



ALAMEDA COUNTY
OFFICE OF EDUCATION

SHEILA JORDAN, SUPERINTENDENT

How can we reduce conflict between charter schools and school districts?

JUNE 2005

A Report from the
Alameda County Office of Education

CHARTER SCHOOL POLICY TASK FORCE



ERIC ROFES
Lead Author and
Task Force Chairperson





***Charter School
Policy Task Force
Recommendations***

A Message From the Alameda County Superintendent of Schools

Dear Friends and Colleagues,

The Charter School Policy Task Force was formed at my request to examine and analyze the conflicts between charter schools and school districts. These conflicts arise around issues of funding, conflicting state policies, and the lack of a clear understanding of the role of charter schools in public education.

As County Superintendent, conflicts in state law are also of concern to me. I am required under Assembly Bill 1200 to approve a district's budget as fiscally sound, knowing full well that a new charter may destabilize it. This is at odds with state law that requires the approval of a qualifying charter school application even when the charter will negatively impact a struggling district's budget.

Behind every charter petition are enthusiastic, dedicated, and hopeful parents. This desire for school choice has been driving the rapid growth in charter schools. The impact of state budget cuts on districts, as well as the Federal NCLB mandates, have added to the momentum.

I asked the task force to come back with recommendations that might serve to ameliorate such conflicts and pave the way for an improved and constructive co-existence between charters and districts with the inherent goal of equitable quality education for all children in Alameda County and beyond.

Action Steps in Response to Task Force Recommendations

Recommendations that will require specific strategies and actions over the coming months include:

- Meet with State Superintendent of Schools Jack O'Connell to discuss implementing a California Department of Education review of the financing of charter and district schools to eliminate conflicts, determine if current financing formulas and mechanisms are equitable, and set policies to achieve equity. Further, I will ask Superintendent O'Connell to help clarify the purpose and objectives of our state's charter school program.
- Meet with the chairpersons of the State Assembly and Senate Education Committees, Jackie Goldberg (D) and Jack Scott (D), respectively, to ask them to sponsor legislation that would incorporate suggestions made in the report.

- Create opportunities for charters and districts in the county to work together on mutually beneficial projects, including sharing "better practices," enhancing parent involvement, and improving working conditions for all teachers.
- Engage school districts and charter schools in Alameda County in a conversation leading to formal memoranda of understanding (MOU) between districts and charters in fulfillment of Proposition 39, which requires districts to negotiate with qualifying charters for facility use. Such an MOU could serve as a template for other districts in the state and beyond.
- Disseminate the task force report to all 18 districts in Alameda County, to other major districts in the region and state, to state education policy leaders and legislators, and to education leaders around the country who are expressing interest in the work we have done here addressing the conflicts between districts and the growing number of charter schools.

Woven throughout the report are repeated calls for improved funding of public education, which I heartily second. Improved finances for all public schools—district and charters—will address the feelings of scarcity and want shared by all sides, and provide resources for equitable quality education for all students.

I expect the Task Force report to stimulate policy review, new legislation, and a new paradigm for thinking about public education and the role of charter schools. I welcome your thoughts and responses to this report.

I am grateful to the talented and diverse group of the 21-member Task Force for their willingness to participate and taking the necessary time to hammer out solutions to difficult issues. Eric Rofes, a nationally recognized expert, played a critical role in guiding the group and assisting us to find common ground as public school advocates. Although some of the recommendations may appear to be minor, they represent a list of grievances that constantly nag and aggravate. Hopefully, this effort will begin the work necessary as we proceed to fulfill our shared responsibility of ensuring that every child has equitable access to the resources necessary to live up to their potential.

Sincerely,



Sheila Jordan
Alameda County Superintendent of Schools

ERIC ROFES
Lead Author and
Task Force Chairperson



What would it take to initiate an era when public school stakeholders in either district schools or charter schools respected and supported one another's commitment to providing a quality, equitable public education to all of California's school children?



How can we reduce conflict between charter schools and school districts?

**A Report from the Alameda County Office of Education
CHARTER SCHOOL POLICY TASK FORCE**

EXECUTIVE SUMMARY:

At the invitation of Alameda County Superintendent Sheila Jordan, the Charter School Policy Task Force came together to examine and recommend responses to the greatest sources of conflict between charter schools and school districts. Among our 21 members, we represented the perspectives of educators, citizen activists, teacher unions, charter school advocates, researchers, and advocates of districts and schools as customarily configured. Despite these several perspectives—or because of them—we shared an aspiration to defuse the increasingly explosive dynamic emerging between charters and districts in Alameda County and beyond, and to replace it with ideas leading toward a more constructive and mutually supportive coexistence.

The essential question that motivated us was: *What would it take to initiate an era when public school stakeholders in either district schools or charter schools respected and supported one another's commitment to providing a quality, equitable public education to all of California's school children?*

The proposals in this report represent our best thinking about the policy and practice of schooling. We offer this report as a vision of learning that legislators, public officials, and school leaders might move towards as they fine tune, strengthen and ultimately preserve the progressive intent which, we believe, originally motivated our state's charter school initiative.

Above all, we recommend that policymakers continue to take steps to interrupt cycles of failure and mediocrity within all forms of public schools and commit themselves to all school sites serving as places whose top priority is improved learning outcomes for all students. The ultimate goal of public education in all its forms is student achievement, broadly defined and wholeheartedly embraced. We never lost sight of this goal in formulating our analyses and our recommendations. So with this goal in mind, we recommend:

1. State policymakers must tackle two major issues: (a) clarifying the purpose and objectives of our state's charter school program; (b) moving California from near bottom to at least the middle of the list of state funding levels for public education by 2010.



State and local policymakers must recognize the emerging growth and complexity of charter schools and must immediately increase the resources and capacity of charter authorizers.

2. State and local policymakers must recognize the emerging growth and complexity of charter schools and must immediately increase the resources and capacity of charter authorizers so that they might more effectively evaluate charter petitions and oversee charter schools' student achievement and school administrative and fiscal competence. Authorizers, before renewing a charter, must commit to holding schools fully accountable for the commitments in their petitions and also for state and federal requirements for student academic achievement.

3. Policymakers and public officials must take steps to position both charter and district schools for success by remedying critical financing problems:

- The state legislature should move swiftly to help mitigate sharp losses in funding to many districts due to the outflow of students to charters by extending revenue protection for charter-related district ADA loss for one year as done with ADA loss to noncharter schools. District and charter officials should meet to seriously consider ways to enhance district revenues, including the expanded offering of district services to charters for fees.
- The state legislature should take steps to ensure equitable financing of charters by augmenting the current level of financing from the Charter School Categorical Block Grant and the Charter School Grant Program to schools that serve the neediest students, especially English learners and students from low socioeconomic backgrounds. In addition, California's charter schools should form consortia to more effectively capture program funding from sources beyond these grant programs.
- The California Department of Education (CDE) should immediately organize an effort to produce a fair, impartial, and public review of the financing of charter schools and district schools to determine if current financing formulas and mechanisms are equitable.

4. The state legislature must require charters to distribute written policies and procedures on employee and family rights and responsibilities to all potential employees and families. These requirements must include distributing family and employee handbooks, providing employment contracts to all employees, and promptly and publicly notifying employees and families of governing body meetings.

5. Charters and districts must move toward a spirit of true cooperation in resolving the facility needs of all public school students in California. We recommend developing formal memorandums of understanding between districts and charters, exploring ways of fulfilling, beyond facility leasing, the mandate of Proposition 39 (which requires districts to negotiate with qualifying charters for facility use), and establishing in all districts fair, reasonable, and equitable calculations about how to use unoccupied district facilities.

6. All parties must work in earnest to create opportunities for charters and districts to work together on mutually beneficial projects, including sharing "better practices," developing skills to enhance parent involvement, and improving working conditions for teachers.

BACKGROUND

What can be done to intervene in the collision course we appear to be on when an emerging charter-school sector sometimes seems to threaten or undermine the functioning of district-sponsored public education, and when some of the key stakeholders in district-sponsored education appear determined to undercut or even destroy charter schools?

How can policymakers and educators, as well as the public-at-large, shift perspectives and paradigms so as to understand that the organization of public education has changed significantly over the past dozen year and realize that, while "public education" still largely focuses on schools governed and administered by local school districts, it also includes independently run, publicly funded charter schools overseen by districts, counties, and the state board of education?

What would it be like if we moved into an era when public school stakeholders involved in either district schools or charter schools respected and supported one another's commitment to providing a quality, equitable public education to all of our nation's school children?

