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### A Competitive Education: How Charter Schools Include and Exclude

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A COMPETITIVE EDUCATION:  
HOW CHARTER SCHOOLS INCLUDE AND EXCLUDE

by  
TALIA M. BROMBERG

SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT OF THE DEGREE OF  
BACHELOR OF ARTS

PROFFESOR DRAKE  
PROFESSOR PITNEY

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## INTRODUCTION & REFLECTION

The goal of my thesis was to take a complex issue and write about it in a way that is interesting, nuanced, and accessible. My coursework at Scripps, both inside and outside of the Writing and Rhetoric major, prepared me to write my thesis. From my first semester of Core, I began to learn about the idea of structural inequality—about how not everyone started life on an even playing field. I learned that not everyone has access to the same choices. Struggling with the idea of choice is the line that connects the dots from my first semester to my senior thesis.

When I started writing my senior thesis, however, choice was not the central topic. I knew that I wanted to write about schools, children, and families in the context of politics and public policy. I spent weeks writing and researching my first draft—but when I met with Professor Drake to discuss it she pointed out that it was more of a historical overview than a piece of reporting that would actually interest a reader. Originally, I had planned to write about the rhetoric of school reform movements. My idea was that in every movement—common schools, the Progressive era, desegregation—more people were being included in the education system. I wanted to look at the rhetoric that was being used to persuade both the elites and the masses that education should be inclusive. Professor Drake pointed out the big flaw in my plan—plenty of people were still being left out. Including some people always meant excluding others.

From there, I started looking specifically at the school choice movement and charter schools. I quickly learned that charter school policy varies greatly from state to state, so I decided to focus specifically on California. I chose California for two reasons: First, I live in California, so it was easiest to interview stakeholders and learn about the system here; Second, I'm an alumna of the California public education system, giving me personal knowledge of and a personal stake in the topic.

I attended three different public high schools—a charter school, a magnet, and specialized academy—in my four years of high school. Although my constant transferring certainly presented its own challenges, it was also indicative of my privilege. I come from a middle class family. Both of my parents have graduate degrees and are very invested in my education. When it came to schools, I was able to be picky. Until coming to college, I took my access to choice for granted.

Writing about school choice and charter schools has allowed me to draw on what I have learned as a Writing and Rhetoric major, as a Politics minor, and on many of the other fantastic classes I've had the opportunity to attend at the Claremont Colleges. I wanted my thesis to be a true culmination of what I've learned over the past four years. The combination of rhetorical analysis, policy analysis, research, revision, and narrative construction that went into crafting my thesis showcases what I've learned and how I've grown as a Writing and Rhetoric major at Scripps College.

I also think that even now, in the midst of a pandemic, it is the right moment (Kairotic moment) to talk about education policy. The pandemic has deepened structural inequalities in every aspect of life, including education. Now more than ever is the right time to think about how school choice and charter schools deepen and lessen inequalities.

I chose to write my thesis in a journalistic style. To maintain my credibility I tried to appear unbiased, giving equal weight to both arguments. I do, however, have my own argument. Public education affects all of us either through our own attendance or employment, a family member's attendance or employment, or at the very least because tax dollars go to support public education. My argument is simple: everyone should care about public education and school choice.

I think that the best way to make someone care about a policy issue is by telling a story and showing actual the effects that a policy can have. I wanted to emulate the narrative journalistic pieces that had made me care about policy issues. I was especially inspired by Dale Russakoff's 2014 *New Yorker* article on the Newark public school system, "Schooled." I was inspired by the way that he took a complex, policy heavy, story and told it in a compelling way, without hitting me over the head with his own viewpoint. He showed that the situation was complicated, not necessarily that any one part was right or wrong. The article had a similar structure and tone to many of my favorite journalistic podcasts: Vox's "Today Explained" and "The Impact," Slate's "Slow Burn," and WNYC Studios' "More Perfect." Even though all of these podcasts had fairly different topics from one another and from the *New Yorker* article, I saw an important commonality: They all used a narrative structure to engage the reader and put a human face on a big picture story.

I've taken many creative writing classes as a Writing and Rhetoric Major, which prepared me to write a thesis with a narrative structure. I also had the opportunity to take a journalism class through the major, which gave me the experience that I needed to be comfortable writing in a journalistic style—shorter paragraphs, lots of simple sentences, and straightforward word choice.

The major also taught me how to think about the relationship between language and argument in a way that was very influential to my thesis. I first read George Lakoff and Mark Johnson's *Metaphors We Live By* in Introduction to Rhetoric. Lakoff and Johnson argue that we are constantly "understanding and experiencing one kind of thing in terms of another,"<sup>1</sup> an idea that is referred to as a conceptual metaphor. When writing about conflict between teachers'

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<sup>1</sup> Lakoff, George, and Mark Johnson. *Metaphors We Live By*. University of Chicago Press, 1980, pp. 5.

unions and pro-charter advocates for my thesis, I used my knowledge of conceptual metaphor when thinking about my own word choice. I frequently used the word “push” to describe the actions of both the teachers’ unions and the pro-charter advocates as a way to highlight the common comparison between ideological policy arguments and physical confrontation. Making an outright comparison to a wrestling match or brawl might have been a bit too dramatic, but using metaphorical language pointing to the similarities between a policy fight and a physical fight seemed like the right level of drama.

In another class, *The Art of Oratory*, I reread Lakoff and Johnson again, this time in conjunction with Nietzsche’s *On Truth and Lies in a Nonmoral Sense*. Nietzsche argues that words don’t reflect objective truth, but rather are reflections of our environments and biases.<sup>2</sup> Although Nietzsche was writing over a hundred years before Lakoff and Johnson, both texts examine words as constructed. Throughout my thesis, I look at how school choice advocates have constructed language around schools to mirror language around business.

Rhetorical theory clearly influenced the way that I thought about writing my thesis; however, if you read my thesis, you may notice that I don’t mention Lakoff and Johnson or Nietzsche. In fact, I don’t explicitly bring up rhetorical theory at all. I purposefully chose to leave rhetorical theory and other highly academic jargon out of my thesis because they were not appropriate for the rhetorical situation. The term rhetorical situation refers to the idea that a writer should consider the relationship between the audience, them self, and the topic or argument when choosing rhetorical tactics such as tone, genre, and means of persuasion.

In writing my thesis, I imagined my audience as readers who are interested in the topic of public education, but who don’t necessarily have a lot of knowledge of it. To address this

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<sup>2</sup> Nietzsche, Friedrich. *On Truth and Lies in a Nonmoral Sense*. 1. ed., Aristeus Books, 2012.

audience, I chose to write in a popular journalistic style that relied heavily on a narrative structure. I wanted to tell a story to keep casual readers engaged. I also tried to lay out all relevant information, such as definitions of terms because I was writing for an audience who might not have a lot of preexisting knowledge of the subject. I also chose to use a matter of fact, unemotional tone in order to maintain an appropriate appearance of journalistic objectivity.

Considering the rhetorical situation, I decided to rely heavily on interviews, quotes, and anecdotes. Using the words of stakeholders involved in the charter school debate gave me credibility because it showed that I was well researched and engaged with differing opinions. By building my credibility, I was using the persuasive tool *ethos*. Relying on quotes also contributed to the narrative structure of my thesis. I let the stakeholders convey information and drive the story, creating a dialectic instead of a lecture. I further used quotes and anecdotes to develop *pathos*, an emotional appeal. By interviewing teachers at traditional public schools and a student who had attended a charter school, along with supplemental anecdotes and quotes from additional teachers, parents, and political leaders, I made the issue of school about real people instead of abstract policy.

I did not rely solely on emotional appeals to make my argument. I also turned to logic, or *logos*, to show my audience why they should care. Although one of my main goals was to make complex information accessible, I also didn't want to talk down to my reader. Consequently, I didn't shy away from using statistics or explaining policy details when I thought they were important to understanding the argument. Using facts and figures strengthened my argument with logic and strengthened my credibility by showing that I was relying on experts and social scientists for my information. My use of hyperlinks was also a way for me to boost my credibility. I wanted to show readers that I was being transparent about where I was getting



information. Further, because my argument is that people should care about the issue of public education and school choice, it only makes sense to encourage readers to do further research by including links to articles and studies.

My use of hyperlinks does limit the venues in which I could try to be published. Of course, it could be published without the hyperlinks, but I included them in part because I envisioned publishing online. Print media has been on the decline in recent years, so I wanted to embrace online journalism by consciously using hyperlinks. I also know that as a reader, I appreciate when an article includes hyperlinks so that I can do further reading. I also see my use of hyperlinks as a way of innovating within the genre.

Imagining an online venue also enabled me to write longer articles because there isn't limited physical space online. I acknowledge, however, that my thesis is very long compared to a typical magazine or newspaper article. The original inspiration for my thesis, Dale Russakoff's *Schooled*, is around thirty pages, but unlike Dale Russakoff, I am not a reporter at large for *The New Yorker*. Although I would love for my entire article to be published at once, my thesis can also be broken up into three shorter articles, ranging from eight to twelve pages each. Each article can be understood on its own, but I imagine them being published in a series where people will read a new installment each week. In this scenario, the venue would likely be the Sunday edition of a newspaper.

Through writing my thesis and through my four years at Scripps College, I've developed my voice as a writer and rhetorician. I write as if someone is going to read my work out loud. I want to make sure that the speech builds to a big crescendo. It doesn't always happen, but when I'm really "in the zone," I can feel my sentences build, increasing in urgency. If I have to characterize my voice, I would say it is urgent, dramatic, and precise. I believe that this comes

through in my thesis. Because my thesis is so long, there are many places where it crescendos and decrescendos as I move between central ideas.

I've experienced so much growth as a writer and a thinker over the past four years and throughout my thesis writing process. I want to thank Professor Pitney for all of his support as both my professor and my thesis reader. He is always willing to suggest a new source and constantly pushes me to think more critically. I want to thank the entire Scripps Writing Department. The Department is small, but mighty. A special thank you to Professor Drake for all the guidance she has given me from Core I through this senior thesis, and for constantly being an advocate for students. I also want to thank Professor Simshaw for always encouraging me to push myself as a writer and as a writing center tutor and Professor Bromley for showing me how to use writing to argue and advocate for justice. I'm very grateful to all of my friends at Scripps who have supported me and challenged me throughout the thesis process, and to my parents who enabled me to attend Scripps.

