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# The Imperative of the School Choice Option of NCLB: In Whose Interest?

## **Abstract**

Since No Child Left Behind (NCLB) became law, educators have faced challenges trying to protect the common good of a public education while, at the same time, developing and/or reviewing proposals to provide for the school choice option of NCLB. In the debate over market-driven education versus traditional public education, many times, the ideologies behind each approach come into direct conflict. Educators and legislators need to be able to identify when privileged interests are at the core of reforms or if the education of each student is the primary interest being served. This project provides a real life portrait of the performance of a charter school and a traditional school situated in the sprawling metro Atlanta area. Additionally, the denial of two charter petitions was evaluated. The denials revealed educators who could recognize charter petitions that, as a result of class privilege, might compromise the educational choice of less privileged students. Furthermore, the review of these denials could inform educators of the red flags that might arise from conflicting interests. The study indicates that only by placing students first in the debate between charter schools versus traditional public schools can there be assurance that public educational goals are equitably met among the two.

## **Keywords**

Conversion charter, start-up charter, cluster charter, domed charter

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## **The Imperative of the School Choice Option of NCLB: In Whose Interest?**

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**Abstract:** Since No Child Left Behind (NCLB) became law, educators have faced challenges trying to protect the common good of a public education while, at the same time, developing and/or reviewing proposals to provide for the school choice option of NCLB. In the debate over market-driven education versus traditional public education, many times, the ideologies behind each approach come into direct conflict. Educators and legislators need to be able to identify when privileged interests are at the core of reforms or if the education of each student is the primary interest being served. This project provides a real life portrait of the performance of a charter school and a traditional school situated in the sprawling metro Atlanta area. Additionally, the denial of two charter petitions was evaluated. The denials revealed educators who could recognize charter petitions that, as a result of class privilege, might compromise the educational choice of less privileged students. Furthermore, the review of these denials could inform educators of the red flags that might arise from conflicting interests. The study indicates that only by placing students first in the debate between charter schools versus traditional public schools can there be assurance that public educational goals are equitably met among the two.

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## **The Imperative of the School Choice Option of NCLB: In Whose Interest?**

### **Introduction**

Along with No Child Left Behind (NCLB) came sweeping reforms in education. School choice was one of the reforms articulated into law by NCLB. Although school choice seems like a new idea, since the early decades of the 20th century, reformers have pressed for corporate models of governance and new organizational techniques for public schools (Cuban, 1990, p. 6).

School choice sounds like a good alternative to parents who are frustrated with the bureaucracies of public schools and would like more educational options for their children. Since NCLB was signed into law, charter schools have taken on several different forms. Conversion charters, start-up charters, cluster charters, and domed charters are among these options. A conversion charter is when a school that is already within the district is converted to a charter school. Start-up charters are much more difficult since there are no federal funds allocated for their building projects (Center for Education Reform, 2012). On the other hand, a cluster charter is when more than one school within a district is targeted as a conversion or start-up charter. Finally, a domed charter seeks to become an autonomous district within an already established district. Hassard (2013) used this term when referring to a conversion charter proposed by residents of an upscale southern community. According to Hassard, this conversion “[would] have autonomy from the county board of education, and [would] have complete and comprehensive power to work out its own business plan, establish curriculum, and hire teachers that meet its own criteria” (para. 3). A distinction is made because these types of charters, as Hassard has stated, while accepting local and federal funding, seek an even greater degree of autonomy and resemble a domed off district.

## **Purpose**

The conceptual framework of this study assumes that a free public education is a public good and, therefore, must serve the needs of the many over the needs of a select few. Traditional public schools seek to provide all the students within their district with a free public education; however, the distinction with charter schools is that they have the ability to limit enrollments. Limiting enrollments provides charter schools with the ability to avoid many fluctuations that may affect their public school counterparts, namely school and community growth. While capped enrollments may provide some stability for enrollees of charter schools by protecting students against fluctuating classroom sizes, limited enrollments may also have the effect of limiting diversity within charter school. Limits, by nature, exclude some and include others. This means that the school choice option of NCLB may not be a choice, at all, for some students due to the fact that enrollments in charter schools includes limitations. Additionally, because the goal of free public education is to provide a quality education for all, a timely comparison, post NCLB, of a charter school against a traditional public school would serve to investigate if both traditional public schools and public charter schools are delivering the same quality education. Thus, the purpose of this study is two-fold. The first goal of this study is to measure educational outcomes, via comparative quantitative analysis, between a charter and non-charter public school that are very close together; however, they are not within the same district. By looking at schools within such close proximity, one can ascertain if the school is a reflection of the larger population or if it is excluded from fluctuations experienced by the larger population. Additionally, direct academic comparisons between a charter and a non-charter school shows how both schools are performing regarding delivery of a quality education. The second goal of the study is a qualitative analysis to consider the denial of charter petitions within the public

school district. The qualitative analysis observes possible inclusionary and exclusionary factors that should be considered when reviewing charter school proposals. Additionally, this study could help future petitioners, as well as educators understand what is and what is not the goal of implementing a charter school. Additionally, ethical considerations have been made. All proper names have been changed to pseudonyms. For further research, please refer to the Georgia Educational Researcher Editors for a list of references with proper names.

