but as Steve Mancini points out, all of the states where contract schools are located have passed a charter law. “Even having a charter law on the books gives more leverage to our schools to carry out the KIPP program,” he said.

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29 Interview with Chantal Laurie, Manager of Fellow Programs, Knowledge is Power Program, April 17, 2004.
31 “KIPP: If There Is a Better Way, We Find It,” Knowledge is Power Program overview, KIPP, San Francisco, page 2.
32 Ibid, insert: “KIPP: School Results.”
33 Interview with Chantal Laurie, Manager of Fellow Programs, Knowledge is Power Program, April 17, 2004.
34 Interview with Steve Mancini, Public Affairs Director, Knowledge is Power Program, July 7, 2004.
2. Evergreen View Charter School

Desert Sands Charter High School, which has two schools in the Los Angeles area, submitted a proposal to the Federal Way School District on June 28th, 2004. The proposed charter school in Federal Way would be called the Evergreen View Charter School. Evergreen would serve students between ninth grade and age 21 who have dropped out of high school or are at risk of leaving school or not graduating on time. According to their proposal, “1 of 3 students in Washington” meets these criteria.

The Desert Sands Charter Schools have an independent-study format and operate year-round. The schools “have the feel of a friendly business office” and offer classes in the morning, afternoon and evening. Students meet one-on-one with a teacher once a week to discuss course material and go over their assignments. If a student fails an assignment at any time, they must repeat the assignment until they get it right. “We only let them fail for one week,” Desert Sands teacher Brock d’Avignon said. “If they don’t pass each week, they have to do all the week’s homework again.”

D’Avignon, who is heading up the effort to bring the Desert Sands model to Washington, explained, “Most of the students at our school are already out of the system – 68% of our students are between ages 17 and 21. We’re recovering them and have hung on to 95% of them in our three years of operation.” According to d’Avignon, “Student performance as measured on standardized tests has improved about 5% a year” since the Desert Sands schools opened in 2001.

D’Avignon believes one of the secrets to the success of the Desert Sands Charter High Schools is the high caliber of the teachers. Teachers at Desert Sands schools include a medical doctor, the author of the California Conservation Corps Resources Activity Guide, a chemist who previously worked at the Lawrence Livermore National Laboratory and a former trainer for companies using IBM computer systems.

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Before graduating from Desert Sands, students put together a senior portfolio. One student put together a proposal for the Defense Advanced Research Projects Agency (DARPA) Grand challenge, an unmanned, off-road race with the goal of getting a robot to go 210 miles in the Mojave Desert in 10 hours or less. Desert Sands matched the student with artificial intelligence scientists and according to d’Avignon, the high school student’s paper proposal came in right behind the proposal from Cal-Tech. “Students go through the drudge of homework at our school so they can do the interesting stuff like this,” d’Avignon explained.

The proposed Evergreen View school in Washington would have approximately 500 students in its first year of operation and would level off at about 1,000 students by its third year. D’Avignon said that they chose the Federal Way School District in Washington because of their “gallant support of charter schools.” The Federal Way School District approved a resolution welcoming charter school applications soon after the passage of the charter school law in Washington.

Although the Desert Sands proposal cannot be approved unless the referendum passes, the group chose to submit an application anyway, explaining “We are aware from the OSPI [Office of Superintendent of Public Instruction] that this petition currently has no standing in sequence for any preference now or later, and that although you can receive it, it is only a stack of paper. Yet presenting it to you offers an advantage of thoughtful analysis without rush...”

3. Eatonville Montessori School

When Shelley Flippen couldn’t find any low-cost alternatives to public schools in her area, she decided to start her own. She explains, “When students from my Montessori preschool and kindergarten program went into the traditional public system, their parents found they weren’t doing as well as they had in the Montessori school and asked me about other options for their children. I looked to see what was available and couldn’t find any so decided to offer it myself.”