## A COMPETITIVE EDUCATION

How charter schools can include and exclude

By Talia Bromberg

“I’m writing a series of articles about charter schools and whom they benefit,” I say.

“Rich white people,” replies Laura Casares, without missing a beat. Casares is an English teacher in Los Angeles Unified School District, the largest school district in California and the second largest in the country. She sits on her couch, earbuds in, as we video chat.

She’s taught at three schools in the district: two middle schools and her current placement, Francis Polytechnic Senior High, or just Poly as she calls it. Most of her students have been low-income students of color, which is typical in LAUSD where 84 percent of students are “socioeconomically disadvantaged” and almost 90 percent are students of color, according to the California Department of Education.

Casares’s distrust of charter schools—privately operated public schools—is common among career public school teachers. It’s indicative of a larger debate between charter advocates and opponents over what the future of public education should look like in California and around the country.

California’s charter school debate is driven by two main actors: on the pro-charter side is the California Charter School Association (CCSA), which represents the interests of charter schools and networks throughout the state, and on the anti-charter side is a coalition of California teachers unions, led by the California Teachers Association (CTA).

“Far too many of our most vulnerable students have been underserved by our current public school system,” Myrna Castrejón, president and CEO of CCSA said in a statement in

February. She was responding to a state-wide strike of teachers' union members who, among other things, were demanding stricter charter school regulation.

Castrejón and other charter school advocates argue that the main beneficiaries of charter schools aren't "rich white people," but the low-income students of color who aren't usually given the same educational opportunities as their wealthier, whiter peers.

"For 25 years, California's charter public school movement has relentlessly run towards the greatest challenges in public education," Castrejón continued.

But most public school teachers, including Casares, disagree.

"There has been a concentration of need in the traditional public-school system that charter schools are not helping to finance," Carmelita Reyes, the principal of an Oakland high school, [said in February amid massive teachers' union strikes across California](#). Reyes's school specifically serves newly arrived immigrant students.

From the perspective of many traditional public school faculty members, such as Reyes, charter schools take public school resources from those who most need them and reallocate them to those who don't: rich white people.

"It [the expansion of charter schools] has really financially destabilized programs that we need to support our neediest students," Reyes continued. Although she doesn't put it as bluntly, her words echo Casares.

Tension between charter advocates and teachers' unions is nothing new. Since the charter school movement arrived in California in the 1990s, teachers' unions have been pushing back.

But, the pair that brought charter school legislation to California actually saw charter schools as a way to empower teachers and safeguard public education against the growing threat of the voucher movement—a movement championing the use of private school vouchers that

would cover full or partial private school tuition for students who chose to forgo public school education.

It wasn't a new idea. Public funding allowing students to attend private schools had existed in rural communities in [Vermont](#) and [Maine](#) where there weren't enough children for a public school for nearly 140 years. Following school desegregation, private school vouchers were used as a way to funnel public funds into Southern "[segregation academies](#)," private schools where white families could send their children to avoid integration. By the late 1970s, private business interests and centrist policy groups were pushing vouchers as a way to improve educational outcomes without increasing state spending.

The voucher movement rose as the public's trust in public education fell. [A 1969 survey of Gallup polls](#) found that in 1969 only 4 percent of respondents thought that poor curriculum, standards, and quality were the "biggest problems" facing their community's public schools. By 1981, that number had risen 10 points to 14 percent. In that same time span, respondents became much less worried about the effects of bussing and integration on their community's public schools, while perceptions of other school related issues polled about the same—suggesting that perceived decline in school quality was the driving concern among Americans.

And while Americans' increasingly lost faith in public education, they seemed to see private schools as a desirable alternative. A 1981 [Gallup poll](#) asked Americans why they thought that the number of nonpublic (private or church-related) schools had increased over the past few years. The most mentioned response: poor educational standards in the public schools and superior quality of education in nonpublic schools. Forty-nine percent of respondents thought that the increase in private schools was a good thing.

Of course, there were many reasons why parents wanted to send their child to a private school: religious affiliation, resistance to changing cultural norms, and plain racism. But, regardless of the reason, Americans were becoming frustrated with traditional public schools and warming to the idea of private schooling.

In 1983, the American public's frustration reached a boiling point when the Reagan Administration's National Commission on Excellence in Education published [A Nation at Risk](#), a report on America's educational shortcomings. Although today, the report is recognized [as empirically flawed](#), it had a large impact on how the American public and policy makers viewed public education at the time.

“Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world,” the report warned.

To compete globally, schools needed to be competitive domestically. For schools to be competitive domestically, voucher advocates argued, students and families had to be able to choose between schools.

The American people seemed to agree. In 1970, only 43 percent of Americans had been in favor of private school vouchers, while 46 percent opposed the idea, according to a [Gallup poll](#). By 1983, 51 percent of Americans favored private school vouchers, while only 38 percent opposed it.

“The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people,” the report read. The report exacerbated Americans' anxiety about the U.S. falling behind its Asian competitors and confirmed Americans' negative feelings about the country's public education system.

Although it never explicitly mentioned school choice, *A Nation at Risk* successfully raised the stakes of public education. It framed public education as having a direct effect on national security and economic growth. I created an urgency around public school reform and opened the doors to proposals that would overhaul public education—ideas like school vouchers.

Six years later, the Wisconsin state legislature passed the nation's [first modern voucher program](#)—bringing the idea of vouchers to the forefront of the school reform conversation and threatening the future of public education.

By the early 1990s, the idea of vouchers was gaining momentum: Next stop, California.

Public school advocates worried that the passage of voucher legislation could be the end of California's robust public education system. They needed to propose an alternative, and fast.

“It seemed possible to us to craft a legislative proposal that did not sacrifice the attractive features of the voucher movement—namely, choice of schools, local control, and responsiveness to clients—while still preserving the basic principles of public education: that it be free, nonsectarian, and nondiscriminatory,” reflected Gary K. Hart, a public school teacher turned senator, and Sue Burr, an assistant superintendent turned undersecretary of education.

The pair decided to draft a piece of legislation that would incorporate the parts of voucher programs that they liked: Schools should work like businesses by competing for “clients,” while keeping the inclusivity of traditional public education: Schools would not get to turn away some “clients” in favor of others.

In 1991, Hart and Burr walked into a California Senate Education Committee hearing carrying the 11-volume, 600-page state education code. They placed the massive text in front of

the eleven committee members. The three-foot pile of pages served as a visual representation of their argument: too much bureaucracy and too many rules were causing California's public schools to fail.

What California's education system needed, the pair of self-proclaimed progressives argued, was more local control and flexibility.

California needed charter schools. Hart and Burr introduced The Charter School Act.

After a hearing that the duo would later described as "extremely lengthy and contentious," the committee narrowly sided with Hart and Burr and The Charter School Act passed out of committee.

But making it out of committee was only the first step. The bill was met with scorn by advocates for public institutions and organized labor: the state parent/teacher association wanted language outlining parent involvement, the state credentialing commission wanted charter school teachers to be credentialed, and teachers' unions wanted existing collective bargaining rights to be explicitly protected.

Hart and Burr denied each of these demands. "We wanted to keep the bill as simple and flexible as possible to allow many charter school alternatives," they later wrote.

But flexibility came at a price.

"We disappointed many longtime friends—some of whom became enemies," the duo remembered.

Union opposition in particular came at a price. It didn't just mean losing a friendship; it meant creating a very powerful enemy. Without a union, charter school teachers wouldn't have



job security, health benefits, or the collective bargaining power to negotiate good contracts. Non-union public schools could also weaken the teachers' unions' collective bargaining power and political influence. If some teachers weren't unionized, all teachers would lose bargaining leverage.

Charter schools had the backing of powerful business interests and centrist members of the Democratic establishment—including soon-to-be President Bill Clinton—who saw charter schools as a way to improve public education without costing the State, but teachers' unions also held outsized political influence.

Three years earlier, the union had been the main source of volunteer and financial support for a successful proposition requiring 40 percent of California's general fund be spent on K-12 education and community college annually.

“A relentless political machine,” is how Pete Wilson, the California governor from 1991 to 1999, described teachers' unions. Teachers unions' weren't underdogs in the fight against the school choice movement—their opposition was going to make passing the Charter School Act much more difficult.

But charter schools had to be non-union, Hart and Burr argued, because charters were meant to be controlled by the local community. Requiring that charter school teachers be able to unionize would strip communities of that control.

To appeal to the unions, the pair tried to add in a provision requiring a certain number of teacher signatures for a charter school to be established, but the union remained steadfast in their opposition.

Even without union support, Hart and Burr tried to paint charter schools as good for teachers by appropriating the work of Albert Shanker, the president of the American Federation of Teachers (AFT), the largest teachers' union in the country. In the charter schools' creation myth, Shanker has also become the [creator of charter schools](#).

“His writings gave greater credibility to the concept of charter schools,” Hart and Burr later wrote.

In 1988, Shanker delivered [a speech](#) in which he talked about his vision for a new kind of public school that would be founded and run by teachers, and he referred to this school as a “charter,” but Shanker’s idea bore little resemblance to the “charter schools” outlined in the Charter School Act.

Both Shanker and the Charter School Act saw charter schools as a way to experiment with curriculum and promote innovation. But, in Shanker’s view, innovation meant empowering teachers. The Charter School Act disempowered teachers by stripping them of their collective bargaining rights—including those that provided the job security needed for experimentation.

“I wish the architects of the bill had worked out the collective bargaining issues with the teachers unions,” Shanker said of Minnesota's 1991 charter school bill two months after it passed. Minnesota’s bill served as a template for California’s Charter School Act.

Shanker’s ideal charter schools were designed to trade state and district control for teacher control. On the other hand, the Charter School Act’s charter schools traded state and district control for control by whatever community, corporation, or group wanted to charter a new school.

To Hart and Burr, refusing to make concessions wasn't explicitly about weakening unions, or administrators, or anyone else. It was about giving these new types of schools the freedom to experiment and adjust to community needs.

“If we weren't careful, we would end up ‘reinventing’ that 11-volume education code we used so effectively as a prop,” they wrote.

Hart and Burr wouldn't compromise, nor would the unions.

The first time the bill was introduced to the senate, it died in conference because of union pressure.

But through creative parliamentary maneuvers, the bill was resurrected and eventually brought up for a final vote. It passed by a narrow margin. In 1992, Governor Pete Wilson signed the Charter School Act into law, making California the second state to establish a charter school system—without union support.