These are the questions that motivated Alameda County Superintendent of Schools Sheila Jordan to make a bold move in October 2004 and call for the creation of a planned, facilitated process bringing together parties representing divergent views on various questions surrounding the policies and practices related to interactions between charter schools and district schools.

Superintendent Jordan's call brought about the creation of a 21-member task force of distinguished public education stakeholders who were asked to find solutions to conflicts surrounding the emergence of charter schools in Alameda County school districts. Her experience with the fiscal plight of struggling districts led the Superintendent to identify an urgent need to confront a serious contradiction in state law that set charter schools on a collision course with the efforts of districts to become financially stable.

AB1200 prohibits county offices from approving districts' budgets that are not fiscally sound. Yet as county offices received this budget oversight authority, they also faced a growing number of petitions for new charter schools. Charters, which draw students and resources away from districts, were being approved on appeal by state authorizers, often against the wishes of local school districts that would sustain the greatest impact. For example, charters had recently been authorized by the state for struggling districts such as Oakland, Livermore and Hayward, despite powerful local opposition. Hence the County Office of Education faced not only this untenable fiscal situation, but also a range of labor issues and philosophical differences about autonomy, choice, and the small-schools movement.

The intent of Superintendent Jordan's ambitious initiative in calling for the creation of the Alameda County Office of Education (ACOE) Charter School Policy Task Force was to begin to reduce antipathy between charters and districts and move Alameda County off the present collision course and into a new era where charters and district schools could begin to see each other as partners in providing high-quality education to all of the children in the county. It also aimed to build pathways whereby charter schools and district schools might learn from each other and gain valuable knowledge that might improve pedagogy, classroom organization, school governance and academic accountability.



The superintendent's experience with the fiscal plight of struggling districts led her to identify an urgent need to confront a serious contradiction in state law that set charter schools on a collision course with the efforts of districts to become financially stable.



We think of this report as a living document that we have produced as an intervention into an evolving relationship between districts and charter schools—a relationship developing in the midst of tremendous changes in public education in California and beyond.



This report contains the results of an intensive six-month process in which 21 people representing various perspectives and constituencies worked together to propose changes in policies and practices that would lead to a more peaceful and supportive coexistence between charter schools and district schools. It focuses on the recommendations of the ACOE Charter School Policy Task Force, the group convened to tackle the thorny issues that spur conflict between charters and districts, grapple with the underlying sources of these conflicts, and develop creative and helpful approaches to defuse these conflicts.

We began our work expecting that the primary audience for this document would be policymakers, educators, families, and other citizens living and working in Alameda County, a large and diverse county including important urban centers (such as Oakland and Berkeley), as well as suburbs and rural areas. Over time, we have learned there is great interest in our work throughout the state of California as well as from policymakers, union leaders, and charter school advocates throughout the nation. We've received telephone inquiries, invitations to present our findings, and questions about the model we've used to create this report. We have also realized that the issues facing Alameda County are rarely unique to our area; most are replicated in counties throughout California. More importantly, we realized that most of our policy change recommendations can be handled only outside our county, at the state level. We also acknowledged that many of the proposals focusing on changes in practice can be handled at the level of the local district or county office of education.

Hence, since we believe our proposals will be helpful outside our immediate area, the analyses and proposals contained in this report are not limited to charter-district relations in Alameda County.

We think of this report as a living document that we have produced as an intervention into an evolving relationship between districts and charter schools—a relationship developing in the midst of tremendous changes in public education in California and beyond. The terrain on which districts and charter schools are operating is shifting rapidly, often in unpredictable and sometimes contradictory directions. As the charter initiative continues, we hope our work helps steer the relationship between charters and districts in a more positive and productive direction, one aimed at producing quality public education for all of California's students.

WHO WE ARE AND WHAT MOTIVATES US

The ACOE Charter School Policy Task Force includes a diverse group of 21 one people who came together because we believe that it is useful to regularly take a big step back and review evolving reform initiatives affecting public education. Many of us additionally believe that useful ideas and efforts are sometimes unleashed in the field of education but eventually fail because they rest on too thin a foundation or veer in a wrong direction. When attempts at "steering" a new initiative occur, they rarely take into account divergent views and differing experiences with the initiative. We believe this leads to a constant cycle of politically driven changes in public education, with shifts in one direction soon countered when a new administration arrives or a new public sentiment takes hold.



We are motivated by the belief that people of good will and strong experience can come together and help steer the evolving relationship between charters and districts. We are grateful that our Task Force included charter school founders and advocates as well as district leaders and union representatives. We are especially grateful for the contribution of parents on the Task Force whose children attend charters or district schools. These parents encouraged us to keep our purpose focused on improving learning outcomes for all children.

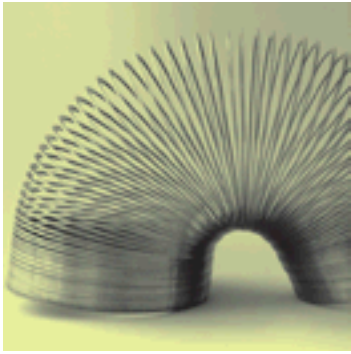
Likewise, we are grateful that several educational policymakers outside the politics or practice of charter/district relations joined our effort. These participants brought a perspective that helped situate our work amidst a range of other initiatives and shifts occurring in education today. Several county education administrators on the Task Force provided invaluable knowledge of the county's responsibility to monitor districts' and, secondarily, charters' fiscal solvency. State representatives shared examples from beyond our county as well as their hands-on knowledge of charter policy and procedures in our state.

We have spent most of the past six months working across difference: differences in interests and investment in these issues, differences in beliefs and values, and differences in communities and cultures. Our time together has educated each of us and widened our understanding of the conflicts that have emerged between charters and districts. Many of us came in with strongly held beliefs and powerful preconceptions and were surprised to find many areas of common ground and a common commitment to respectful dialogue and support for excellence in public education. Likewise, our attempt to develop a consensus on proposals for the future has also broadened our thinking and taught us a great deal about communication, negotiation, and compromise.

Lastly, we are also motivated by our commitment to the people most affected by local educational policy matters: the children of Alameda County, their families, and teachers in K-12

A TOTAL OF 21 PEOPLE SERVED ON THE TASK FORCE:

- Ray Bacchetti**
Carnegie Foundation for the Advancement of Teaching
- Wandra Boyd**
African American Task Force
- Debbie Bradshaw**
Hayward Unified School District
- Bobbie Brooks**
Retired Education Administrator
- Deborah Connelly**
California Dept. of Education, Charter Schools Division
- David Dierking**
Alameda Unified School District
- Diane Everett**
Sunol Glen Unified School District
- Sheila Jordan**
Alameda County Office of Education
- Teresa Kapellas**
Alameda County Office of Education
- Mark Kushner**
Leadership Public Schools
- Lorraine Lerner**
California Teachers Association
- Lillian Lopez**
Oakland Community Organizations
- Carlene Naylor**
Alameda County Office of Education
- Josh Newman**
EdTec Inc.
- Marta Reyes**
California Dept. of Education, Charter Schools Division
- Eric Rofes**
Humboldt State University
- Don Shalvey**
Aspire Public Schools
- Margaret Shelleda**
California Federation of Teachers
- Jill Viale**
Sports4Kids
- Elisabeth Woody**
PACE, UC Berkeley
Graduate School of Education
- Liane Zimny**
Oakland Unified School District



We have repeatedly witnessed conflicts, hostilities, and outright explosions between charter schools and the local school districts.

schools. We do not want to see local students failing in any classroom when more effectual options could be available. We want to see useful forms of school choice—such as charter schools and small-school programs—that effectively promote student achievement. But while not wanting to see students allowed to remain in failing district schools, we also hope to avoid having students enrolled in a charter school that disintegrates mid-term, forcing the children back into district schools that may already be overcrowded and unable to easily accommodate a large number of new pupils. Hence we are motivated by our interest in providing all students in Alameda County a high quality, stable, and democratic public education experience.

CONCEPTUAL FRAME:

Common Beliefs May Be More Complicated and Nuanced than Many People Realize

Since the start of charter schools in California over a dozen years ago, we have repeatedly witnessed conflicts, hostilities, and outright explosions between charter schools and the local school districts in which they are situated, as well as with county offices of education. This tension is not surprising to us given long-standing conflicts over the democratic purposes of public education and the ways in which various forms of school governance reflect different views of democratic oversight and participation in our schools. We have also observed several ways in which state law perpetuates such friction and ways in which current laws appear to contradict one another, especially in the area of financing and facilities.