Flippen currently operates a Montessori preschool and kindergarten program in Eatonville, which she is expanding to include grades 1-3 this fall. She hopes to convert the

40 Phone interview with Shelley Flippen, Director, Eatonville Childcare and Preschool Montessori School, 560 Center Street East, Eatonville, Washington, July 8, 2004.

The Eatonville Montessori charter school would be directed towards students from low-income families. According to Flippen, 50% of her current students have been classified by the state as low-income. “There are programs in Seattle for low-income children but those programs aren’t available in a non-urban environment like Eatonville.” she said. “Here their options are very limited. We have a population of low-income families who really want the help but just don’t have access to it.”

She believes her Montessori school would teach students better than a public school by allowing “children to learn hands on and master one stage of learning before they move on to the next stage. If pushed, children often have behavior problems and fall farther and farther behind. The Montessori approach allows children to progress at their speed.”

Flippen said that she has gained “a lot of community backing” for her charter school. When she met with the local school district, however, they were more supportive privately than in public because of concern about creating a controversy with the local teachers union. Also, Flippen reports one public school teacher and union member offered to help her start a charter school, but declined to allow her name to be used publicly, out of concern over the reaction of the leaders in her union.  

4. Sea Mar Charter School  

Rogelio Riojas is interested in starting a bilingual charter school in South King County to serve Latino and other students in the area. Riojas is the executive director of Sea Mar Community Health Center, a nonprofit agency that provides health services to low-income Latinos in King County. Sea Mar runs a preschool program with about 120 students, but Riojas finds that once those children enter kindergarten, it is not long before they are having trouble with their school work, largely due to language barriers. “We believe they fall behind from day one and never catch up,” Riojas said. He hopes to create a charter elementary school that will use both Spanish and English to prepare students for junior high and high school, thus giving them a better chance of getting a high school diploma.”

Riojas said that every teacher in the charter school that he is proposing – which would probably be located in the Highline School District – would be able to speak both Spanish and English. “But the school wouldn’t just be for Spanish-speaking kids,” Riojas clarifies. “We would teach Spanish-speaking kids English and English-speaking kids Spanish.” Riojas added, “The dropout rate for Latino students is tremendously high. We need to do something different.”

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42 Phone interview with Shelley Flippen, July 8, 2004.  
43 “Charter schools delay is likely,” by Nora Doyle, King County Journal, June 9, 2004.  
Currently, Riojas has formed a committee to work towards the establishment of a charter school, composed of Sea Mar Community Health Center staff, a social worker, the director of Sea Mar’s daycare program, a nurse and a physician.\textsuperscript{45}

5. Marlin Hutterite Community School

The Marlin community of Hutterites, located 10 miles east of Moses Lake in Eastern Washington, is interested in converting their private community school into a charter school. The Hutterites are a 500-year-old communal culture, similar to the Amish and Mennonites, that dates back to the Reformation. They live communally and speak German as their first language, only using English for purposes of trade. Members of the Hutterite community dress simply and avoid many of the fads and complications of the modern world. Mostly agricultural, they farm with the most modern equipment they can afford. Money for education is scarce. According to Gayner Edwards, a teacher at the Marlin school who is spearheading the charter school effort: “We’re the epitome of educationally deprived and epitome of special educated.”\textsuperscript{46}

There are currently 24 students at the Marlin school. The school is paid for by the community, which puts between $80,000 to $100,000 into education each year. The school, like most other contemporary Hutterite schools, has a completely secular curriculum. “Right now our school is pretty primitive,” Edwards said. “We can’t afford to do a quality job on education with the budget we have.”