Today, [there are 1,306 charter schools in the state of California and 277 charter schools under the jurisdiction of LAUSD alone](#). About 10 percent of California's 6.2 million public school students attend charter schools.

Even with all that growth, most charter schools still aren't unionized, and for many teachers, that's still a problem.

“I would love to work for certain charter schools like the one I mentioned earlier,” Lara Rosenberg, a paraprofessional in the special education program at Calabasas High School, told me in a Zoom interview, “but I can't risk losing money and benefits.”

Rosenberg is planning to attend a credential program in the fall. She had volunteered at a charter school when she was still in high school and had been very impressed: the school had lots of experiential learning, enthusiastic teachers, and less focus on testing than most traditional public schools. But she's thinking practically about her future. "To work at a charter school means losing benefits, losing insurance."

Teachers at some charter school may have benefits, such as insurance. But, without a union, teachers are left to negotiate their own individual contracts without the power of collective bargaining. Their benefits may be less, their pay may be less, and they often have much less job security. Some charter schools and charter school networks are unionized, [but that's the minority](#)—only about 12.3 percent nation-wide.

As the charter movement expands, teachers' unions continue to push back—especially in Los Angeles and Oakland, where charter school expansion has been rapid.

"The most powerful defenders of the status quo are the teachers unions," Antonio Villaraigosa, who got his start in politics as a teacher' union organizer before becoming mayor of Los Angeles, said. "They intimidated people, especially Democrats, from doing anything about reform."

Although Democrats are often thought of as pro-union, they can be found on both sides of the charter school debate. On a national level, the Obama Administration was a big supporter of charter school expansion.

"We have to educate our way to a better economy," Arnie Duncan, the Obama Administration's Secretary of Education, said, echoing the arguments that school choice

advocates had used a decade earlier when *A Nation at Risk* connected education reform to economic competition.

But while charter school advocates paint teachers' unions as standing in the way of school reform, union members often see their unions as standing up for students.

“We are literally fighting for our students,” said Laura Press, a high school English teacher in Los Angeles. To Press, fighting for students means supporting the United Teachers of Los Angeles' (UTLA) recent strike.

Although recent teacher strikes in Los Angeles and Oakland did include demands for salary increases, [many of the demands focused on increasing resources for student support](#). UTLA's demands included developing mental health resources, hiring more school nurses, and making a commitment to limit class sizes. UTLA is also pushing for more oversight of charter schools—an issue that Press cited as one of the main reasons she supports the strike.

“I think we're just going to see more and more resources reallocated away from regular [traditional public] schools,” she said. “That is going to be the death of regular schools.”

Union members see the lack of resources for public schools and the growth of charter schools as two inextricably linked issues: more charter schools mean less funding for “regular schools.” Demanding more charter school regulation is Press's way of fighting not only for herself, but for her students.

Charter advocates, however, firmly deny that charter school expansion is at fault for the district public schools' financial woes.

“This villainization of charters driving districts to brink of insolvency is salacious,” said Castrejón in response to UTLA's demands.

It's hard to know what financial impact charter schools have on typical district-affiliated public schools because until recently school boards weren't allowed to consider fiscal impact when deciding whether or not to grant a charter in their district. That's only changed in the last year with a package of new charter school regulations that passed, in part, due to the strikes in Los Angeles, Oakland, and other charter hot spots in California.

A [report](#) commissioned by the West Contra School District estimates that the district is losing nearly \$1,000 per student because of increasing charter school enrollment. In total, the district is said to be losing \$27.9 million a year. The CCSA has responded to the report by calling it “pure propaganda” and pointing out the anti-charter lean of the organization that conducted the study.

But it's not just about losing money. It's a question of where that money is going.

“As someone who is going into education, it worries me to see money taken out of the general pool and given to charter schools that are sometimes unregulated,” Rosenberg told me. Until recently, teachers at charter schools didn't need to be credentialed. And, while district public schools are governed by a local school board that is required to have open meetings and publish their budgets, the governing boards of charter schools don't have the same transparency requirements.

“There is a lot of bureaucracy,” Rosenberg commented, referring to the common critique that school board members and other administrators play too big of a role in traditional public schools, “but I like being able to look at the website and see how much money is going into my program and how it is being spent.”

As a teacher, Rosenberg is willing to sacrifice some flexibility for transparency. But, for some students—those whose needs can't be met within the bureaucratic structure of a typical public school—the flexibility of a charter school can offer a second chance.

“A point of desperation,” AJ Moore answers when I ask him why he chose to attend Valley International Prep (VIP), a charter school, over a traditional public school. Moore, who is now a sophomore at Claremont McKenna College in Southern California, started his high school career at the Humanities Magnet at Grover Cleveland High School in Los Angeles. The Humanities Magnet exists as a smaller school within Cleveland High School. As with all [Magnet programs](#), students have to apply to get in. Students usually take core classes—math, science, English, history—within the Magnet program, but they're still part of the larger school, sharing sports teams, clubs, and electives. Perhaps most importantly, they share the same school administrators and interact with the same student body as non-magnet students.

Moore only attended Cleveland for a year, however. He was training to become a professional dancer and needed a more flexible schedule. So, after one semester at Cleveland, he transferred to Granada Hills High School—an [affiliated charter school](#). An affiliated charter, unlike an independent (or unaffiliated) charter, is run by LAUSD. Affiliated charters have been around in LAUSD since 1993—almost as long as independent charters. They generally have [higher test scores](#) than independent charters or traditional public schools—but they also tend to serve a whiter, [more affluent population](#). Teachers are union members, and although they still have some flexibility in curriculum, they generally have to follow district schedules and curricular standards.

Moore attended the iGranada program, which allows students to take classes online through the school. He would go to the school most days to do his work, even though it was mostly on the computer. There were other students in the room doing the same thing, but they weren't really supposed to talk to one another. "Half of the kids there go beyond not liking school, like if it were up to them, they'd be fine not going," Moore said describing Granada's school culture.

At first, the less-than-stimulating school environment didn't really matter to Moore. The online program gave him the flexibility he needed to pursue his priority: dancing. He could go to school for part of the day and then leave for the dance studio.

But his sophomore year, Moore was diagnosed with a rare bone disease after breaking both of his legs within a year. His dance career was over.

If he couldn't dance, he didn't need the flexible schedule that Granada provided, so he decided to transfer yet again.

"We knew that big, public LAUSD high schools were pretty much the same, no matter what president's name was on it," Moore explained. He wanted something different from Granada or Cleveland. He wanted to go somewhere with a creative curriculum, a friendly student body, and a supportive administration.

"[VIP] felt very different." Moore told me, "People at VIP were much friendlier than they were at Granada."

The school was small, had office hours instead of class on Fridays, and focused on providing a "collegiate environment." The campus wasn't fancy; classes took place in an old Armenian nursery connected to a church. "We didn't have any money," Moore remembers, but the lackluster surroundings "lent a vibe of this is our project." The school certainly wasn't the



high-tech, style-over-substance type of charter school that anti-charters activists point to when deriding unequal school funding.

But it was able to support Moore at his “point of desperation.”

He arrived at VIP with a broken leg and two F’s on his transcript. The school didn’t have an elevator, but they moved all of his classes to the first floor of the building. Because the school was able to determine its own grading practices, Moore could retake his two failed classes and have his original grades struck from his transcript. That kind of administrative override isn’t possible at a district affiliated school; the autonomy of the charter school is what enabled Moore to essentially start over. It gave him a second chance and an experience that better fit his specific needs.

Moore’s experience may seem unique, but there are many students with unique experiences and unique needs, including students with special needs and disabilities. According to [a 2016 study from the National Center for Special Education in Charter Schools](#), charter schools serve a larger proportion of students with certain types of disabilities—specifically learning disabilities, autism, and emotional disturbance—than do traditional public schools.

All public schools—including [charter schools](#)—are required under the Individuals with Disabilities Education Act (IDEA) to serve students with disabilities and to provide appropriate support and accommodation. Charter schools are legally obligated not only to accept students with disabilities, but to follow students’ Individualized Learning Plans (IEP)—a plan created by the school and the family of the disabled student that outlines the accommodations, supportive measures, and goals for the student going forward.

Some charter schools focus specifically on serving students with disabilities, giving families who can't afford a specialized private school another option. While students with disabilities who attend mainstream charter schools spend 80 percent of their time in the general education classroom, students at traditional public schools spend closer to 65 percent of their time in a general education classroom. It's hard to know exactly what accounts for the difference. It may be that traditional public schools are able to support more specialized programs or that they serve more students whose disabilities require more specialized attention.

But it also may be that charter schools' are able to innovate in a way that traditional public schools are not, allowing them to develop learning environments that are more inclusive and supportive of students with and without disabilities.

Other methods of school choice, such as the private school voucher system, can actively harm students with disabilities because private schools aren't legally obligated to accommodate students with special needs and disabilities. They don't have to admit students with disabilities or adhere to a student's IEP—which can be a big problem for a lot of students.

“IEPs are stronger than the governor,” Rosenberg told me. As a paraeducator, she works exclusively with students with IEPs. “If the governor says a student has to eat ketchup but the IEP says a student shouldn't eat ketchup, then that student won't eat ketchup.”

IEPs generally don't refer to ketchup eating, but they do outline important academic supports such as extended testing times, access to tutoring services, or accommodations for physical disabilities. As Rosenberg said, they're pretty ironclad,

offering disabled students protection from rogue teachers and administrators. IEPs can be beneficial to teachers as well.

“They don’t give me a hassle,” Casares said, referring to students with IEPs. “It tells you what the kid needs, so you do your best to follow the modifications.”

But based on her experience teaching in LAUSD, there are many students who need the support of an IEP but don’t get it.

“I’ve taught years of classes where kids are in ELD [classes for students learning English] even though they were born in the U.S. and they just have a learning disability and aren’t tested,” Casares said, her frustration obvious in her voice. She’s had many students coming into both her ELD and general education classes who read and write far below grade level, even as native English speakers.

“I don’t know how they do it,” she said, referring to special education teachers. “I don’t know how to fix that.” She tries to find ways to accommodate students so that they can keep up in class, but without training in special education, the instructions of an IEP, or the help of special education staff, she is often overwhelmed.

With 37 students in just one of her classes, she can’t offer students the level of support they might need—the level of support they would be entitled to with an IEP.

“There are kids with massive learning disabilities and no one is getting them tested,” she said.