There are several sources of these conflicts between charters and districts.

Many charter leaders object to specific attitudes they detect in district leadership. They often cite what they see as the sources of these conflicts. For example, they mention that many district leaders and teachers in district schools believe charters are draining funding that should properly be invested in district schools and causing additional, unfunded work for already burdened district administrators; they cite educators who believe charters are skimming off the best students in public education, failing to serve all populations of children, or performing poorly on academic assessments; they reference union leaders and members who object to most California charter schools not being unionized and who believe this undermines teacher professionalism, threatens quality education, and is intended to weaken teacher unions. And charter leaders argue that many districts engage in obstructionism and do not make good faith efforts to honor the spirit of charter policies and the content of charter law.

Some of these beliefs are false, others are not universally true, and most are more complicated than initially understood.

Likewise, many on the district side of the fence object to the attitudes sensed in and perspectives expressed by some leaders in the charter school movement. They pinpoint specific activities or beliefs they believe underlie the work of some charter advocates. They argue that many charters attempt to attract families by criticizing or overtly trashing district schools and promote themselves as offering a stronger and safer education than the nearby district schools. Furthermore, they cite situations where some charters may denigrate or demean district schools, but then also expect district support and services in key areas or turn to the district when a crisis occurs or they want to transfer disruptive or failing students back into district schools. They also

assert that some charter advocates see district education as a dysfunctional monopoly, seem eager to embrace the broader privatization of public education, and appear closely allied with advocates for vouchers, a system whereby public funding may flow to private and parochial schools.

Again, some of these beliefs are false, others are not universally true, and most are more complicated than initially understood. While it would be wrong to suggest that all charter advocates or all district or union leaders feel a single way about these matters, it is also important to capture and include in this report the general sentiments circulating in these often-contentious debates.

These general impressions and beliefs do not appear very different today than they were a dozen years ago when the charter initiative first came onto the scene. Despite California having emerged during this same period as the state with the largest number of students in charter schools and despite the legislature having continued to support the expansion of the state's charter school program, many people on all sides of the issues continue to be locked into what appear to be frozen positions: advocates for district schools often seem invested in maintaining a siege mentality, imagining the total destruction of public education as the motivation driving supporters of charter schools; advocates for charters often seem invested in feeling undermined by larger districts and education organizations, feeling as if unions in particular have little to do besides go after charters. Both sides feel as if their commitment to the children of our county, state, and nation is being questioned. Both sides feel as if their underlying motivations, ethics, and beliefs are being questioned. Both sides feel victimized, under attack, and disrespected.

With few exceptions, charter and district stakeholders have shown little empathy for one another. We hope to see this change.

This situation is all the more difficult because the impressions held by charter supporters and district advocates are not mere products of overactive imaginations. They are rooted in real-life experiences over the past dozen years, incidents and actions that have occurred and continue to occur when charter policy or practice matters surface. The tensions emerge not from imagined shifts in governance, funding, or accountability in education, but from real changes in the governance, funding, and accountability of public education. The conflicts might be seen as emerging from personal egos, "turf wars," and typical fights for narrow pieces of a shrinking pie, but they more commonly emerge from real shifts in power and financing, as well as a recent, radical break in the ways in which public education has been organized up till now. We are in a fundamentally new environment, but people working within public education today were educated and socialized into a specific public education model that is no longer the only model for the delivery of public education. The polarization can also be seen as a culture and value clash between free-market entrepreneurs and people who support traditional forms of systematized structures for public services.

We predict that a decade from now, most California school children will continue to be educated in district schools. All educators and policymakers must take steps to ensure that district schools have the resources and support they need to deliver an excellent education to our state's school children. However, because of the current strong momentum in charter school growth, it is likely that charters will continue to stand as a compelling option for many families in the state. In light of this, educators and policymakers must take steps to ensure that charters too have the resources and support they need to deliver an excellent education to the diverse children of our state.



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Hence we ask now for educators and policymakers to shift their perspectives, resist seeing themselves narrowly and rigidly as pro-district or anti-district, pro-charter or anti-charter, and embrace a wider perspective, a big-picture perspective rooted in a clear commitment to one central mission: providing excellent education that prepares all of our children for today and the future.

We must begin to believe that stakeholders in charters and district schools can shift from seeing each other as enemies, opponents, or, at best, stealth purveyors of hostile intents, to seeing each other as true and interdependent partners in fulfilling the mission of quality public education in California.

Although many people remain locked in the same mindsets regarding charters and districts that they were in a dozen years ago, we note important shifts—some subtle and some quite visible—that suggest this might be a good time to characterize charter-district relations as entering a new era. Over the past few years, we've noticed some significant changes.

First, some strategists in each camp have realized that both charters and district schools are going to be part of the educational landscape in California for the foreseeable future. Consequently, continuing hostility benefits no one. It is a rare charter advocate who believes today that every school in California is heading towards charter status; likewise, it is now unusual for a district advocate to believe charters are a flash-in-the-pan that will disappear soon, like many of the educational fads in the past. Most people realize that the emerging organization of public education in most parts of this state places most of the children in district schools, with most areas offering charter options for local families.

Second, while charter schools originally seemed like an initiative without a clear constituency, twelve years after the California legislature approved the initiation of charters in our state, that situation has changed. Not only are California's 533 charter schools serving over 180,000 children and their families, but individual legislators, education administrators, and journalists have also forged relationships with charters as well as with families and teachers involved in charter schools.

Third, most stakeholders would agree that charters are not a panacea for all the challenges facing public education today. In fact, over the past decade it has become clear that charters, like districts, face challenges in providing high quality public education to all children. We are dealing with two valuable sectors within public education, and both are, not surprisingly, imperfect. For some children, district-based education seems to work better; for others, charters might work better. We know of exemplary charter schools, and also exemplary district schools. And we are also aware of charter schools that have failed miserably, just as we are aware of district schools that have failed miserably. Hence it has become apparent that people attempting to provide children with excellent educational opportunities today face challenges, frustrations, and conundrums.

Strategists in each camp have realized that both charters and district schools are going to be part of the educational landscape in California for the foreseeable future.



Guiding Assumptions & Types of Changes We Endorse

When dividing our recommendations into topic areas, we also felt the need to frame and announce our recommendations within the assumptions that guided our work:

- We believe that, for the foreseeable future, it is important that district-based education receive strong public support, as the majority of California's children will continue to be educated in district school.



We want the state to be more articulate and precise about the purpose for the charter school initiative and what its overall objectives are at this point in time.

- We believe that charter schools can serve as complementary sites to district schools and that charters have the potential to assist children who do not succeed in district schools, provide families with educational options unavailable at their local district schools, and pilot new forms of governance, accountability, assessment, organization, curriculum, and pedagogy that might be useful to all educators.
- We believe that children and teachers are at the center of the learning experience, whether charter, district, or any other kind of school. And we also believe that policymakers can take essential steps to influence the conditions in which learning occurs. Nevertheless, the most important factor is the interaction and relationship between student and teacher. With this in mind, we believe all children have the right to work with a skilled and experienced teacher who believes all children can learn, and all families have the right to access schools where educators respect them as partners in their children's education. With this in mind we also believe that support for teacher salaries and benefits, professional development, right to organize, and professional status is central to maintaining quality public education.

Based on these assumptions, we endorse three types of changes which we believe would mitigate conflict between districts and charter schools and foster mutual respect and a spirit of collegiality:

1. *Changes in the concept of "public education"*
2. *Changes in policy for state legislators and administrators to consider*
3. *Changes in practice that educators might make within charter schools, school districts, and county offices of education*

With these categories of change in mind, we organized our specific recommendations into five key conflict areas, (1) oversight and accountability, (2) funding, (3) governance, (4) facilities, and (5) compatibility models. We deliberately note when recommendations reflect changes in conceptualization, policy, or practice. We also recognize that our work, however comprehensive and ambitious, does not tackle all the difficult conflicts between charters and districts.

COMPREHENSIVE RECOMMENDATIONS

Several important proposals appeared to cycle through our discussions during our months of study and deliberation, proposals which intersect with those within the five key areas mentioned above. These comprehensive recommendations undergird our more specific recommendations below:

- 1. We recommend that the governor, state legislators, and state board of education work with education leaders to clarify the purpose of our state's charter school program.**

We want the state to be more articulate and precise about the purpose for the charter school initiative and what its overall objectives are at this point in time. Countless times during our discussions it was clear that current laws, policies and procedures governing charter schools produce contradictory impulses and that different stakeholders articulate very different missions and objectives for our state's charter initiative.