Edwards emphasizes that the Hutterite community “doesn’t take any tax breaks as a religious organization. We pay full taxes, but get no education funding back from our tax dollars.” If their charter school proposal is approved, Edwards said that they would develop a school that “meets all the criteria the law sets.” She anticipates a uniform requirement for the school and any outside teachers would have to wear “really modest dress.” The charter school proponents from the Marlin community have already met with the Wilson Creek School Board and held public hearings on their charter school proposal. Edwards said that she was “surprised at how much the school board did not know about charter schools, but they are somewhat supportive.”\textsuperscript{47}

6. Harvard Academy

Another potential charter school would serve largely African American high school students in South Seattle. Doug Wheeler, the director of a private elementary school called the Zion Preparatory Academy, wants to open a separate charter high school, possibly to be called the Harvard Academy. Wheeler “would face a struggle with the Seattle School Board, which is on record as opposed to charter schools, and he might have to appeal a board rejection of his application to state officials.”\textsuperscript{48}

\textsuperscript{45} Ibid.  
\textsuperscript{46} Interview with Gayner Edwards, Marlin Community School, July 6, 2004. 
\textsuperscript{47} Ibid. 
The Zion Preparatory Academy currently has 340 K-8 students, of which 96 percent are African American. Fifty-four percent of Zion Prep students live in single-parent households and 59 percent qualify for federal meal subsidies. Tuition for Zion Preparatory Academy is $3,500 a year, although the majority of the student’s costs are met through contributions.\textsuperscript{49}

Zion Prep was founded by Seattle pastor Eugene Drayton in 1982. Drayton had noticed that many of the young children in his community could barely read their lessons during Sunday school. Dissatisfied with the children's state of learning, he discussed the matter with local school administrators. As Zion Prep puts it, “Their explanations lacked solutions.”\textsuperscript{50} The school goes on to explain, “Pastor Drayton decided to listen to his instincts, which told him that many Seattle children are not able to flourish in a standardized public school nor able to afford a traditional private school education.”\textsuperscript{51}

V. Referendum 55

1. Groups for and against charter schools

Referendum Measure 55 was filed on March 29th, 2004 by Charles Hasse, president of the state public school teacher’s union, the Washington Education Association. The Referendum ballot title states:

\textbf{Ballot Title}

“The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools. This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.”\textsuperscript{52}

A “yes” vote on the Referendum would approve the law authorizing charter schools. A “no” vote would reject the charter school law and retain the current system of public education.

The “Protect Our Schools” Coalition is a political committee that was formed to campaign against charter schools and to organize the referendum. The Washington Education Association (WEA) is the major financial source for the Coalition. The WEA has provided the great majority of the money funding the Referendum 55 campaign with, so far, only a few individuals donating.\textsuperscript{53}

\textsuperscript{49} “Facts and Figures,” Zion Preparatory Academy, at www.zionprep.org.
\textsuperscript{50} “History: Shaping Children’s Futures,” Zion Preparatory Academy, at www.zionprep.org.
\textsuperscript{51} Ibid.
Other members of the Protect Our Schools coalition include The League of Women Voters of Washington, the Washington State Democratic Party, The Washington State Special Education Coalition, Washington Federation of Teachers, Service Employees International Union, Local 925, American Association of University Women of Washington and the Washington Public Employees Association.54

Supporters of charter schools include Washington Governor Gary Locke, Democratic Speaker of the House Frank Chopp, Republican Senate Majority Leader Bill Finkbeiner, the Association of Washington Business, and the Washington State Republican Party. Advocates for groups such as The Urban League, United Indians of All Tribes, El Centro de la Raza, and Sea Mar Community Health Clinics also support charter schools. Several of Washington's largest daily newspapers have also expressed editorial support for charter schools, including The Seattle Times, The Seattle Post-Intelligencer, The Tacoma News Tribune, The Spokane Spokesman-Review, The King County Journal and The Vancouver Columbian.

2. Summary of arguments for a “no” vote on Referendum 55

Opponents of charter schools say that before the state funds an unproven educational experiment, it should fulfill its existing commitments to reduce class sizes and provide annual cost-of-living increases for teachers. They also say that Washington state already allows school districts to be creative in design of local schools.