### **Literature Review**

Case studies of two schools, one a charter and one a traditional public school, offers a portrait of the challenges and improvements ushered in by NCLB. A mixed methods comparative analysis between a charter versus a non-charter school, in the years immediately following the enactment of NCLB, demonstrates how NCLB legislation operates in practice. As John Dewey has insisted, “the ultimate test of a theory is the difference the theory makes in practice” (as cited in Newman, 2006, p. 244). Hence, since the theoretical framework of NCLB is aimed at improving education and choice for students, exploring how the intentions of NCLB hold up should be a telling indicator of its success.

In practice, mandates made under NCLB carry with them rewards and penalties, which are attached to federal money. A school is allocated federal funds based on enrollments. This means that a traditional public school loses some of its federal funding if a student within its district transfers to a charter. Thus, the money follows the child to the charter school. Like traditional public schools, charter schools are public schools and cannot charge tuition; however, they differ from public schools in that they are relieved from important state or local rules (Spring, 2012). This exemption from state and local rules is aimed at promoting creative teaching, innovative pedagogical practices, and a greater degree of autonomy for the school.

Additionally, charter schools must comply with all civil rights legislation, and according to the state's Charter Schools Commission (State Charter Schools Commission, 2014), must offer open enrollment to students of failing schools within the district. If open enrollment and having the chance to leave a failing schools sounds like the miracle that parents have been waiting for, their hopes may be stalled when space limitations are taken into account, because although charter schools must offer open enrollment, enrollment is limited based on the number of seats available. Consequently, as the number of seats approaches capacity, the school then holds a lottery among applicants to fill the remaining seats (Georgia Department of Education, 2014c). Unfortunately, the nature of lotteries forces some children to remain in schools that fail to make adequate yearly progress (AYP). Herein lies a key difference between charter and non-charter schools; traditional public schools are obligated to accommodate all children, even if all seats are full.

Since NCLB was signed into law, the growing pains within U.S. public schools have caused a great deal of controversy. One school district that is keenly aware of its growing pains is the Edison County School District and particularly, David High School. David High School is a traditional public high school that serves a growing and diverse population. Post NCLB David High School has consistently performed higher on required state tests than state averages; yet, concerned citizen groups have proposed cluster charters, domed charters, and conversion charters.

### **Methods**

This study uses mixed methods. Quantitative data was used to compare across several categories between the two schools. Comparisons of student achievement were made using secondary data analysis from the Georgia Department of Education's school report card, while racial composition and economic data were gathered from US Census Bureau data. Other

demographic data was collected via secondary data analysis by using the Public School Review website, which provides publicly available information on minority enrollments, number of students served, and student growth. The information from the Public School Review website was verified against the National Center for Education Statistics website to ensure accuracy.

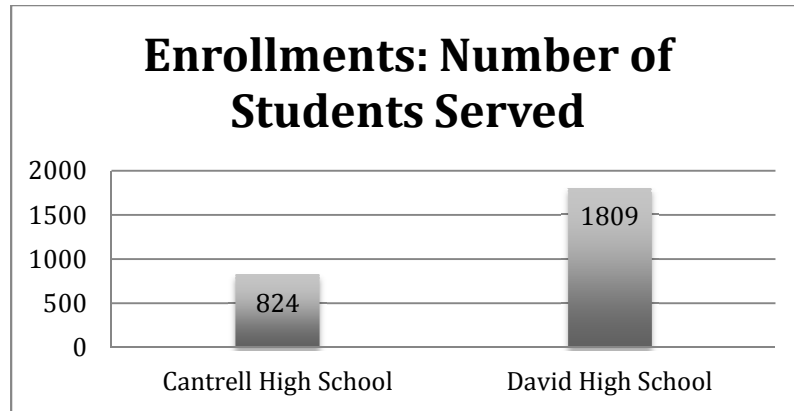
Regarding the review of denied charter petitions, qualitative data was collected using relevant interviews with major news outlets along with letters from stakeholders that have been published on the Internet. As well, both sides of the argument were evaluated with qualitative narratives constructed through the literature of Diane Ravitch and quantitative data interpretation through the literature of Finn and Hess.

### **Student Demographics, Student-Teacher Ratios, and School Growth**

David High School and Cantrell High School are 1.9 miles apart. Both schools are located within Edison County; however, the two schools are not within the same district. The city of Cantrell is within Edison County, but it is independent of the larger county district. Because Edison County School District does not have a high school charter within its district, the closest one, in proximity, was chosen to see how much of a difference two miles could make. Cantrell High School is a Title 1 charter (Georgia Department of Education, 2014a) in the southeastern city of Cantrell, while David High School is a suburban Edison County school.