State education officials need to create systems of academic accountability for both charter and district schools that ensure that such accountability checks are robust, well managed and adequately resourced.



Research and development opportunities in charter schools, for example, are not likely to be shared with a district school if charters are understood as functioning as a competitive force threatening district schools. Hence if an objective of this initiative is for charters to be sites that might pilot innovative pedagogical practices that might then be shared with district schools, then it would be wise to diminish the various ways charters seem to function as competitors or outright opponents of district-based education.

Currently, much of the common legislative and rhetorical framing of charters—as well as the details of their financing and governance—serves as a formidable barrier deterring pedagogical leaders in districts and charters from sharing innovative and useful practices with one another. This is but one example of why we call on public officials to clarify the objectives for the charter school initiative at this time.

2. Because we believe student learning outcomes, broadly defined, should be of paramount concern in all public schools, we believe that state education officials need to create systems of academic accountability for both charter and district schools that ensure that such accountability checks are robust, well managed and adequately resourced so as to improve student performance and proper oversight. We believe in using multiple measures to assess both individual student achievement and school performance. And just as we believe that charter school authorizers need to do their jobs in ensuring that repeatedly failing schools are not allowed to continue to operate, we believe district leaders need to take parallel steps with chronically failing district schools.

We are concerned foremost with educational outcomes and want all schools to be accountable for the results of their efforts with children of all races, ethnicities, language groups, and abilities. We are heartened by the spirit behind recent efforts at the state and federal level to prioritize educational outcomes and eliminate achievement gaps, even while many of us are critical of some techniques currently used. We were all encouraged by the early discussions surrounding charter schools which promised that schools not achieving their contracted educational goals would not be allowed to continue operating.

We want educational leaders to fulfill the spirit of these early discussions and take steps to ensure that charter schools not making significant progress towards reaching their educational achievement goals are not repeatedly re-chartered due to political pressure or pressure from families and communities. Likewise, we believe that attempts to dramatically transform failing district schools need to be supported, even when faced with parallel pressures. In short, we recommend that policymakers continue to take steps to interrupt cycles of failure and mediocrity within all forms of public schools and commit themselves to all school sites serving as places whose top priority is learning outcomes for all students.

3. Policymakers must make a more serious commitment to funding public education in California and must take steps to protect this commitment from shifts in the economy and changes in state leadership. We support efforts to move our state from near the bottom of the list of state funding levels for public education to at least the middle of the list by 2010.

If charters teach us nothing else, we hope it will be that education in California is seriously underfunded and that new reform initiatives, however promising, are weakened, more difficult to implement, and more difficult to take to scale, without adequate base financing.



Educators, policymakers, entrepreneurs and business leaders who have participated in the founding and governance of charter schools realize how California's low level of school financing, in particular the low level of ADA financing provided to both charters and district schools, limits educational possibilities. Some of our state's charter schools raise over one-third of their school budgets from private sources, demonstrating the gap between charter leaders' visions of quality education and California's limited public financing.

We would like to see a unified effort by leaders in both district-based education and charter-school-based education to move legislators and elected officials towards a more serious commitment to the funding of all public schools in our state. We acknowledge the hard work of many legislators, school board members, teacher union leaders, and grassroots activists who have carried the banner for increased school financing in California for many years. If charters teach us nothing else, we hope it will be that education in California is seriously underfunded and that new reform initiatives, however promising, are weakened, more difficult to implement, and more difficult to take to scale, without adequate base financing.

THE TASK FORCE'S CORE RECOMMENDATIONS

The Task Force began our deliberation process by creating a master list of over 100 items that seemed to provide impetus for conflicts between charter schools and school districts. These diverse items included both micro- and macro-issues and spanned a wide range of broad areas. We then took steps to group the items into broad categories and then to prioritize them in smaller working groups. Hence our recommendations presented below are organized within the five broad topic areas created by the Task Force: Oversight & Accountability, Funding, Governance, Facilities, and Compatibility.

A. OVERSIGHT & ACCOUNTABILITY:

Take Steps to Improve the Authorizing, Oversight, and Accountability Processes in California

The entire notion of charter schools—public schools that might exist independent of local school districts and freed from many state and local regulations—rests on the concept of fair and effective authorizing, oversight, and accountability. If a body other than a publicly elected school board is overseeing the school and ensuring that the school is accountable for the content of its charter, it seems critically important that this alternative body does its job well. California's charter law allows for only the following entities to serve as authorizers of new charter schools: local school districts, county offices of education, or the state board of education.

As dozens, then hundreds, of charter school authorizers came on the scene in California, it became apparent that, while many (perhaps most) authorizers were

prepared to fulfill their oversight and accountability functions effectively, others were either unable or unwilling to do so.

After a dozen years of California charter schools, it is clear that the authorizing system charged with reviewing charter petitions, authorizing the start-up of charter schools, and providing oversight and accountability merits attention. As we examined the ways authorizing in California is conceptualized, structured, resourced, and enacted, we noted a range of problems:

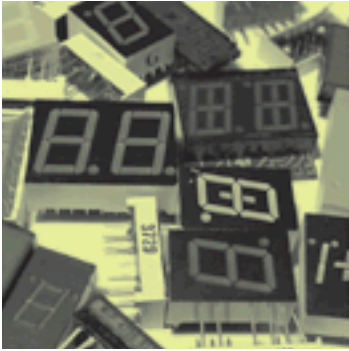
- The process of petitioning a potential authorizer for a charter is difficult and expensive for both the petitioner and the potential authorizer; results are often unpredictable and without clear and consistent standards; the process is often needlessly adversarial; charter petitions are not standardized between authorizers with stated student achievement and learning outcome measures imprecise. Authorizers clearly need to have learning strategies and educational goals at center stage in their deliberative processes and be able to assess how all aspects of the school design support these goals.
- The entire authorizing system appears to be under-resourced and often unfunded; this results in frequent understaffing of authorizing and the inability of authorizers to oversee to the full extent needed. Thus it becomes especially difficult, for just one example, for authorizers to monitor independent-study charters that may be located at a distance, in contiguous counties or districts.
- Some authorizers appear reluctant to refuse to renew the charters of schools not performing well. We are concerned that administration and finance rather than educational programs and student achievement played the larger role in the majority of charter terminations.
- When a charter is authorized by the state or county through an appeals process, the charter often has a difficult time establishing supportive working relationships with local districts that may have previously turned down its petition.

We believe that one thing policymakers could do at this period in the history of charters in California is to take steps to improve the authorizing process and begin to mitigate some of these concerns. In particular, we recommend:

1. **The state legislature devote a portion of California's Charter School Grant Program to increasing the resources of authorizers in our state in order to encourage high-quality oversight and accountability and support the Division of Charter Schools in augmenting the capacity of authorizers. This expanded allocation would include funding staff positions, annual training of authorizers and potential authorizers, creating training materials and handbooks, and dispersing models of high quality oversight and accountability by authorizers.**
2. **Authorizers throughout the state come together, perhaps under the leadership of the Charter Schools Division, to develop a standard process for reviewing charter petitions and a standard format for the petition itself. Such a template will streamline both the review process and the authorizing, oversight, and accountability processes. It also would likely diminish tensions between charter petitioners and potential authorizers. Individual**

The entire authorizing system appears to be under-resourced and often unfunded.





Authorizers must commit to holding charter schools fully accountable for the commitments in their petitions and also for state and federal requirements for student academic achievement.

authorizers should have clear, published criteria for authorizing or not authorizing and decision-making processes should avoid subjectivity.

3. Authorizers commit to holding charter schools fully accountable for the commitments in their petitions and also for state and federal requirements for student academic achievement. Likewise, explicit processes need to be created to allow for immediately investigating fraud and malfeasance and acting or intervening appropriately.

4. A third party—perhaps the National Association of Charter School Authorizers—evaluate authorizers' work by creating a list of standards for effective authorizing and a means by which authorizers might provide evidence they are performing their jobs effectively. The criteria should be shared widely with authorizers and potential authorizers and should then be used as benchmarks against which an evaluation will proceed. Evaluation results should be shared with the authorizer and made available to the public. Evaluated authorizers whose overall efforts appear to be stellar or woefully inadequate should be rewarded or cited in meaningful ways.