If Casares suspects that a student might have an undiagnosed learning disability, she talks to the school's administration and to the students' parents, but often that leads nowhere. Sometimes, a school administrator will meet with Casares and the student's parents for a "special support team meeting," but the process rarely goes farther than that initial meeting.

In the meeting, they'll sometimes start the IEP process, but Casares says that she's never seen that process lead to a student actually getting an IEP or even getting assessed to see if they might actually qualify for one. Casares is left to support students whose needs she doesn't know how to accommodate without the roadmap or extra resources that an IEP provides.

"If my kid had a learning disability, I would never send them to an LAUSD school," Casares said with conviction.

Rosenberg's experience with the IEP process is much different. Rosenberg teaches in Los Virgenes Unified School District (LVUSD), which is wealthier and smaller than LAUSD. Students in the program must already have an IEP that cites one or more diagnoses. She works in a program for students who are classified as Emotionally Disturbed (ED). Her students are often struggling with eating disorders, substance abuse, and psychiatric disabilities, in addition to struggling with a learning disability. For many students, it's a last resort before being sent to an inpatient program or the first stop after release from an inpatient program.

“I’ve heard it referred to as a magnet for parents seeking better special education services for their kids,” she tells me. Most of the students at Calabasas High, both in the special education program and in the general population, are white and upper-middle class to wealthy. Most of Rosenberg’s students have a therapist, nutrition counselor, or some other type of support outside of the school setting. Parents have a working understanding of IEPs, and both parents usually come to IEP meetings, sometimes with a lawyer.

Both Rosenberg and Casares teach at traditional public schools, but the demographics they serve are very different. The parents of Rosenberg’s students have the time, money, and connections to make sure that their children’s IEPs are being enforced. They can hire lawyers and outside therapists. They have access to healthcare and to the information needed to make sure that a child can get a diagnosis early on.

The families of Casares’s students don’t usually have the same resources. While wealthier, well-connected families may be drawn to Rosenberg’s program like a “magnet,” many low-income families—such as the one’s Casares serves—don’t have the time or connections that it takes to find out about the best programs. They often don’t have money to hire lawyers or outside therapists who can help to make sure that their child’s IEP is being enforced. And, as Casares notes, just getting an IEP in the first place can be a difficult process.

Funding disparities also contribute to unequal support for disabled students. Because schools are largely funded by property taxes, schools in wealthy areas, like Rosenberg’s, have funding for high-quality special programs, while schools in low-income neighborhoods can’t support the same quality of programs.

The model for special education funding poses its own problems. California funds schools based on daily attendance. For every student who shows up to school, the school receives a certain amount of money. The same amount is allocated for every student: disabled or nondisabled, even though educating a student with a disability costs more because of the high cost of hiring additional staff, such as occupational therapists, paraprofessionals, speech pathologists, and physical education specialists.

Schools are given additional funds to support students with disabilities, but those funds often don't reach the students who actually need them. Funding is distributed by school district. Independent charter schools usually act as their own schools districts or form a district with other independent charter schools for funding purposes.

Special education funding is divided proportionally between districts based on the total number of students in the district, regardless of how many students actually qualify for special education services.

For the 2015-2016 school year, charter schools served 28 percent of students in Oakland. Because special education funding is divided proportionally based on the number of total students, not the number of students with disabilities, Oakland charter schools received 28 percent of the area's special education funding. But Oakland charter schools only actually enrolled 19 percent of students who qualified for special education services. And, most of those students didn't actually require very many additional resources. Meanwhile, Oakland Unified School District was left with 72 percent of the special education funding to provide for 81 percent of the area's disabled students, many of whom required more costly support than their charter-school-attending peers.

Special education programs at typical public schools are often underfunded for the number of students they serve, while charter schools are receiving special education funds for students they don't have. If you're a parent trying to decide where to send your child who needs a special education program, the choice might seem clear—send them to the charter.

But while charter schools can be an alternative to traditional public schools for some students with disabilities, they just aren't an option for others.

For a charter school to survive, it needs to attract students. Proponents of charter schools argue that this is a good thing; to attract students, a charter school has to produce results. The school is held accountable for its outcomes. It's the free market at work.

But the need to produce high test scores and high college admissions rates can motivate the exclusion of students who are perceived as harder and more expensive to educate—students with severe disabilities.

It is illegal for any public school—including a charter school—to turn a student away because of a disability, but by selectively recruiting non-disabled students and ignoring enrollment inquiries from parents of disabled students, charter schools can skirt the law by turning disabled students away before they even apply.

A 2020 [study](#) from The National Bureau of Economic Research sampled about half of charter schools nationwide. It found that charter schools were 7 percentage points less

likely to respond to messages about enrollment opportunities from parents who identified their child as having a severe special need or disability than they were to reply to a “baseline message.” The same pattern did not hold true for public schools, even in areas where families could choose from any school in the district.

While the proportion of students with certain disabilities—learning disabilities, autism, and emotional disturbance—is higher at charter schools, [the overall proportion of students with disabilities is higher at traditional public schools](#). Traditional public schools serve a higher percentage of students with severe disabilities, such as intellectual disabilities, developmental delays, and multiple disabilities.

Supporting students with disabilities costs money, but some disabilities are more costly to accommodate than others. On average, it costs two times more to educate a disabled student than it does to educate a typical student, but that cost can escalate to as much as ten times the amount it costs to educate a typical student depending on the specific disability.

[Funding is an especially big problem in California](#), where special education funding is allocated based on the census. The type of disability isn’t considered, even though costs vary widely depending on the disability:

A student with a speech impairment may only cost the district an additional \$1,000 annually for periodic speech therapy sessions, while a deaf student may cost the district as much as \$100,000 for a full-time interpreter and supplementary classes, according to [a report](#) from the California Legislative Analyst’s Office.



Under California’s funding model, the student who is listed as disabled and needs a full-time interpreter received the same amount of funding as a student who has a speech impairment and needs occasional speech therapy. The result is that both traditional public schools and charter schools are left without the economic resources they need to properly support students.

But unlike a traditional public school that can share support staff for students with disabilities with other local public schools, a charter school might have to hire staff specifically for one student—draining the school’s financial resources.

For a charter school to survive, it must constantly compete with other schools for new students. Even if a student with a severe disability is an academic superstar, allocating money to support one student instead of spending the money on things that will help to attract new students—things like new technology or a robust arts program—may seem like a dangerous calculation.

To stay competitive, charter schools have to focus on the big picture. Sometimes, that means that students get left behind—a rule that holds especially true at “no excuses” charter schools.

“No excuses” charter schools are college-prep focused schools that mostly serve low-income students of color in urban areas. They are known for using strict, often punitive, discipline to produce high levels of academic achievement.

The same study from the National Bureau of Economic research found that “no excuses” charters [were 10 percentage points less likely to respond to admissions inquiries from parents who identified their child as having a severe disability than they were to reply to the “baseline message.”](#) The study’s findings are in line with anecdotal evidence from parents and teachers associated with Success Academy Charter Schools—a network of “no excuses” charter schools in New York.

In 2015, a [series of articles from the \*New York Times\*](#) revealed that faculty at Success Academy Charter Schools were pushing struggling students to leave the school. Students who struggled academically or behaviorally would face frequent suspensions, causing students to fall further behind academically and causing parents to miss work or scramble to find last-minute childcare arrangements—a difficult task for any parent, but especially for the low-income parents without the resources to take time off of work or pay for childcare.

One Success Academy campus suspended 23 percent of its students at least once during the 2013-2014 school year. Most Success Academy campuses suspended upwards of 10 percent of their students at least once. To put that in perspective, New York City’s traditional public schools’ suspension rate was 3 percent during the same school year.

Four parents told *The New York Times* that school or network employees explicitly told them that their children should find another school. Teachers were instructed not to send enrollment forms to certain students. One principle wrote a “Got to Go” list of 16 students that he wanted removed from the school. Most of them ended up leaving. “I felt I couldn’t turn the school around if these students remained,” the principle told the NYT.

Because charter schools have to compete for students in a way that traditional public schools don't, they have an incentive to exclude students who are harder to teach: students with learning disabilities, behavioral issues, or cognitive disabilities.

Folake Wimbish, the mother of a former Success Academy student, told the NYT that her son, who has been diagnosed with attention deficit hyperactive disorder (ADHD), was suspended 19 times during his first grade school year.

Wimbish requested that the school evaluate her son to see if he qualified for special education services to help him with his behavioral issues. She met with one of the network’s lawyers and with Julie Freese, the associate special education manager for the network.

“Why don’t you just put him in another school, because he’s suffering?” Wimbish remembers Freese asking. Instead of talking about how Wimbish’s son could be successful at Success Academy, Freese suggested that he leave.

Wimbish’s story is not unique. Many other families told the *Times* a similar story: multiple suspensions followed by a suggestion that the school couldn’t meet their child’s needs, so they should go elsewhere.

It's possible that some needs can't be met by every school, but the frequency of these stories and the seeming lack of effort on the part of Success Academy to offer effective support options suggests a wider pattern of discrimination. It suggests that for some charter schools, like Success Academy, prestige and high test score are the top priority—even if that means leaving some students out.

"We would like to be at that percentage" [said Carmen Farina](#), New York City's schools chancellor, referring to the high exam pass rate of Success Academy students in comparison with traditional public school students, "but we keep all our kids from the day they walk into the building."

But, while some parents find the tactics of schools like Success Academy too strict, others are happy with their children's experiences.

"I don't understand why *The New York Times* thinks it has to educate me as a parent about the school that I choose to send my children to," said Natasha Shannon, a mother of three daughters at Success Academy, speaking at a news conference defending the network against [a NYT article critiquing the school's strict tactics](#).

"I'm not some poor, uninformed parent or someone who is not aware of what's available in New York City schools."

In 2015, only 25 percent of students in New York City passed the state reading test, and only 35 percent passed the math tests. At Success Academy Charter Schools, 64 percent of students passed the state reading test and 94 percent passed the math tests during that same year.

"I chose Success. I made that choice because it's the best choice for my daughters," Shannon said.

Of course, not all or even most charter schools are “no excuse” schools. The lack of administrative oversight of charter schools provides the flexibility to be innovative. Sometimes that innovation looks like the “no excuses” policies of Success Academy and sometimes it looks like the nurturing and flexible environment at VIP.

In both situations, charter schools give parents the opportunity to choose what type of school is best for their child. Some families have more choice than others—but for families that are able to use high performing charter schools as an alternative to low performing or underfunded traditional public schools, the access to choice can be life changing.