The Washington Education Association says it does not support “any charter school legislation” and gives the following reasons for its opposition:55

- “New charter schools would divert funding from existing public schools, which are already underfunded.”
- “Washington voters have rejected charter schools twice.”
- “Charter schools in other states have failed to improve student achievement in the ways their supporters have claimed.”
- “Legislators have failed to explain how draining money from existing public schools will improve the quality of education in our state.”56

The Protect Our Schools Coalition gives similar reasons for opposing charter schools:

- “In studies that compare charter school students with similar students in public schools, the test scores were the same, and sometimes worse.”57

54 See www.protectourpublicschools.org.
55 The following quotes are from “Public Education Issues,” National Education Association, at www.wa.nea.org/issues/positions.htm.
● “Financial problems and mismanagement, due to inadequate accountability and oversight, also wreak havoc on charter school programs.” 58

3. Summary of arguments for a “yes” vote on Referendum 55

Charter school proponents say that charter schools are often more successful in educating under-achieving students than traditional public schools. They argue that charter schools can experiment with different approaches, such as longer school days or a back-to-basics curriculum, and can teach students in areas where traditional public schools have failed. Supporters give the following reasons for backing charter schools:

● Charter schools, supporters say, are “…one creative way to give some of our neediest students a top-notch education.” 59

● Charter schools do not take money away from public education, because they are public schools. Proponents argue that when a new traditional public school opens, it is not thought of as taking money away from existing schools.

● Charter schools are not a risky experiment. They have tough accountability requirements and if they do not match or exceed academic standards they can be closed. 60

● Charter schools “will provide incentives…to find new, innovative and flexible ways to improve the education of all children in Washington.” 61

● Not all charter schools are successful, (about 7% fail, supporters say). But the vast majority succeed, and hundreds of pioneer charter schools have had their charters renewed after five years. Supporters say that law firms, restaurants and medical clinics sometimes fail too, that doesn’t mean new ones shouldn’t be allowed to open. 62

One supporter of the charter school law, the Office of Superintendent of Public Instruction, has the goal “to grow the number and diversity of high quality public new and conversion charter schools in Washington.” 63

VI. Research on Charter School Performance

The success of charter schools has been the subject of a number of studies since the schools began. The Center for Education Reform recently conducted a review of all existing

58 Ibid.
research on charter schools, using studies and reports published from the mid-1990s through 2003. Researchers at the Center reviewed the 98 studies on charter schools published since 1995. Eighty-eight of the 98 studies (90%) concluded that charter schools are improving education for students. Ten of the 98 studies (10%) reached unfavorable conclusions about charter schools.  

1. **Studies supporting charter schools**

Of the total 14 studies published in 2003, 12 of the studies found charter schools produced favorable results. These studies include:

- **Apples to Apples: An Evaluation of Charter Schools Serving General Student Populations.**
  This Manhattan Institute study compared charter schools with traditional public schools that serve similar students. Measuring test scores in eleven states, the study found that charter schools serving “general student populations” outperformed traditional public schools with similar students by three percentile points in math and two percentile points in reading.

- **Catching the Wave: Lessons from California’s Charter Schools.**
  This Progressive Policy Institute study found that charter schools in California are “doing a better job than other public schools of improving academic performance of at-risk students.” It also says there is evidence that “charter schools are accomplishing important non-academic goals such as smaller schools, strong parental satisfaction, and high student retention.”

- **State University Authorized Charter Schools’ Achievement on the 2003 State English Language Arts Examination.**
  This study showed that charter schools “authorized by the State University of New York (SUNY) are making significantly greater fourth and eighth grade language arts progress than are traditional New York public schools. Taken together with the other charter schools in New York...14 out of 15 charters showed greater improvement between 2002 and 2003 than New York’s traditional public schools.”

- **Delaware Charter Schools Sixth Annual State Report.**
  This Delaware Department of Education study found that students in Delaware’s charter schools “are increasing in student achievement in one area or more” and

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67 “State University Authorized Charter Schools’ Achievement on the 2003 State English Language Arts Examination,” Charter Schools Institute, State University of New York, June 2003.
have a high level of parent satisfaction. The report did note, however, that charter schools sometimes have difficulty meeting the planners’ early high expectations.\(^6^8\)

2. Studies criticizing charter schools

Of the total 14 studies about charter schools published in 2003, there were two studies that were critical of charter schools. Neither of the two critical studies looked at academic performance.