We spent a good deal of time debating what we believe should occur if charters are not meeting their educational goals. Ultimately, most of us agreed that, if educational goals are not being met or adequate progress towards the goals is not occurring, authorizers should formally notify the school leadership a year or two before the charter is up for renewal and offer support and technical assistance. If at the date of reauthorization, charters have not met or made significant progress toward meeting their academic goals, their API goals, and other state requirements, the school should not be re-chartered. We are not of a single mind about the kinds of academic programs that should be permitted in charters, but we did think that a charter school's academic program should draw on verifiable research, teacher knowledge and experience, and successful practices, though it need not be limited to the programs offered in the traditional local schools.

B. FUNDING:

Work to Make Funding More Equitable Between Charters and District Schools and Provide Districts with a Cushion of Support to Ease Student Exits to Charters

Perhaps the greatest point of disagreement, confusion, misconceptions, and conflict between school district advocates and charter school leaders is school financing.

District advocates often argue that charters are draining financing from district schools because, in California, the ADA dollars follow children to the charter school. Hence if a charter opens (with or without the approval of the district in which it is situated) and the district loses 100 students, significant funds would be lost to the district. During an era when districts are struggling for adequate financing and some districts already face declining enrollment figures, additional financing losses linked to charters might be experienced as especially painful.



The state legislature should swiftly move to help mitigate sharp, sudden, and dramatic losses in funding to many school districts from any outflow of students to charter schools by extending revenue protection for charter-related district ADA loss to include loss for one year.

At the same time, charter leaders often argue that they receive less financing than district schools because not only do charter schools lack the resources--and sometimes the knowledge--to access many pots of school financing dollars, but the ADA directed towards charters has to fund facility costs, while districts generally own their own buildings and use other financing mechanisms to cover facility costs.

It became clear to us over the past six months of our work together that many who staff or administer district schools do not have a complete picture of the financing challenges facing charter schools and likewise that many charter proponents do not have complete information about how district leaders experience the ways in which charters affect district school financing. Since one of the priority issues for leaders in both sectors is ensuring the basic funding of their schools, we stress this as an area where additional efforts at educating across the sectors might prove especially useful.

Making matters even more complicated are several points of conflict around the economics of school financing. Currently in California, charters and districts receive different ADA rates for children at the same level due to current funding formulas. Districts experiencing a loss of students often have underused facility resources that present continuing maintenance and upkeep costs, but also potential income opportunities. Some districts, especially small districts and others that cannot quickly and easily lower all costs if a large number of students exit the district schools, experience diseconomies of scale and, in some cases, may need more financing than charters to operate.

Charters also face financing challenges. While appreciative of the federal dollars flowing to California charters through the Charter School Grant Program, many charter leaders have found that these school-start-up grants are inadequate to cover the full costs of starting a charter school. Many pre-petition-approval expense categories are not currently funded by this grant program. And certain kinds of local funding to school districts, such as parcel tax dollars, do not necessarily get passed on to charters, creating a feeling on the part of many charter school leaders that charters are underfunded. Furthermore, many charters that are in their early growth years feel underfunded because categorical funding is based on the previous year's ADA but the school itself might be twice the size it was the year before.

Authorizers also currently face challenges in the funding area. Oversight does not include services that must be provided to charter schools such as assessment or inclusion in the Consolidated Application Programs (ConApp). Authorizers argue that the 1% financing that they might receive from state and federal charter funds does not cover the cost of the monitoring responsibilities required by laws, especially for districts who must oversee several small charters. This condition is exacerbated when the funds that come to the authorizer are immediately placed in the general fund and are not actually focused on authorizing tasks. Furthermore, the review of a new charter is not covered under these costs, as there is no charter in place yet. While this should be considered a mandated cost, in fact, many districts have discovered these costs are underfunded and they are never reimbursed.

Districts currently face specific funding challenges. They must forfeit ADA financing in the current year in which they lose children to charter schools; at the same time, due to provisions of the Education Code, they cannot adjust staffing after March 15 of the prior year, often months before receiving notification of students lost to charter schools. The unified funding formula creates a disproportionate impact, an impact dependent on the grade level of students who leave for the charter schools. Losing teachers to charters reduces the number of union-based teachers who can support health insurance policies plus the health benefits for retirees.

We are not going to pretend that many of these funding challenges can be easily mitigated or solved. With school financing in California as limited as it now is, introducing a new sector of public schools brings with it new financing challenges on top of already longstanding financing controversies and disputes. However, we believe that specific policy changes might aid in reorganizing the financing of district, charter, and authorizer roles in charter schools.

In particular, we recommend that the following changes in policy be immediately considered by policymakers:

1. The state legislature swiftly move to help mitigate sharp, sudden, and dramatic losses in funding to many school districts from any outflow of students to charter schools by extending revenue protection for charter-related district ADA loss to include loss for one year. Districts already have this protection if they lose students to a family-move out of the area or to a private school.

2. Furthermore, when policymakers clarify the purpose of charter schools, as suggested above, they direct charter schools to work cooperatively with affected districts in two key ways. First, while maintaining their original purpose or theme, charters should be required to provide priority admission to students in nearby overenrolled district schools. This accommodation would assist districts in managing the economic consequences of district-wide student loss to charters by avoiding possible half-empty neighborhood schools. Second, charter schools should be required to assist districts with planning for changes in staffing by providing an estimate of next year's enrollment and ADA ramifications to affected districts by January 31st of each year.

3. The state legislature should adjust the 1% funding portion assigned to authorizers to reflect monitoring responsibilities added since 1992, a heightened commitment to oversight and accountability, and to ensure that adequate staff time, expertise, and ongoing professional development be devoted to these critical tasks.

4. CDE's Division of Charter Schools should augment the current level of financing from the Charter School Categorical Block Grant and the Charter Schools Grant Program to schools that serve the neediest students, especially English learners and students from low socioeconomic backgrounds.

Furthermore, we believe there are important changes in practice that might be taken immediately (and without legislative action) by district administrators, charter school leaders, state and county education administrators, and the Division of Charter Schools to help ease some of the financing challenges:

5. We encourage CDE to immediately organize an effort to produce a fair, impartial, and public review of the financing of charter schools and district schools to determine if current financing formulas and mechanisms are equitable and to note any significant discrepancies.

6. District and charter officials should meet to consider ways to enhance district revenues stemming from charters, including the expanded offering

We encourage CDE to immediately organize an effort to produce a fair, impartial, and public review of the financing of charter schools and district schools.



of district services to charters for fees. These services might include compliance, grant applications, categorical grant applications, meals, facilities, certificate background checks, payroll, retirement, benefits, insurance, cash flow financing, professional development, custodial and landscaping services, security, garbage collection and recycling, elevator maintenance, bus and other transportation services, and participation in sports teams.

7. CDE's Division of Charter Schools should take steps immediately to create an authorizer-focused fund within the Charter School Grant Program. Such a fund would offset a significant portion of the administrative costs faced by districts and other potential authorizers when evaluating new charter petitions.

8. County offices of education along with the state's Fiscal Crisis & Management Assistance Team advisors need to take the lead in identifying community issues and needs and in developing creative solutions with school districts when the first the red flag signaling school closures appears.

9. California's charter school associations and independent groups of charters should take immediate steps to form consortia to more efficiently capture non-block grant program funding (e.g. Tobacco Use Education Prevention) to provide additional pipelines of funding into the state's charter schools. Likewise, districts can help here by including charters in their applications and charging the charters a fee for the effort.

C. GOVERNANCE:

Charters Should Clearly Promote and Protect the Rights and Responsibilities of Students, Families, and Staff Members

One working group tackled what we believe are the most important governance issues creating sources of conflict between charters and district schools. In particular, this group focused on employee working conditions within charter schools and the rights and responsibilities of families and students within charter schools.

These factors become problematic to district leaders in a number of ways: (1) District leaders and county superintendents frequently receive inquiries and complaints about issues occurring within charter schools, issues of which they have no knowledge or over which they have no authority. Because many people—including families of charter-school students and teachers working in charter schools—continue to see local districts as the place where "the buck stops," they bring their concerns to district officials first. Instead, it's more appropriate to handle them through the charter school's internal processes, and then to whatever entity is the charter authorizer. (2) Many educators move back and forth between charter school and district school employment, yet the benefit, insurance, and other systems are often not aligned and frequently not compatible, thus creating headaches for human resources personnel and disappointment for educators. (3) When families and/or educators do not have a clear understanding of the charter school—if the philosophy, pedagogy, governance process, and expectations of families and educators are not transparent—and they want

District leaders and county superintendents frequently receive inquiries and complaints about issues occurring within charter schools, issues of which they have no knowledge or over which they have no authority.