In Moore’s experience, while half the student body was comprised of well-off students who just preferred VIP to their typical public school. The other half of the student body was made up of low-income students of color, many of whom had been referred to the school because they were failing at their typical public school.

According to [CalMatters](#), most California charter schools are opening in low-income areas, specifically in school districts where most students qualify for free or reduced-price lunches. This might be because wealthier areas already have better funded public schools, but it also might be because charter schools are actually doing what they claim—increasing educational opportunity for low-income communities of color.

“Not for a second will I apologize for the growth of charters that are meeting the needs of parents and are contributing to lifting up our brown and black kids, our disadvantaged students and providing them a lifeline of opportunity for greater success in our great state,” said Castrejón. According to CCA, charter schools in Oakland and Los Angeles educate similar proportions of low-income students as traditional public schools.

But, what about the students that get left out. Not everyone can go to a charter.

Casares's first teaching job was at a public middle school in downtown Los Angeles.

While she was working there, a charter school opened up on the same campus. The students who were already succeeding academically and behaviorally switched to the charter school, while the students who were already struggling were left behind.

Casares remembers her frustration at the time; it felt like the charter school was “cherry picking” —taking the students who needed the least support and leaving her and her fellow teachers with the toughest kids.

According to Casares, this put a strain not only on the teachers, but on the students, who remained as well. Before the charter school opened, Casares's school had served students with a range of abilities. The student body was made up of students with different academic abilities and different levels of interest in school. Some students were difficult and acted out, while others were attentive and followed rules. With the creation of the charter school, the student body became less diverse. Most of the academically motivated kids left for the charter school, Casares remembers. She feels that losing the “best” students decreased the quality of the school for everyone—students and teachers.

“The school turned into a shithole,” Casares said.

Casares's story illustrates how charter schools are meant to work. They're not, of course meant to turn traditional public schools into “shitholes,” but they are meant to create competition among schools.

“The school districts’ monopoly on public education is the heart of the problem,” wrote Ted Kolderie, a founder of the charter school movement, in [a 1990 policy paper](#) for the Progressive Policy Institute. To Kolderie, and to many charter advocates today, the problem with public schools is that they have a captive market. Schooling is compulsory. You have to send your child to school, so if you don’t have money for a private school then you have to send your child to a traditional public school, regardless of the school’s quality.

“No matter how unresponsive and ineffective this way of organizing learning has become, the prevailing ideology insists that local school districts must retain their monopoly on providing public schools to the children of the community,” Kolderie continued.

Offering families non-district schools would mean that choice would no longer be a privilege reserved for the wealthy. Choice would become an essential part of the American education system. Consumer choice would create a market place where providers would have to compete to create the best product in order to attract clients.

In education terms, students and their families could choose the best schools—schools with the highest test scores, best arts programs, or most innovative curriculum. Meanwhile, the worst schools would be forced to improve in order to retain their student bodies.

In theory, a competitive education market benefits students by allowing them to attend better schools and improves the overall quality of public education by forcing failing schools to get better.

In reality, taking students and funding from a struggling school doesn’t make that school better. It just makes it a struggling school without funding, and in the case of Casares, a more difficult student population.

Or worse—some schools have been forced to shut down completely as a result of rapid charter school expansion. Over the past decade, large cities such as Chicago, Detroit, and New Orleans have stripped their district budgets and invested heavily in charter systems. In May 2013, the Chicago Board of Education (CBE) voted to close 50 public schools—despite protests from students, parents, and teachers at the targeted schools—in order to shore up a budget deficit. These schools were not functioning “efficiently” or were “underutilized,” Chicago mayor, Ram Emmanuel, claimed.

But these school closings were not spread evenly throughout the city. Of the 40,000 students affected by the school closures, 88 percent were black. All 50 schools mainly served low-income communities of color. The CBE then further divested from the district with massive budget cuts and faculty layoffs, weakening the resources of the remaining public schools.

But while district schools were closing, Mayor Emmanuel and the CBE planned to open 60 new charter schools and 40 new schools with the help of the Gates Foundation. Opening new schools required increased infrastructure, so, in the same year that had seen 50 school closures, \$350 million was set aside for the newly created Office of New Schools. The following year, \$71 million was budgeted for creating new charter schools.

Earlier, in 2009, following a massive community protest over the lack of a library at a school in a low-income, Mexican immigrant neighborhood, Chicago Public School’s chief operating officer admitted that the district just didn’t want to invest in schools it knew it would close in the near future. Even before 2013, improving existing public schools wasn’t the goal.

“A budget reflects priorities,” the chief administrative officer of Chicago Public Schools told the anti-charter parent advocacy organization Raise Your Hand, “In our district, charters are a priority.”



In the budget for the 2013-2014 fiscal year, traditional public schools took a budget cut of \$100 million, while charter schools received a budget increase of \$80 million.

By 2013, a survey of 5 largely Black communities on the south and west sides of Chicago found that over 60 percent of students were forced to attend school outside of their neighborhood because their neighborhood school had closed.

Charter schools and contract schools (public schools that are contracted out for a private organization to run) popped up in these areas to fill the gap, but because charter schools require an application process and admission is determined by a random lottery, local students weren't guaranteed spots. Meanwhile, the most innovative charter and contract schools—complete with specialty programs and selective enrollment policies—opened in gentrified and upper-middle-class areas of the city.

When the charter school opened on Casares's campus, some students left—attracted to the promise of a better school. The schools were in competition with each other and the charter school won. But, in the education marketplace, it's not only schools that are in competition with one another. It's students and families as well.

And for some students to win, others must lose.

“To compete in education markets, parents and their children would need the ‘tools’—such as access to rich information networks—to help them win the market competition,” argue Christopher Lubienski and Bekisizwe S. Ndimande, authors of *Privatization and the Education of Marginalized Children*. Students competing for spots at charter schools are not stepping onto the field from even footing.

Access to a charter school doesn't come with the hurdle of tuition, but that doesn't mean that charter schools are universally accessible. Access to a charter school requires different forms of capital.

In recent years, there has been a push to make the charter school application process more accessible. In 2016, Los Angeles area charter schools launched [a common application](#) enabling families to apply to multiple independent charter schools at the same time. In 2017, after [public outrage](#) over discriminatory application processes, California imposed [new application guidelines](#) for charter schools.

But even with these changes, families still need internet access to research school options, time to research and fill out forms, fluency in English to fill out forms and engage with school administrators, and access to transportation if the charter school campus is far away.

Access to charter schools requires what Lubienski calls "hidden knowledge," the type of information that isn't published in informational brochures or on websites, but that is spread at birthday parties and during the intermission of school plays, knowledge that is accumulated by volunteering at your child's school and getting to know the administrators. Hidden knowledge comes from existing in a community of people who have the resources to gather and share information about the best schools and how to access them.

"Overwhelmingly positive," Moore told me when I asked him about his experience at VIP. But Moore also told me that he had never considered attending his local school. In fact, throughout his K-12 career, he never attended a local traditional public school. Moore was able to gain access to each school he attended, and to VIP in particular, because his parents knew things about education. His dad specifically was interested in the school system and had heard good things about VIP, Moore told me.

Moore found a school that worked well for him, and that is incredibly important—but without social connections, access to safe transportation, and parents who knew how to navigate the system, Moore probably wouldn't have had that opportunity.

“It's the parents who care enough to fill out the applications and have the wherewithal to do it,” Casares said, referring to the students who switched from her school to the charter school on the same campus, “but it's not their fault if they don't know how.”

Since the beginning of the American public school system in the 1800s, some Americans have always had access to some form of school choice. But, access to choice has largely been a privilege reserved for the white or the wealthy.

For as long as there has been a public school system, families with money and social connections have been able to send their children to private schools: In the 19th century, Irish Catholic and German immigrants to the U.S. could send their children to Catholic and German-language schools, while Mexican Catholics and other non-white immigrants were unable to gain the resources or influence to establish their own alternative school system. After desegregation, white Southerners were able to send their children to segregated Christian academies. Those with money and connections have always been able to send their children to private schools.

Choice in education has always been available for those who could afford it.

“I understand why parents want their kids to go to charter schools,” Casares told me during our interview—a statement in diametric contrast with her earlier remark: charter schools benefit rich, white people.

She says that, as a mother, she has empathy for parents who want their children to have a good education without having to pay the \$30,000 price tag that comes with private school attendance.

When you zoom in, charter schools are just schools. Some are good; some aren't. Some of the students like school; some don't. Parents want their kids to do well and have opportunities.

And, when you zoom in, you can see how charter schools have expanded access to choice to people who wouldn't have otherwise had it. You can see the education system becoming more inclusive and meritocratic—but only for some people.

Because when you zoom out, you can see who is still being left out.

## AN UNHAPPY UNION

A look at the fraught relationship between teachers' unions and the charter school movement

By Talia Bromberg

“I’m writing a series of articles about charter schools and whom they benefit,” I say.

“Rich white people,” replies Laura Casares, without missing a beat. Casares is an English teacher in Los Angeles Unified School District, the largest school district in California and the second largest in the country. She sits on her couch, earbuds in, as we video chat.

She's taught at three schools in the district: two middle schools and her current placement, Francis Polytechnic Senior High, or just Poly as she calls it. Most of her students have been low-income students of color, which is typical in LAUSD where 84 percent of students are “socioeconomically disadvantaged” and almost 90 percent are students of color, according to the California Department of Education.

Casares’s distrust of charter schools—privately operated public schools—is common among career public school teachers. It’s indicative of a larger debate between charter advocates and opponents over what the future of public education should look like in California and around the country.

California’s charter school debate is driven by two main actors: on the pro-charter side is the California Charter School Association (CCSA), which represents the interests of charter schools and networks throughout the state, and on the anti-charter side is a coalition of California teachers unions, led by the California Teachers Association (CTA).

“Far too many of our most vulnerable students have been underserved by our current public school system,” Myrna Castrejón, president and CEO of CCSA said in a statement in

February in response to a state-wide strike of teachers' union members who, among other things, were demanding stricter charter school regulation.

Castrejón and other charter school advocates argue that the main beneficiaries of charter schools aren't "rich white people," but the low-income students of color who aren't given the same educational opportunities as their wealthier, whiter peers.

"For 25 years, California's charter public school movement has relentlessly run towards the greatest challenges in public education," Castrejón continued.