- **Charter Schools and Race: A Lost Opportunity for Integrated Education.**
  This Harvard University study found that charter schools are generally “more segregated than public schools.” The study explains that most charter schools “enroll disproportionately high percentages of minority students.” As a result, students of all races are more likely to attend schools with a higher percentage of minority students. However, white charter school students are “less likely than other racial groups to be in heavily minority schools.”\(^6^9\)

- **Charter Schools and Inequality: National Disparities in Funding, Teaching Quality, and Student Support.**
  This study by PACE (Policy Analysis for California Education) found that charter schools generally have “tighter financing” than traditional public schools, have fewer teachers per student, have more uncertified teachers, have more children from low-income families and do not receive all Title I funds to which they are entitled. It also found differences within charter schools themselves, finding that “start-up” charters have fewer resources than pre-existing public schools that became charter schools (conversion schools). The report did not analyze academic achievement data.\(^7^0\)

3. American Federation of Teachers Study

A recently-released national study from the American Federation of Teachers (AFT), unlike past inquiries, does make a critical assessment of student academic performance at charter schools by comparing it with that of students at traditional public schools. The AFT union, part of the AFL-CIO labor coalition, is strongly opposed to charter schools.

Using U.S. Department of Education test data from the 2003 National Assessment of Progress, the AFT study concludes:

- “Compared to students in regular public schools, charter school students had lower achievement both in grade 4 (six scale points lower in math, seven scale points lower

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\(^{7^0}\) “Charter Schools and Inequality: National Disparities in Funding, Teacher Quality, and Student Support,” by Bruce Fuller, PACE (Policy Analysis for California Education), University of California, Berkeley and Davis, Stanford University, April 2003.
(five points lower in math, two points lower in reading).”

- “In grades 4 and 8 reading and both in math and reading, the percentages of charter school students performing at or above Basic and at or above Proficient were lower than the corresponding percentages for regular public schools.”

The study’s conclusions have been widely reported in the national media as showing that students at charter schools do not do as well in math and reading as students in traditional public schools. A closer look, however, reveals that the study’s basic methodology is flawed on several counts. First, the study does not consider whether the governance of the school accounts for differences in performance between charter schools and traditional public schools, or whether the relatively lower academic performance at some charter schools might be due to other factors.

Second, the study fails to take the race of students into account. For example, the apparent disparities in learning disappear when white students in charter schools are compared with white students at traditional public schools. The same result occurs when students of other ethnic and racial groups are compared in charter schools and traditional public schools. Because charter schools serve a disproportionate number of minority students, the study’s failure to weight study data for race produces an inaccurate measure of academic success.

Third, the study does not control for the past academic experience of charter school students. Many parents choose charter schools because their children are not succeeding in the traditional public school system. The AFT study fails to take into account how much students may have improved since entering a charter school.

Finally, many charter schools are converted from failing public schools, and thus start at a lower level in their effort to improve student learning. Successful traditional public schools have no need to adopt major governance changes, but conversion to a charter school is one way education leaders can turn around the poor performance of a local public school. The AFT study fails to take into account how much previously low-achieving schools may have improved after conversion to a charter school.

4. Charter Schools in California

California provides useful lessons for Washington because it is geographically close and is one of the national leaders in establishing charter schools. In 1992, California became the second state to authorize charter schools. The first charter schools opened in California for the 1993-94 school year. In the past ten years, the number of California charter schools has grown to 409, with an enrollment of almost 157,000 students in 2002-03.

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72 Ibid.