Our first goal in the governance area was to improve working conditions for charter school employees by strengthening access to information about employee rights and responsibilities if they choose to work in a charter school.

out, they create additional administrative burdens on the district by requesting transfers back into the district schools when a term is in progress.

Hence our first goal in the governance area was to improve working conditions for charter school employees by strengthening access to information about employee rights and responsibilities if they choose to work in a charter school.

Most charter school employees in California are "at will" employees and may be terminated at any time. While some charter advocates felt this would be an important distinction to maintain between employees in a charter school and a district school—where most employees are covered by union-negotiated contracts—it has become clear that many charter school staff members are currently unclear about their employee rights. They are also confused about proper complaint procedures, processes for negotiating concerns and remuneration, and the differences between benefit systems in charters and district schools.

Charter employees may lack clarity about benefits, coverage by PERS, STRS, or Social Security, rights upon exiting a district to work in a charter, or even whether their formal employer is actually the charter school, the district, or some other entity.

When teams are organizing charter schools, they are expected to clarify these elements in the original petition submitted to a potential authorizer, but often this information never reaches employees, and some matters, such as employee rights, are often not considered at all. To improve this situation we recommend:

1. The state legislature legally require charter school leaders to develop written information containing the school's adopted policies and procedures and share these with all potential employees prior to when they enter into employment with the school. These written policies might best be in handbook form, but must include:

- Policies and procedures covering reciprocity rights with the chartering district
- Retirement coverage provisions
- Rights to organize as specified under the Educational Employment Relations Act
- Right to dispute resolution procedures with the employer of record
- Identity of the employer of record, that entity legally authorized to employ staff members, along with the employer representative's name and contact information

Whenever possible, this information should be made a formal part of the charter. Charter authorizers need not dictate the content of these policies, but should be required to ensure that charters have made these policies available to all potential employees.

2. All charter school governing bodies be required to identify meeting dates, times, and locations, and the names and contact information of board members, to all employees.



3. Charter schools be legally required to execute an employment contract with each employee at the beginning of employment.

Our second goal in the governance area was to require charters to take steps to improve access to information about rights and responsibilities for families and students in charter schools.

Many students and families enrolling in charter schools appear to lack a full understanding of proper procedures and power/authority issues around matters such as student suspensions, parent questions, and complaint procedures. The hybrid nature of charters (as statutorily public entities with some of the characteristics of what many see as independent or private schools) encourages such confusion. Families may lack awareness of what processes and procedures are available to them, what responsibilities they have in regard to communication and due process, and other matters.

While charter petitions and applications are required to address parent involvement in charter school governance, admission procedures and requirements, health and safety regulations, and discipline, suspension, and expulsion policies, often the explanations contained are vague and nonspecific. In any case, few charter schools have taken pro-active steps beyond written notification to families in a "family handbook." So when conflict arises, families often look to an inappropriate entity, often the local school district central office, for resolution (even when that district may neither have approved the charter nor be formally affiliated with it). Some families in charter schools have felt locked out of channels that would allow them to communicate complaints to members of the charter school board.

Because we believe there is a basic civil right to due process, especially in public institutions, we propose that:

Charter school governing bodies should be required to identify meeting dates, times, and locations, and the names and contact information of board members, to all employees.

4. The legislature approve a law requiring all charter schools to provide families with a handbook prior to enrolling a student which describes (a) admission and enrollment procedures and policies; (b) disenrollment policies and procedures; (c) procedures for disciplinary action, including the grounds for suspension and expulsion; (d) conflict resolution and complaint procedures; and (e) the identity and contact information of the legal entity operating the charter school. Charter authorizers would then be required to regularly ensure that charter schools make these policies and procedures available to all applicant families.

5. All charter school governing bodies be required to identify meeting dates, times, and locations, and the names and contact information of board members, to all families with children enrolled in the school.

Finally, we believe that families participating in public education have a right to be aware of all the public-school options available to their children. Thus we also propose that:

6. If a district produces a list of all public education options and distributes it to families, all charter authorizers should be required to include currently authorized charter programs.*



* One Task Force member does not concur on this recommendation.



In some places, Proposition 39 has created win-win situations for charters and districts.

D. FACILITIES:

Charters and Districts Must Move Toward a True Spirit of Cooperation and Mutuality in Fulfilling the Mandate of Proposition 39

Since the earliest years of the charter school initiative in California, charter leaders have targeted identifying and acquiring facilities as one of the major challenges in establishing new charter schools. Especially in urban areas where it may be costly to lease a suitable facility for a school, charter leaders have sought creative solutions to this particular problem.

The passage two years ago of Proposition 39 requires school districts to provide charter schools meeting the law's requirements reasonably equivalent facilities to those of district schools. Under Proposition 39, districts can charge a fee similar to that necessary to maintain facilities for their other schools.

This law, Education Code Section 47614, creates opportunities and challenges for both charter schools and school districts. Much has been written about Proposition 39 and both charter and district leaders are attempting to work through its various definitions, requirements, and operational practices.

In some places, Proposition 39 has created win-win situations for charters and districts. For example, in districts with declining enrollment, school buildings may go unused and may represent a way for the district to receive revenue by leasing the facilities to charter schools. In many places, Proposition 39 has led to conflict between charters and districts who may maintain different understandings of the law's requirements and timelines. Despite attempts by the CDE to offer guidance to charters and districts on the operational practices of the new law, some of the most intense conflicts have already moved into litigation and the court system.

Our Task Force has tackled the topic of facilities as a source of conflict between charters and districts by asking several specific questions:

- *How can the Proposition 39 facility mandate be implemented equitably, so it does not have a severe negative impact on districts yet supports charters in need of facilities?*
- *How might districts make surplus facilities available for charters at affordable rates as an income-generating strategy for the school districts?*
- *How might charters acquire facilities without districts feeling that they must give up an entire building which they are not convinced is available?*
- *What can be done to increase the spirit of cooperation between charters and districts when districts seem to be unwilling to meet the letter or spirit of Proposition 39?*

Because the law is still relatively new, we believe a number of misperceptions related to its expectations and requirements remain. Some charter leaders might expect to find a "free" building coming their way from the local district, but the proposition requires districts only to provide a facility "equivalent" to others in their district all of which face significant expenses. These include fixed costs of utilities, variable costs of operations, and rainy-day costs for uncertainties such as roof repair.

Another misperception is the failure to realize that enacting Proposition 39 establishes a landlord/tenant relationship between the district and the charter, and that industry standards must be used to determine each party's responsibilities. Some charter

We urge both charters and districts to move towards a spirit of true cooperation in fulfilling the requirements of Proposition 39.



school leaders do not realize there is a common standard of care and appearance that the district holds for all its schools and that once the charter leases a facility from the district such standards apply.

We urge both charters and districts to move towards a spirit of true cooperation in fulfilling the requirements of Proposition 39. We hope to see a good faith effort on the part of all districts to reasonably accommodate charters, and we hope to see a parallel good faith effort on the part of charters to understand the fiscal and administrative needs of districts. Hence to move towards a stronger spirit of genuine cooperation, we recommend that:

1. Charters and districts develop memorandums of understanding (MOU's) that provide a focus for negotiating key features of their relationship as tenant and landlord, allow them to create mutual understandings of all parties' roles and responsibilities, and formalize the specific expectations about the use of facilities.

2. All districts develop fair, reasonable, and equitable calculations for the use of unoccupied district facilities and also answer key questions before moving forward with offering facilities for charters to lease. These questions include:

- Is the district's enrollment expected to decline over the next census period? If so, how much decline is anticipated and in which student populations is the decline anticipated?
- Does the district expect to have facilities available that might meet the needs of a charter school?
- What is the charter school's sustainability model for anticipated numbers of students?
- What additional reasonable options does the district have to generate revenue from its available spaces?
- If the district has a facility available for a charter, but the charter's anticipated census would not allow it to make use of the entire space, can the charter work flexibly with the district and support additional tenants that would create a fully used facility and bring optimum revenue to the district?