But most public school teachers, including Casares, disagree.

"There has been a concentration of need in the traditional public-school system that charter schools are not helping to finance," Carmelita Reyes, the principal of an Oakland high school, [said in February amid massive teachers' union strikes across California](#). Reyes's school specifically serves newly arrived immigrant students.

From the perspective of many traditional public school faculty members, such as Reyes, charter schools take public school resources from those who most need them and reallocate them to those who don't: rich white people.

"It [the expansion of charter schools] has really financially destabilized programs that we need to support our neediest students," Reyes continued. Although she doesn't put it as bluntly, her words echo Casares.

Tension between charter advocates and teachers' unions is nothing new. Since the charter school movement arrived in California in the 1990s, teachers' unions have been pushing back. But, the pair that brought charter school legislation to California actually saw charter schools as a way to empower teachers and safeguard public education against the growing threat of the voucher movement.

The voucher movement proposed that vouchers covering full or partial private school tuition be given to students who chose to forgo public school education. It wasn't a new idea. Public funding allowing students to attend private schools had existed in rural communities in [Vermont](#) and [Maine](#) where there weren't enough children for a public school for nearly 140 years. Following school desegregation, private school vouchers were used as a way to funnel public funds into Southern [“segregation academies.”](#) private schools, [where white families could send their children to avoid integration.](#) By the late 1970s, private business interests and centrist policy groups were pushing vouchers as a way to improve educational outcomes without increasing state spending.

The voucher movement rose as the public's trust in public education fell. [A 1984 survey of Gallup polls](#) found that in 1969 only 4 percent of respondents thought that poor curriculum, standards, and quality were the “biggest problems” facing their community's public schools. By 1981, that number had risen 10 points to 14 percent. In that same time span, respondents became much less worried about the effects of bussing/integration on their community public schools, and all other measures polled stayed relatively stagnant—suggesting that perceived decline in school quality was the driving concern among Americans.

And while Americans' opinions of public schools fell, they seemed to see private schools as a desirable alternative. A 1981 [Gallup poll](#) asked Americans why they thought that the number of nonpublic (private or church-related) schools had increased over the past few years. The most mentioned response: poor educational standards in the public schools and superior quality of education in nonpublic schools. Forty-nine percent of respondents thought that the increase in private schools was a good thing.

Of course, there were many reasons why parents wanted to send their child to a private school: religious affiliation, resistance to changing cultural norms, or plain racism. But, regardless of the reason, Americans were becoming frustrated with traditional public schools and warming to the idea of private schooling.

In 1983, the American public's frustration reached a boiling point when the Reagan Administration's National Commission on Excellence in Education published [A Nation at Risk](#). Although today, the report is recognized [as empirically flawed](#), it impacted the how the American public and policy makers viewed public education at the time.

“Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world,” the report warned.

To compete globally, schools needed to be competitive domestically. For schools to be competitive domestically, voucher advocates argued, students and families had to be able to choose between schools.

The American people seemed to agree. In 1970, 43 percent of Americans had been in favor of the idea of private school vouchers, while 46 percent opposed it, according to a [Gallup poll](#). By 1983, 51 percent of Americans favored private school vouchers, while only 38 percent opposed it.

“The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people,” the report read. The report exacerbated Americans' anxiety that the U.S. was falling behind its Asian competitors and confirmed Americans' negative feelings about the country's public education system.



Then, in 1989, the Wisconsin state legislature passed the nation's [first modern voucher program](#)—bringing the idea of vouchers to the forefront of the school reform conversation and threatening the future of public education.

By the early 1990s, voucher movement activists were capitalizing on the public discontent with the public education system. The idea of vouchers was gaining momentum: Next stop, California.

Public school advocates worried that the passage of voucher legislation could be the end of California's robust public education system. They needed to propose an alternative, and fast.

“It seemed possible to us to craft a legislative proposal that did not sacrifice the attractive features of the voucher movement—namely, choice of schools, local control, and responsiveness to clients—while still preserving the basic principles of public education: that it be free, nonsectarian, and nondiscriminatory,” reflected Gary K. Hart, a public school teacher turned senator, and Sue Burr, an assistant superintendent turned undersecretary of education.

The pair decided to draft a piece of legislation that would incorporate the idea of an education market: Schools should work like businesses by competing for “clients,” while maintaining the importance of accessibility to publicly funded education: Schools would not get to turn away some “clients” in favor of others.

In 1991, Hart and Burr walked into a California Senate Education Committee hearing carrying the 11-volume, 600-page state education code. They placed the massive text in front of the eleven committee members. The three-foot pile of pages served as a visual representation of

their argument: too much bureaucracy and too many rules were causing California's public schools to fail.

What California's education system needed, the pair of self-proclaimed progressives argued, was more local control and flexibility.

California needed charter schools. Hart and Burr introduced The Charter School Act.

After a hearing that the duo would later describe as "extremely lengthy and contentious," the committee narrowly sided with Hart and Burr and The Charter School Act passed out of committee.

But making it out of committee was only the first step. The bill was met with scorn by advocates for public institutions and organized labor: the state parent/teacher association wanted language outlining parent involvement, the state credentialing commission wanted charter school teachers to be credentialed, and teachers' unions wanted existing collective bargaining rights to be explicitly protected.

Hart and Burr denied each of these demands. "We wanted to keep the bill as simple and flexible as possible to allow many charter school alternatives," they later wrote.

But flexibility came at a price.

"We disappointed many longtime friends—some of whom became enemies," the duo remembered.

Union opposition in particular didn't just mean losing a friendship; it meant creating a very powerful enemy. Without a union, charter school teachers wouldn't have job security,

health benefits, or the collective bargaining power to negotiate good contracts. Non-union public schools could also the unions' weaken the collective bargaining power and political influence.

Charter schools had the backing of powerful business interests and centrist members of the Democratic establishment—including soon-to-be President Bill Clinton—who saw charter schools as a way to improve public education without costing the State, but teachers' unions also held outsized political influence.

Three years earlier, the union had been the main financial backer and source of volunteer support for a successful proposition requiring 40 percent of California's general fund be spent on K-12 education and community college annually.

"A relentless political machine," is how Pete Wilson, the California governor from 1991 to 1999, described teachers' unions. Teachers unions' weren't underdogs in the fight against the school choice movement—their opposition was going to make passing the Charter School Act much more difficult.

But charter schools had to be non-union, Hart and Burr argued, because charters were meant to be controlled by the local community. Allowing charter school teachers to join the unions would strip communities of that control.

To appeal to the unions, the pair tried to add in a provision requiring a certain number of teacher signatures for a charter to be established, but the union remained steadfast in their opposition

Even without union support, Hart and Burr tried to paint charter schools as good for teachers by appropriating the work of Albert Shanker, the president of the American Federation

of Teachers (AFT), the largest teachers' union in the country. In the charter schools' creation myth, he has also become the [creator of charter schools](#).

“His writings gave greater credibility to the concept of charter schools,” Hart and Burr later wrote.

In 1988, Shanker delivered [a speech](#) in which he talked about his vision for a new kind of public school that would be founded and run by teachers, and he did refer to this school as a “charter,” but Shanker’s idea bore little resemblance to the “charter schools” outlined in the Charter School Act.

Both Shanker and the Charter School Act saw charters as a way to experiment with curriculum and promote innovation. But, in Shanker’s view, the way to innovation was by empowering teachers. The Charter School Act disempowered teachers by stripping them of their collective bargaining rights—including those that provided the job security needed for experimentation.

“I wish the architects of the bill had worked out the collective bargaining issues with the teachers unions,” Shanker said of Minnesota's 1991 charter school bill two months after it passed. Minnesota’s bill served as a template for California’s Charter School Act.

Shanker’s ideal charter schools were designed to trade state and district control for teacher control. On the other hand, the Charter School Act’s charter schools traded state and district control for control by whatever community, corporation, or group sought to charter a new school.

To Hart and Burr, refusing to make concessions wasn't explicitly about weakening unions, or administrators, or anyone else. It was about giving these new types of schools the freedom to experiment and adjust to community needs.

“If we weren't careful, we would end up ‘reinventing’ that 11-volume education code we used so effectively as a prop,” wrote Hart and Burr.

Hart and Burr wouldn't compromise, nor would the unions.

The first time the bill was introduced to the senate, it died in conference because of union pressure.

But through creative parliamentary maneuvers, the bill was resurrected and eventually brought up for a final vote. It passed by a narrow margin. In 1992, Governor Pete Wilson signed the Charter School Act into law, making California the second state to establish a charter school system—without union support.

Today, [there are 1,306 charter schools in the state of California and 277 charter schools under the jurisdiction of LAUSD alone](#). About 10 percent of California's 6.2 million public school students attend charter schools.

Even with all that growth, most charter schools still aren't unionized, and for many teachers, that's still a problem.

“I would love to work for certain charter schools like the one I mentioned earlier,” Lara Rosenberg, a paraprofessional in the special education program at Calabasas High School, told me in a Zoom interview, “but I can't risk losing money and benefits.”

Rosenberg is planning to attend a credential program in the fall. She had experience volunteering at a charter school when she was still in high school. She told me that she was really impressed: the school had lots of experiential learning, enthusiastic teachers, and less of a testing focus than traditional public schools. But she's thinking practically about her future. "To work at a charter school means losing benefits, losing insurance."

Teachers at some charter school may have benefits, such as insurance. But, without the leverage of collective bargaining, teachers must negotiate their own individual contracts—which often aren't as beneficial as those negotiated by a union. Their benefits may be less, their pay may be less, and they often have much less job security. Some charter schools and charter school networks are unionized, [but that's the minority](#)—only about 12.3 percent nation-wide.

As the charter movement expands, teachers' unions continue to push back—especially in Los Angeles and Oakland, where charter school expansion has been rapid.

"The most powerful defenders of the status quo are the teachers unions," Antonio Villaraigosa, who got his start in politics as a teacher' union organizer before becoming mayor of Los Angeles, said. "They intimidated people, especially Democrats, from doing anything about reform."

Although Democrats are often thought of as pro-union, they can be found on both sides of the charter school debate. On a national level, the Obama Administration was a big supporter of charter school expansion.

"We have to educate our way to a better economy," Arnie Duncan, the Obama Administration's Secretary of Education, said, echoing the arguments that school choice

advocates used a decade earlier when *A Nation at Risk* connected education reform to economic competition.