California has conducted two comprehensive charter school evaluations, releasing the findings in 1997 and 2003. Both evaluations concluded “charter schools are a viable reform strategy – expanding families’ choices, encouraging parental involvement, increasing teacher satisfaction, enhancing principals’ control over school-site decision making, and broadening the curriculum without sacrificing time spent on core subjects.”\(^{74}\)

California’s real-world experience with charter schools holds important lessons for Washington policymakers. Ten years is sufficient time for education officials and the California public to determine whether or not an idea works in improving education outcomes. Two thorough evaluations indicate the use of charter schools has been a success. Traditional public schools still flourish in the California system, but charter schools provide an important education alternative for many students and parents. While Washington’s pending charter school law is more restrictive than California’s, the two systems are comparable enough to indicate Washington would likely experience similar improved outcomes should charter schools be established in this state.

**VII. Policy Recommendations**

As noted, Washington’s pending charter schools law is considerably more restricted than is common in other states with charter schools. Should charter schools be allowed in this state, a number of policy changes would greatly increase their chances of success, strengthen their ability to teach disadvantaged students and expand parents’ access to education choice.

1. **Recommendation: Allow charter schools to be formed in Washington as an alternative to other public schools.**

   The concept of a charter school is no longer new or experimental. In many respects Washington has lagged behind in education reform. Being slow to adopt reform, however, provides the opportunity to take advantage of lessons learned by other states. The majority of states have had extensive and positive experience with charter schools. Objective academic studies indicate that the benefits of charter schools far outweigh any negative aspects and that these independent public schools do more for children while using fewer resources. Under the pending law, charter schools in Washington would spend roughly two-thirds of what traditional public schools spend to educate the same number of students. The experiences of other states indicate that charter school students score better on average in academic assessment tests and that parents, because they have voluntarily chosen the school, are more involved in their children’s education.

2. **Recommendation: Allow start-up schools to receive local levy school money that has been passed prior to the charter school’s establishment**

   Under the pending law, many charter schools set up to serve disadvantaged students will not receive local levy money. While schools that are converted from existing public schools will

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\(^{74}\) Ibid, pages 3 and 4.
receive existing levy money, schools that are founded from scratch (“start-up schools”) will only receive money from local levies passed after the school began operations. Thus, all levies passed prior to the school’s founding will not contribute money to start-up charter schools. Yet the majority of charter schools in Washington will be targeted to helping the state’s hardest-to-educate students.

Voters approve local levies to pay for the education of children in the community, regardless of the type of public school students attend. Denying local funding to some charter schools creates disparities in which certain schools will receive an ample budget, while just a few miles away another public school may be desperately short of money. Charter schools should not be discriminated against in the allocation of local education dollars. All public schools should be able to begin at the same fiscal starting point and be equally eligible to receive money from all existing federal, state and local funding sources.

3. Recommendation: Remove cap on the number of charter schools that can be established each year.

As charter schools in Washington are proven, the number of charter schools allowed in the state should be increased.

Under the pending state law, the total number of charter schools allowed is limited to 45, with no more than ten being allowed to open in any given year. Yet this kind of strict limitation applies to no other part of the public education system. Sensibly, there is no statewide cap on the number of traditional public schools. Local education leaders are free to open new schools as the needs of the community change. The same standard should apply to charter schools. They should be allowed to open in response to changing educational need in the community. The number of charter schools should not be arbitrarily limited by state law.

Charter schools have proven popular in other states and currently the number of people interested in starting charter schools in Washington far outstrips the number of schools that can be authorized. Because of the many educational benefits that charter schools bring to students, state lawmakers should increase the number of charters that can be authorized in Washington so it more closely matches public demand for such schools.

VIII. Conclusion

The concept of charter schools is no longer new or experimental and Washington is certainly not on the leading edge of this form of education reform. Therefore the recommendations presented above are based on the experiences of other states. Should charter schools be allowed in Washington, these suggested recommendations would further expand education choice and increase the effectiveness of charter schools in reaching the hardest-to-teach students. Properly implemented, charter schools hold the potential for bringing meaningful reform to Washington’s public education system, as they have in other parts of the country.
About the Author

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