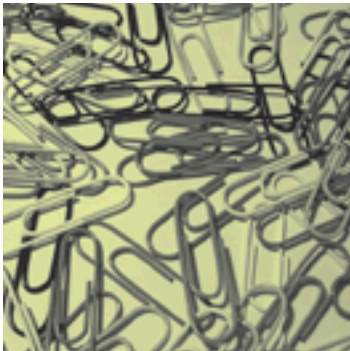
3. Charters and districts both consider ways to fulfill the mandate of Proposition 39 without districts feeling obligated to give up a building that would be used more effectively in other ways:

- The district might include the charter school's students in its Tax Revenue Anticipation Note (TRANS) requests, which then provide the charter with operating capital at an interest rate far lower than a commercial loan would. This offers a significant savings to the charter.
- Districts might use certificates of participation to provide a financing structure that would create new public school space, with the district serving as landlord and the lease agreement with the charter school serving as primary collateral for paying off the bond.

- Districts considering Proposition 39 bond measures might include the charter's needs as part of their bond request.
- Charters, whenever possible, should be encouraged to use district services, as this would likely create greater connection between the charter and the district and engender a spirit of mutuality between the two.

4. After considering a range of options for dispute resolution related to Proposition 39 beyond the current litigation focus—options such as an appeals process or an ombudsman program—we decided not to recommend other options as many district and charter leaders appear to support the current situation and because the potential alternative solutions present as many problems as the current litigation option.*

** Two members of the Task Force thought that the recommendations of the facility group, while positive, did not go nearly far enough to resolve the ambiguities and conflict over Prop 39 and charter facilities. They believe that the current system requires charter schools to pursue litigation as a way to clarify the application of Prop 39, and that this process is slow, expensive and divisive. This often results in charter school students being housed in sub-standard facilities, and higher costs. Instead, they propose that a binding, fast-track arbitration process be required to resolve disputes. Absent this, the State Board of Education should promulgate much more specific regulations clarifying the contentious Prop 39 issues of how to define contiguous space, equivalent space, the rate that may be charged for facilities, and sufficient methodology and documentation to districts for claiming a Proposition 39 duty, especially for a school not yet open.*



Creating opportunities for representatives of charter schools and district schools to work on projects together collaboratively and compatibly must become a top priority.

E. COMPATIBILITY:

Create Opportunities for Charters and Districts to Work Together on Projects Which Will Benefit Both Sectors

If we are going to move beyond the current oppositional relationship between charters and districts, it's important for educators in both sectors to work together on projects that will offer benefits to all. Thus creating opportunities for representatives of charter schools and district schools to work on projects together collaboratively and compatibly must become a top priority.

We recommend the following three items:

1. Visible opportunities for sharing "better practices" between charter schools and district schools need to be created, opportunities that focus on pedagogical practices and classroom-based programs that improve student learning.

During the early years of charter school policymaking, many advocates argued that the freedom from regulation available to charter schools would spawn new teaching experiments and innovative programs, both available for wide replication. While this has happened occasionally, studies have shown that pedagogical innovation has not been widespread among charters. Furthermore, the competitive dynamics between charters and districts serve as a barrier to educators in district schools being open to learning from better practices in charters. Finally, it has

become apparent that district schools are also likely sites for developing pedagogical and programmatic innovations and that, in fact, districts and charters each may have things to teach one another. The original one-way thinking about transfer of proven innovations contained specific biases against education in district settings, prejudices that may have obscured important sites where pedagogical developments occur.

For these reasons, we recommend that a third-party organization—one outside charter schools and district schools, such as a county office of education, a college of education, or a charter incubator organization—take the lead in identifying local educational programs, schools, classrooms, and teaching practices that improve educational results for students. We recommend a third party play this role so that it is distant enough from individual schools to enable a fair examination of better practices and preclude charges of favoritism. The suggested tasks include:

- **Creating a better-practices rubric designed to describe how a school or district can systematically be aware of increasingly effective academic practices, uses of assessment, and softer, but no less important, topics such as school climate and academic momentum**
- **Developing learning communities between charter schools and district schools designed to encourage and facilitate examining new ideas, practices, and assessments, and to provide mutual assistance in thinking them through in response to each partner's problems and aspirations**
- **Hosting an annual better-practices summit, organized by a team comprised of representatives of all public schools within the area. The better-practices summit would become an annual ritual whereby educators, families, and students in both charter schools and district schools engage in collaborative professional development and reciprocal learning from one another in a cooperative fashion.**

We believe this shared venture between charters and district schools will go a long way towards improving educators' abilities to see themselves as peers and colleagues rather than opponents or competitors. This is an ideal project for funding by the U.S. Charter School Program under the "educational innovations" area, but it must be stipulated that the oversight organization for this project understands that better practices can emerge from both district schools and charter schools.

2. Personnel of charter schools and district schools should create shared learning opportunities to collaboratively improve their skills at engaging and involving parents.

A sincere investment in creating parent-school partnerships in both district schools and charter schools is paramount. The arrival of charter schools has complicated the parent involvement issue for people involved in district schools in a number of ways. When groups of the most committed families leave a district school for a charter school, it might feel as if a huge resource for district



A sincere investment in creating parent-school partnerships in both district schools and charter schools is paramount.

No matter what form a school takes, teacher quality and continuity are necessary conditions of sustained success.



educators has been "creamed" from the school. The issue of family mobility has long challenged district schools and the arrival of charters introduces yet another potential exit site to which families might move. Because charters are schools of choice and most district schools are assigned by neighborhoods, families most committed to making active choices about their children's educations might gravitate to charters.

We recommend:

- **That all schools develop a parent-school compact describing mutual commitments that meet the need of both the schools and the families. In district schools, this information must be included visibly in the school handbook and distributed to all families. In charters, such compacts must be submitted with the initial charter application (or the charter must indicate the process used for developing such a compact) and then distributed to all potential families when they are applying to the school.**
- **Providing parent education about the nature of school governance and parents' rights, roles, and responsibilities. School governing structures—the site council of a school, the board of a district, or the charter school's board of directors—should require parental involvement and provide transparent ways for families to raise concerns and grievances and have such matters addressed.**

Teachers and school administrators in both charter schools and district schools might come together to develop skills in parent engagement. Ensuring that families are genuinely engaged as partners with educators in determining and supporting successful programs seems central to this task. Likewise charter and district educators might collaboratively come up with ways of supporting parent engagement in the face of family transitions in and out of schools and the challenges charters face when the founding generation of families graduates and a new generation enters the school.

3. Leaders in district schools and charter schools need to work together to improve the professional working conditions for teachers. They do not necessarily need to offer the exact same working conditions, but both sectors have an interest in becoming expert in the relationship between working conditions and teacher quality, teacher retention, and student achievement.

Different people have different beliefs about whether charter schools or district schools provide better working conditions for teachers and do the most to promote teacher professionalism. In the early years of charters in California, numerous district teachers left their jobs to work in charters. More recently we have seen charter teachers transfer to teaching positions in district schools. We've even seen some of the district teachers who left to work in charters move back to positions in the district. We want leaders in both charters and districts to learn from one another about the best ways to attract, nurture, and retain quality educators. No matter what form a school takes, teacher quality and continuity are necessary conditions of sustained success.

Hence we propose:

A working group of charter and district personnel be set up to focus on recruiting and retaining excellent teachers; union leaders would be invited to participate. The group's agenda would be to examine the factors that give teachers in district and charter schools a sense of pride and high morale and devise ways to create comparable conditions in all schools. Additionally, the working group might examine teacher burn-out and investigate schools where burn-out appears minimal; resultant insight should then produce burn-out reduction programs.

An experimental professional development program between a college or university and a nearby charter school and district school. The focus here would be on the connection between teacher working conditions and the quality of the school and its students' learning. Once research has been conducted, a sharing of information and practices between the two participating schools might create more efficacious conditions in both schools.

Considering ways of making district health benefits for teachers available to instructors in the local charter schools and of developing return rights for teachers so educators can move easily between charter and district schools.



We offer this report as citizens participating in a public body attempting to model an open and democratic process that reaches out to policymakers and public officials.

CONCLUSION:

Toward an Era of Mutuality, Cooperation, and Shared Vision

Throughout our investigation, debate, creative problem-solving, and negotiation, we have attempted to remain true to what most of us believe is the overarching purpose of all new reform initiatives in education—strengthening the specific conditions out of which will emerge the greatest opportunities for learning, personal development, and skill acquisition for California's students. Such an aim demands that we keep students, families, and teachers at the center of our thinking, even as we devote attention to corollary matters such as funding, oversight and accountability, facilities, and governance.

At the same time, we remain alert to the fact that schools are embedded in particular societal contexts. Public education always has been affected by diverse and often contradictory economic trends, social forces, and cultural shifts occurring at any historical moment. Hence the democratic purposes underlying public schooling, particularly preparing citizens to fully participate in the democratic process, have never been far from our minds as we have scrutinized the complexities and nuances of the charter/district dynamic.