But while charter school advocates paint teachers' unions as standing in the way of school reform, union members often see their unions as being on standing up for students.

“We are literally fighting for our students,” said Laura Press, a high school English teacher in Los Angeles. To Press, fighting for students means supporting the United Teachers of Los Angeles (UTLA) recent strike.

Although the recent teacher strikes did include demands for salary increases, [many of the demands had to do with resources for increased student support](#) like increased mental health resources, school nurses, and smaller class sizes. UTLA is also pushing for more oversight of charter schools—an issue that Press cited as one of the main reasons she supports the strike.

“I think we're just going to see more and more resources reallocated away from regular [district affiliated] schools,” she said. “That is going to be the death of regular schools.”

Union members see the lack of resources for public schools and the growth of charter schools as two inextricably linked issues: more charter schools mean less funding for “regular schools.” Demanding more regulation of charter schools is a way to “fight” for resources not only for herself, but for her students.

Charter advocates, however, firmly deny that charter school expansion is at fault for the district public schools' financial woes. “This villainization of charters driving districts to brink of insolvency is salacious,” said Castrejón in response to UTLA's demands.

It's hard to know what financial effect charter schools have on typical, district public schools because until recently, school boards weren't allowed to consider the fiscal impact when

deciding whether or not to grant a charter in their district. That's only changed in the last year with a package of new charter school regulations, regulations that passed in part due to the strikes in Los Angeles, Oakland, and other charter hot spots in California. A [report](#) commissioned by the West Contra School District estimates that the district is losing nearly \$1,000 per student as a result of increasing charter school enrollment. In total, the district is said to be losing \$27.9 million a year. The CCSA has responded to the report by calling it "pure propaganda" and pointing out the anti-charter lean of the organization that conducted the study.

But it's not just about losing money, it's a question of where that money is going.

"As someone who is going into education, it worries me to see money taken out of the general pool and given to charter schools that are sometimes unregulated," Rosenberg told me. Until recently, teachers at charter schools didn't need to be credentialed and, while district public schools are governed by a local school board that is required to have open meetings and publish their budgets, charter schools are not under that same obligation.

"There is a lot of bureaucracy," Rosenberg commented, referring to the common critique that school board members and other administrators play too big of a role in traditional public schools, "but I like being able to look at the website and see how much money is going into my program and how it is being spent."

The lack of oversight in charter schools is by design.

"[Charter schools] keep red tape and bureaucracy out of public education and give passionate teachers the freedom to do what they do best: teach," CCSA's website reads. Charter schools help teachers by giving them the ability to worry less about navigating bureaucracy and focus on teaching.



But, based on the overwhelming willingness of teachers across California to stand together in recent strikes, it would appear that most teachers are less worried about “red tape” at traditional public schools and more worried about the threats that charter school expansion pose.

To Rosenberg, Press, and Casares, the threat of charter schools isn’t abstract.

Rosenberg, who has dreamed of becoming a special education teacher since middle school, is genuinely concerned about having long-term job and financial stability as a teacher.

Casares told me how a charter school opened up on the same campus as one of the middle schools at which she’s taught. Many of the most high achieving students left for the charter, taking resources with them.

“The school turned into a shithole,” Casares told me.

And, supported the strike because as resources have been drained from traditional public schools, her classes have become so large that, in one of her classes, she is forced to stand due to lack of physical space.

Some teachers may feel that teaching at a charter school helps them, but most teachers in UTLA believe that charter school hurt both their students and them.

So, things look about the same as they did in 1991 when Hart and Burr first walked into the California Senate Education Committee hearing carrying the 11-volume, 600-page state education code and proposed the Charter School Act. Teachers’ unions and traditional public school teachers oppose charter schools. Charter school advocate, business interests, and centrist democrats support charter schools. And students and families occupy all areas of the spectrum.

“We are sort of the last bulwark against the end of public education as we know it,” Press said.

*This is the first piece in a three-part series on charter schools in California. A new part will be released each Sunday. Check back next week for Part 2*

## WHO GETS TO GO TO SCHOOL?

A look at how charter schools include some exclude others

By Talia Bromberg

“A point of desperation,” AJ Moore answers when I ask him why he chose to attend Valley International Prep (VIP), a charter school, over a traditional public school. Moore, who is now a sophomore at Claremont McKenna College in Southern California, started his high school career at the Humanities Magnet at Grover Cleveland High School in Los Angeles. The Humanities Magnet exists as a smaller school within Cleveland High School. As with all [Magnet programs](#), students have to apply to get in. Students usually take core classes—math, science, English, history—within the Magnet program, but they’re still part of the larger school, sharing sports teams, clubs, and electives. Perhaps most importantly, they share the same school administrators and interact with the same student body as non-magnet students.

Moore only attended Cleveland for a year, however. He was training to become a professional dancer and needed a more flexible schedule. So, after one semester at Cleveland, he transferred to Granada Hills High School—an [affiliated charter school](#). An affiliated charter, unlike an independent (or unaffiliated) charter, is run by LAUSD. Affiliated charters have been around in LAUSD since 1993—almost as long as independent charters. They generally have [higher test scores](#) than independent charters or traditional public schools—but they also tend to serve a whiter, [more affluent population](#). Teachers are union members, and although they still have some flexibility in curriculum, they generally have to follow district schedules and curricular standards.

Moore attended the iGranada program, which allows students to take classes online through the school. He would go to the school most days to do his work, even though it was mostly on the computer. There were other students in the room doing the same thing, but they

weren't really supposed to talk to one another. "Half of the kids there go beyond not liking school, like if it were up to them, they'd be fine not going," Moore said describing Granada's school culture.

At first, the less-than-stimulating school environment didn't really matter to Moore. The online program gave him the flexibility he needed to pursue his priority: dancing. He could go to school for part of the day and then leave for the dance studio.

But his sophomore year, Moore was diagnosed with a rare bone disease after breaking both of his legs within a year. His dance career was over.

If he couldn't dance, he didn't need the flexible schedule that Granada provided, so he decided to transfer yet again.

"We knew that big, public LAUSD high schools were pretty much the same, no matter what president's name was on it," Moore explained. He wanted something different from Granada or Cleveland. He wanted to go somewhere with a creative curriculum, a friendly student body, and a supportive administration.

"[VIP] felt very different." Moore told me, "People at VIP were much friendlier than they were at Granada."

The school was small, had office hours instead of class on Fridays, and focused on providing a "collegiate environment." The campus wasn't fancy; classes took place in an old Armenian nursery connected to a church. "We didn't have any money," Moore remembers, but the lackluster surroundings "lent a vibe of this is our project." The school certainly wasn't the high-tech, style-over-substance type of charter school that anti-charters activists point to when deriding unequal school funding.

But it was able to support Moore at his "point of desperation."

He arrived at VIP with a broken leg and two F's on his transcript. The school didn't have an elevator, but they moved all of his classes to the first floor of the building. Because the school was able to determine its own grading practices, Moore could retake his two failed classes and have his original grades struck from his transcript. That kind of administrative override isn't possible at a district affiliated school; the autonomy of the charter school is what enabled Moore to essentially start over. It gave him a second chance and an experience that better fit his specific needs.

Moore's experience may seem unique, but there are many students with unique experiences and unique needs, including students with special needs and disabilities. According to [a 2016 study from the National Center for Special Education in Charter Schools](#), charter schools serve a larger proportion of students with certain types of disabilities—specifically learning disabilities, autism, and emotional disturbance—than do traditional public schools.

All public schools—including [charter schools](#)—are required under the Individuals with Disabilities Education Act (IDEA) to serve students with disabilities and to provide appropriate support and accommodation. Charter schools are legally obligated not only to accept students with disabilities, but to follow students' Individualized Learning Plans (IEP) —a plan created by the school and the family of the disabled student that outlines the accommodations, supportive measures, and goals for the student going forward.

Some charter schools focus specifically on serving students with disabilities, giving families who can't afford a specialized private school another option. While students with disabilities who attend mainstream charter schools spend 80 percent of their time in the general education classroom, students at traditional public schools spend closer to 65 percent of their

time in a general education classroom. It's hard to know exactly what accounts for the difference. It may be that traditional public schools are able to support more specialized programs or that they serve more students whose disabilities require more specialized attention.

But it also may be that charter schools' are able to innovate in a way that traditional public schools are not, allowing them to develop learning environments that are more inclusive and supportive of students with and without disabilities.

Other methods of school choice, such as the private school voucher system, can actively harm students with disabilities because private schools aren't legally obligated to accommodate students with special needs and disabilities. They don't have to admit students with disabilities or adhere to a student's IEP—which can be a big problem for a lot of students.

“IEPs are stronger than the governor,” Lara Rosenberg, a paraeducator who works exclusively with students with IEPs, told me. “If the governor says a student has to eat ketchup but the IEP says a student shouldn't eat ketchup, then that student won't eat ketchup.”

IEPs generally don't refer to ketchup eating, but they do outline important academic supports such as extended testing times, access to tutoring services, or accommodations for physical disabilities. As Rosenberg said, they're pretty ironclad, offering disabled students protection from rogue teachers and administrators. IEPs can be beneficial to teachers as well.

“They don’t give me a hassle,” Laura Casares, a veteran teacher, told me during a Zoom interview, referring to students with IEPs. “It tells you what the kid needs, so you do your best to follow the modifications.”

But based on her experience teaching low-income students across three different schools in LAUSD, there are many students who need the support of an IEP but don’t get it.

“I’ve taught years of classes where kids are in ELD [classes for students learning English] even though they were born in the U.S. and they just have a learning disability and aren’t tested,” Casares said, her frustration obvious in her voice. She’s had many students coming into both her ELD and general education classes who read and write far below grade level, even as native English speakers.

“I don’t know how they do it,” she said, referring to special education teachers. “I don’t know how to fix that.” She tries to find ways to accommodate students so that they can keep up in class, but without training in special education, the instructions of an IEP, or the help of special education staff, she is often overwhelmed.

With 37 students in just one of her classes, she can’t offer students the level of support they might need—the level of support they would be entitled to with an IEP. “There are kids with massive learning disabilities and no one is getting them tested,” she said.

If Casares suspects that a student might have an undiagnosed learning disability, she talks to the school’s administration and to the students’ parents, but often that leads

nowhere. Sometimes, a school administrator will meet with Casares and the student's parents for a "special support team meeting," but the process rarely goes farther than that initial meeting.