We offer this report as citizens participating in a public body attempting to model an open and democratic process that reaches out to policymakers and public officials. By preparing this document we have attempted to mediate the greatest sources of conflict between charter schools and school districts. We remain hopeful we might intervene in the increasingly explosive dynamic that has been emerging between charters and districts in Alameda County and beyond, and create a more peaceful and

mutually supportive coexistence. Our proposals represent our best thinking about the policy and practice of schooling. We offer this report as a vision of learning that legislators, public officials, and school leaders might move towards as they fine tune, strengthen and ultimately preserve the progressive intent which, we believe, originally motivated our state's charter school initiative.



APPENDIX:

Background and Motivation for Forming the Task Force

This project was motivated by the vision of Alameda County Superintendent of Schools Sheila Jordan. Superintendent Jordan observed a collision course in-the-making between charter schools and local school districts. She noticed increasing tensions and disputes between charters and local districts. Also, charter applications were increasing in Alameda County, some from local educators and others from outside-the-area entrepreneurs. She heard the frustration of local superintendents enduring diminished budgets when students left their districts to attend area charters, even as they had done "everything right" in working to improve student outcome in their districts. And she heard arguments from parents on all sides of the charter/district debates who experienced frustration trying to find a high quality public school for their children.

During the summer and fall of 2004, Superintendent Jordan spoke with many people involved in Alameda County schools—policymakers, educators, teachers, families, and students—and sensed a great urgency around this issue. She wondered whether something pro-active could be initiated that might ameliorate tensions between districts and charters in key areas. Superintendent Jordan began to investigate the situation in other counties in California and beyond, and came to believe that the situation she was observing locally was actually quite widespread. Throughout the state—and even beyond it—charters and districts seemed to be heading for an explosive confrontation. Something needed to happen.

After consulting with the Alameda County Board of Education, Superintendent Jordan sought to acquire the services of a skilled facilitator who would also be knowledgeable about charter schools and the broad field of public education. Dr. Eric Rofes, a professor of education at Humboldt State University who had written his UC Berkeley Graduate School of Education dissertation on the interactions between charters and districts became interested in the project. Eventually, Dr. Rofes was tapped to chair the Alameda County Charter School Policy Task Force and serve as the lead author of a report presenting the Task Force's findings to policymakers, educators, and the public-at-large.

Genesis of the Task Force

In November and December 2004, Superintendent Jordan and Dr. Rofes worked together to organize a Task Force representing various points of view in the debates between charter schools and district schools. They decided to seek a mix of people with various perspectives and from invested interest groups, but especially people who

were able to work across political, philosophical, and cultural differences. They were especially eager to find people with on-the-ground experience with the emerging conflicts between charters and districts, but they also wanted to include some people with knowledge of the fields of education reform and education policy who were less immersed in these debates. It felt important to include educational administrators at the district, county, and state levels, charter school founders, parents, union representatives, and community organizers, among others.

Superintendent Jordan and Dr. Rofes then began the work of inviting people to serve on the Task Force and, in some cases, wooing them to a project that seemed both time-consuming and formidable--and would include sustained immersion in conflict and dispute. Almost to a person, the invitees expressed a great deal of interest in the mission of the Task Force and potential members seemed eager to make a contribution to the work. A large majority of the invitees accepted the invitation. Some of those who declined suggested alternative representatives from their organization or district.

Task Force Composition and Process


A total of 21 people agreed to serve on the Task Force:

- **Ray Bacchetti**, *Carnegie Foundation for the Advancement of Teaching*
- **Wandra Boyd**, *African American Task Force*
- **Debbie Bradshaw**, *Hayward Unified School District*
- **Bobbie Brooks**, *Retired Education Administrator*
- **Deborah Connelly**, *California Department of Education, Charter Schools Division*
- **David Dierking**, *Alameda Unified School District*
- **Diane Everett**, *Sunol Glen Unified School District*
- **Sheila Jordan**, *Alameda County Office of Education*
- **Teresa Kapellas**, *Alameda County Office of Education*
- **Mark Kushner**, *Leadership Public Schools*
- **Lorraine Lerner**, *California Teachers Association*
- **Lillian Lopez**, *Oakland Community Organizations*
- **Carlene Naylor**, *Alameda County Office of Education*
- **Josh Newman**, *EdTec Inc.*
- **Marta Reyes**, *California Department of Education, Charter Schools Division*
- **Eric Rofes**, *Humboldt State University*
- **Don Shalvey**, *Aspire Public Schools*
- **Margaret Shelleda**, *California Federation of Teachers*
- **Jill Vialet**, *Sports4Kids*
- **Elisabeth Woody**, *PACE, UC Berkeley Graduate School of Education*
- **Liane Zimny**, *Oakland Unified School District*

The first meeting of the Task Force was on January 20, 2005 at the Alameda County Office of Education (ACOE) on West Winton Avenue in Hayward. The Task Force as a whole met for three-hour working sessions at nine times during the January to May period. Smaller working groups of the Task Force, focused on specific issues such as funding or accountability/oversight, met independently.

This report contains only those recommendations that were either consensus or near-consensus recommendations of the Task Force.





The Task Force meetings were chaired and facilitated by Dr. Rofes and generally took place from 10:00 a.m. to 1:00 p.m. on Fridays at ACOE. Susan Montori served as scribe at these meetings and Rose Gonzalez provided administrative assistance.

After collectively developing a mission, objectives, and a process for their work together, Dr. Rofes led the group through various activities and discussions aimed at focusing discussion on key areas of conflict between districts and charter schools. Once a lengthy list was generated, the group worked to place items in broad categories. These became the focus of specific working groups—composed of between three and five Task Force members—who were asked to dig deeply into these conflict areas and then come up with creative solutions that might mitigate the conflict, solutions focused on either policy or practice.

Beginning in April, the working groups presented their initial proposal drafts and the Task Force offered responses, including critiques, praise, and additional areas of concern. All working groups were then asked to revise their proposals into final recommendations by the first week of May. At that time, the Task Force reviewed, discussed, and voted on all proposals, attempting to gain a consensus whenever possible, but accepting minority positions from Task Force members who could not support specific proposals. This report contains only those recommendations that were either consensus or near-consensus recommendations of the Task Force.

Task Force Mission and Objectives

The ACOE Charter School Policy Task Force is a working advisory committee charged with offering input into creating a document proposing changes in policy and practice to (1) reduce conflict between school districts and charter schools and (2) improve the ability of county offices of education to support the equitable coexistence of school districts and charter schools. The collective aim of the Task Force has been to provide educational excellence, opportunity, and equity for all students while honoring school choice for families without undermining regular public schools.

Key Objectives:

- To create a comprehensive list of the key conflict areas between charter schools and local school districts that might benefit from innovative thinking about changes in policy and practice
- To prioritize the list of key conflict areas and determine which items we aim to address in our final report
- To collectively engage in open-minded debate, creative thinking, astute analysis, and innovative problem-solving as we address the key conflict areas
- To make recommendations for changes in policy and practice that will be included in a final document produced by the Task Force chair and presented to the Superintendent, the ACOE Board of Education, the State Board of Education, and the public at large
- To recommend a variety of options for disseminating of this report and the implementing its recommendations.



THE TASK FORCE REPORT:

Completed, Published, and Promoted

This final report of the Alameda County Office of Education Task Force on Charter School Policy was completed in June 2005 and released to the public in July. It was distributed to county superintendents state-wide, local district superintendents in Alameda County, charter school leaders, union officials, local parent organizations, and policymakers. It will be formally presented to state and local policymakers, union leaders, charter school advocates, and community members throughout Alameda County.

It will also be shared with county superintendents throughout California, members of the State Board of Education and the California Commission on Charter Schools, the education committees of the state legislature, and our state's senators and representatives in Washington, D.C.

Eric Rofes served as lead author on this report. H.W. Seng provided editing assistance with this project (hwjseng@sbcglobal.net). Daniel Derdula provided graphic design services ([dddesign@ap.net](mailto:ddddesign@ap.net)).

This report is available on line at www.acoe.org/charters in a format easily downloaded. For additional copies of this report, or if you have media questions, please contact Rachelle DiStefano or Terri Hardesty at (510) 670-4151. To reach Dr. Eric Rofes, contact him at (415) 255-6210 or eerofes@aol.com.



ALAMEDA COUNTY OFFICE OF EDUCATION

313 West Winton Avenue
Hayward, California 94544-1136
acoee.org

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