In the meeting, they'll sometimes start the IEP process, but Casares says that she's never seen that process lead to a student actually getting an IEP or even getting assessed to see if they might actually qualify for one. Casares is left to support students whose needs she doesn't know how to accommodate without the roadmap or extra resources that an IEP provides.

"If my kid had a learning disability, I would never send them to an LAUSD school," Casares said with conviction.

Rosenberg's experience with the IEP process is much different. Rosenberg teaches in Los Virgenes Unified School District (LVUSD), which is wealthier and smaller than LAUSD. Students in the program must already have an IEP that cites one or more diagnoses. She works in a program for students who are classified as Emotionally Disturbed (ED). Her students are often struggling with eating disorders, substance abuse, and psychiatric disabilities, in addition to struggling with a learning disability. For many students, it's a last resort before being sent to an inpatient program or the first stop after release from an inpatient program.

"I've heard it referred to as a magnet for parents seeking better special education services for their kids," she tells me. Most of the students at Calabasas High, both in the

special education program and in the general population, are white and upper-middle class to wealthy. Most of Rosenberg’s students have a therapist, nutrition counselor, or some other type of support outside of the school setting. Parents have a working understanding of IEPs, and both parents usually come to IEP meetings, sometimes with a lawyer.

Both Rosenberg and Casares teach at traditional public schools, but the demographics they serve are very different. The parents of Rosenberg’s students have the time, money, and connections to make sure that their children’s IEPs are being enforced. They can hire lawyers and outside therapists. They have access to healthcare and to the information needed to make sure that a child can get a diagnosis early on.

The families of Casares’s students don’t usually have the same resources. While wealthier, well-connected families may be drawn to Rosenberg’s program like a “magnet,” many low-income families—such as the one’s Casares serves—don’t have the time or connections that it takes to find out about the best programs. They often don’t have money to hire lawyers or outside therapists who can help to make sure that their child’s IEP is being enforced. And, as Casares notes, just getting an IEP in the first place can be a difficult process.

Funding disparities also contribute to unequal support for disabled students. Because schools are largely funded by property taxes, schools in wealthy areas, like Rosenberg’s, have funding for high-quality special programs, while schools in low-income neighborhoods can’t support the same quality of programs.



The model for special education funding poses its own problems. California funds schools based on daily attendance. For every student who shows up to school, the school receives a certain amount of money. The same amount is allocated for every student: disabled or nondisabled, even though educating a student with a disability costs more because of the high cost of hiring additional staff, such as occupational therapists, paraprofessionals, speech pathologists, and physical education specialists.

Schools are given additional funds to support students with disabilities, but those funds often don't reach the students who actually need them. Funding is distributed by school district. Independent charter schools usually act as their own schools districts or form a district with other independent charter schools for funding purposes.

Special education funding is divided proportionally between districts based on the total number of students in the district, regardless of how many students actually qualify for special education services.

For the 2015-2016 school year, charter schools served 28 percent of students in Oakland. Because special education funding is divided proportionally based on the number of total students, not the number of students with disabilities, Oakland charter schools received 28 percent of the area's special education funding. But Oakland charter schools only actually enrolled 19 percent of students who qualified for special education services. And, most of those students didn't actually require very many additional resources. Meanwhile, Oakland Unified School District was left with 72 percent of the special education funding to provide for 81 percent of the area's disabled students, many of whom required more costly support than their charter-school-attending peers.

Special education programs at typical public schools are often underfunded for the number of students they serve, while charter schools are receiving special education funds for students they don't have. If you're a parent trying to decide where to send your child who needs a special education program, the choice might seem clear—send them to the charter.

But while charter schools can be an alternative to traditional public schools for some students with disabilities, they just aren't an option for others.

For a charter school to survive, it needs to attract students. Proponents of charter schools argue that this is a good thing; to attract students, a charter school has to produce results. The school is held accountable for its outcomes. It's the free market at work.

But the need to produce high test scores and high college admissions rates can motivate the exclusion of students who are perceived as harder and more expensive to educate—students with severe disabilities.

It is illegal for any public school—including a charter school—to turn a student away because of a disability, but by selectively recruiting non-disabled students and ignoring enrollment inquiries from parents of disabled students, charter schools can skirt the law by turning disabled students away before they even apply.

A 2020 [study](#) from The National Bureau of Economic Research sampled about half of charter schools nationwide. It found that charter schools were 7 percentage points less

likely to respond to messages about enrollment opportunities from parents who identified their child as having a severe special need or disability than they were to reply to a “baseline message.” The same pattern did not hold true for public schools, even in areas where families could choose from any school in the district.

While the proportion of students with certain disabilities—learning disabilities, autism, and emotional disturbance—is higher at charter schools, [the overall proportion of students with disabilities is higher at traditional public schools](#). Traditional public schools serve a higher percentage of students with severe disabilities, such as intellectual disabilities, developmental delays, and multiple disabilities.

Supporting students with disabilities costs money, but some disabilities are more costly to accommodate than others. On average, it costs two times more to educate a disabled student than it does to educate a typical student, but that cost can escalate to as much as ten times the amount it costs to educate a typical student depending on the specific disability.

[Funding is an especially big problem in California](#), where special education funding is allocated based on the census. The type of disability isn’t considered, even though costs vary widely depending on the disability:

A student with a speech impairment may only cost the district an additional \$1,000 annually for periodic speech therapy sessions, while a deaf student may cost the district as much as \$100,000 for a full-time interpreter and supplementary classes, according to [a report](#) from the California Legislative Analyst’s Office.

Under California’s funding model, the student who is listed as disabled and needs a full-time interpreter received the same amount of funding as a student who has a speech impairment and needs occasional speech therapy. The result is that both traditional public schools and charter schools are left without the economic resources they need to properly support students.

But unlike a traditional public school that can share support staff for students with disabilities with other local public schools, a charter school might have to hire staff specifically for one student—draining the school’s financial resources.

For a charter school to survive, it must constantly compete with other schools for new students. Even if a student with a severe disability is an academic superstar, allocating money to support one student instead of spending the money on things that will help to attract new students—things like new technology or a robust arts program—may seem like a dangerous calculation.

To stay competitive, charter schools have to focus on the big picture. Sometimes, that means that students get left behind—a rule that holds especially true at “no excuses” charter schools.

“No excuses” charter schools are college-prep focused schools that mostly serve low-income students of color in urban areas. They are known for using strict, often punitive, discipline to produce high levels of academic achievement.

The same study from the National Bureau of Economic research found that “no excuses” charters [were 10 percentage points less likely to respond to admissions inquiries from parents who identified their child as having a severe disability than they were to reply to the “baseline message.”](#) The study’s findings are in line with anecdotal evidence from parents and teachers associated with Success Academy Charter Schools—a network of “no excuses” charter schools in New York.

In 2015, a [series of articles from the \*New York Times\*](#) revealed that faculty at Success Academy Charter Schools were pushing struggling students to leave the school. Students who struggled academically or behaviorally would face frequent suspensions, causing students to fall further behind academically and causing parents to miss work or scramble to find last-minute childcare arrangements—a difficult task for any parent, but especially for the low-income parents without the resources to take time off of work or pay for childcare.

One Success Academy campus suspended 23 percent of its students at least once during the 2013-2014 school year. Most Success Academy campuses suspended upwards of 10 percent of their students at least once. To put that in perspective, New York City’s traditional public schools’ suspension rate was 3 percent during the same school year.

Four parents told *The New York Times* that school or network employees explicitly told them that their children should find another school. Teachers were instructed not to send enrollment forms to certain students. One principle wrote a “Got to Go” list of 16 students that he wanted removed from the school. Most of them ended up leaving. “I felt I couldn’t turn the school around if these students remained,” the principle told the NYT.

Because charter schools have to compete for students in a way that traditional public schools don't, they have an incentive to exclude students who are harder to teach: students with learning disabilities, behavioral issues, or cognitive disabilities.

Folake Wimbish, the mother of a former Success Academy student, told the NYT that her son, who has been diagnosed with attention deficit hyperactive disorder (ADHD), was suspended 19 times during his first grade school year.

Wimbish requested that the school evaluate her son to see if he qualified for special education services to help him with his behavioral issues. She met with one of the network's lawyers and with Julie Freese, the associate special education manager for the network.

“Why don't you just put him in another school, because he's suffering?” Wimbish remembers Freese asking. Instead of talking about how Wimbish's son could be successful at Success Academy, Freese suggested that he leave.

Wimbish's story is not unique. Many other families told the *Times* a similar story: multiple suspensions followed by a suggestion that the school couldn't meet their child's needs, so they should go elsewhere.

It's possible that some needs can't be met by every school, but the frequency of these stories and the seeming lack of effort on the part of Success Academy to offer effective support options suggests a wider pattern of discrimination. It suggests that for some charter schools, like Success Academy, prestige and high test score are the top priority—even if that means leaving some students out.

“We would like to be at that percentage” [said Carmen Farina](#), New York City’s schools chancellor, referring to the high exam pass rate of Success Academy students in comparison with traditional public school students, “but we keep all our kids from the day they walk into the building.”

But, while some parents find the tactics of schools like Success Academy too strict, others are happy with their children’s experiences.

"I don't understand why *The New York Times* thinks it has to educate me as a parent about the school that I choose to send my children to," said Natasha Shannon, a mother of three daughters at Success Academy, speaking at a news conference defending the network against [a NYT article critiquing the school’s strict tactics](#).

"I'm not some poor, uninformed parent or someone who is not aware of what's available in New York City schools."

In 2015, only 25 percent of students in New York City passed the state reading test, and only 35 percent passed the math tests. At Success Academy Charter Schools, 64 percent of students passed the state reading test and 94 percent passed the math tests during that same year.

"I chose Success. I made that choice because it's the best choice for my daughters," Shannon said.

Of course, not all or even most charter schools are “no excuse” schools. The lack of administrative oversight of charter schools provides the flexibility to be innovative. Sometimes that innovation looks like the “no excuses” policies of Success Academy and sometimes it looks like the nurturing and flexible environment at VIP.

In both situations, charter schools give parents the opportunity to choose what type of school is best for their child. Some families have more choice than others, but those who do have access to charter school—families that need an alternative to low performing or underfunded traditional public schools, disabled students that need more resources or the support of a special school, students who, like AJ, have reached a point of desperation and need a second chance—school choice can be life changing.

*This is the first piece in a three-part series on charter schools in California. A new part will be released each Sunday. Check back next week for Part 3.*



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