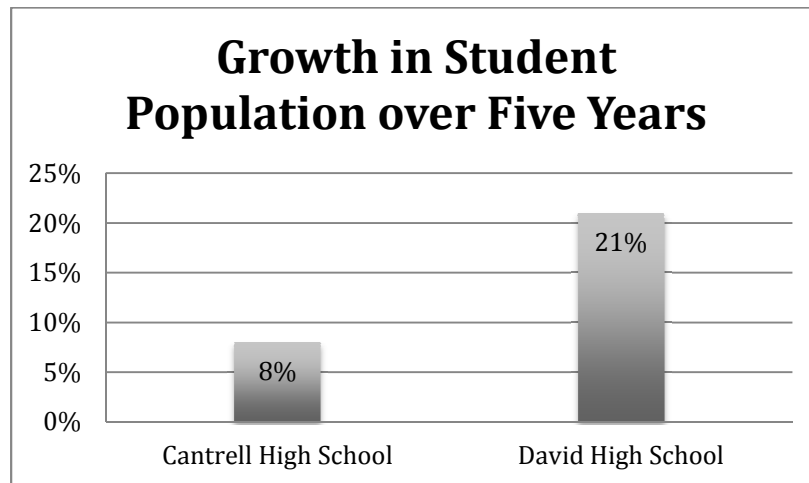
Cantrell High School is a charter that is part of the Cantrell City School District (Georgia Department of Education, 2014a). David High School, on the other hand, is a traditional brick and mortar public school. David High School serves more than twice the number of students, at 1809, than Cantrell High, at 824 (Public School Review, 2014a, 2014b) (see figure 1).





*Figure 1.* Enrollments of Cantrell High School and David High School.

Because enrollments were so very different at these two schools, growth in student population was another consideration, and revealed that while Cantrell High had some growth, 8% over a five-year period, David High had grown by 21% over the same period (Public School Review, 2014a, 2014b) (see figure 2).



*Figure 2.* Growth in student population over five years.

Consequently, teacher/student ratios were taken into account and it was found that David High had a student teacher ratio, which was higher than both the charter and the state average. David High addressed the impact of this growth by increasing their teaching staff by 34% during the period evaluated (see figure 3).

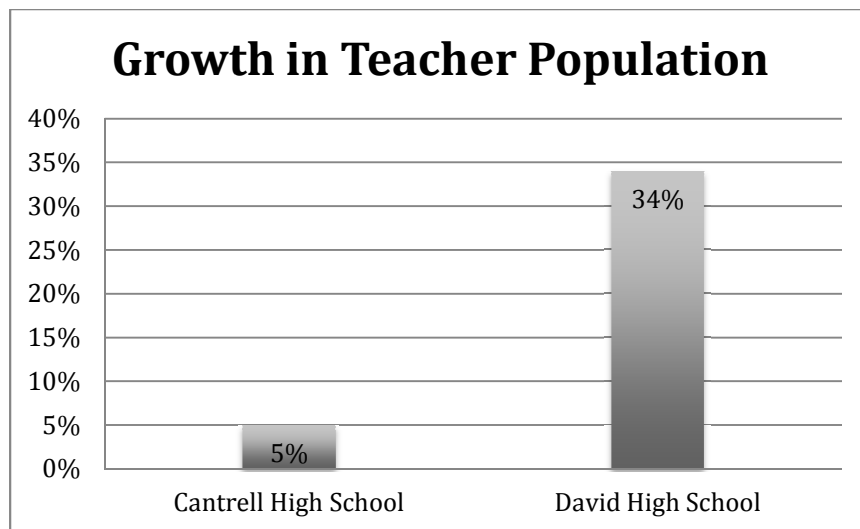


Figure 3. Growth of teacher population over the same five-year period.

### Background: Racial Composition and Economics

David High School's minority enrollments were 82% while the nearby charter school had a minority enrollment of 48% (Public School Review, 2014a, 2014b) (see figure 4).

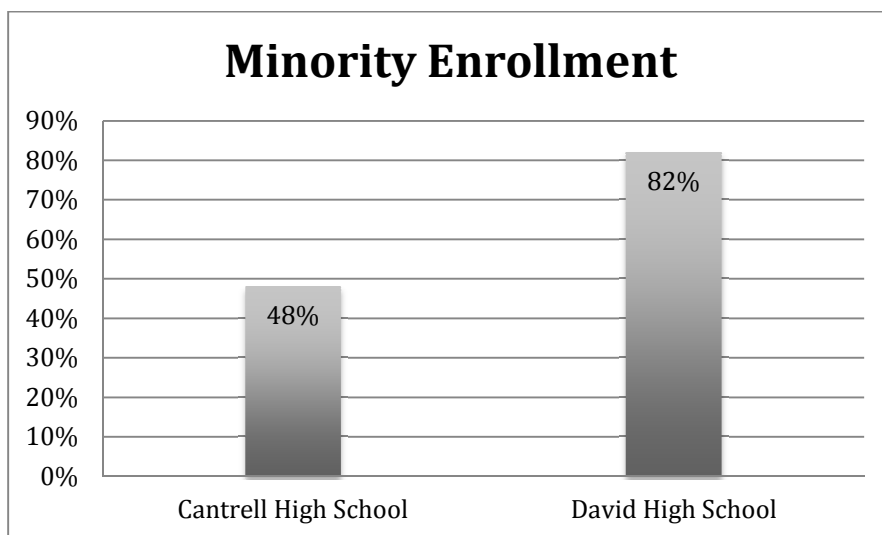
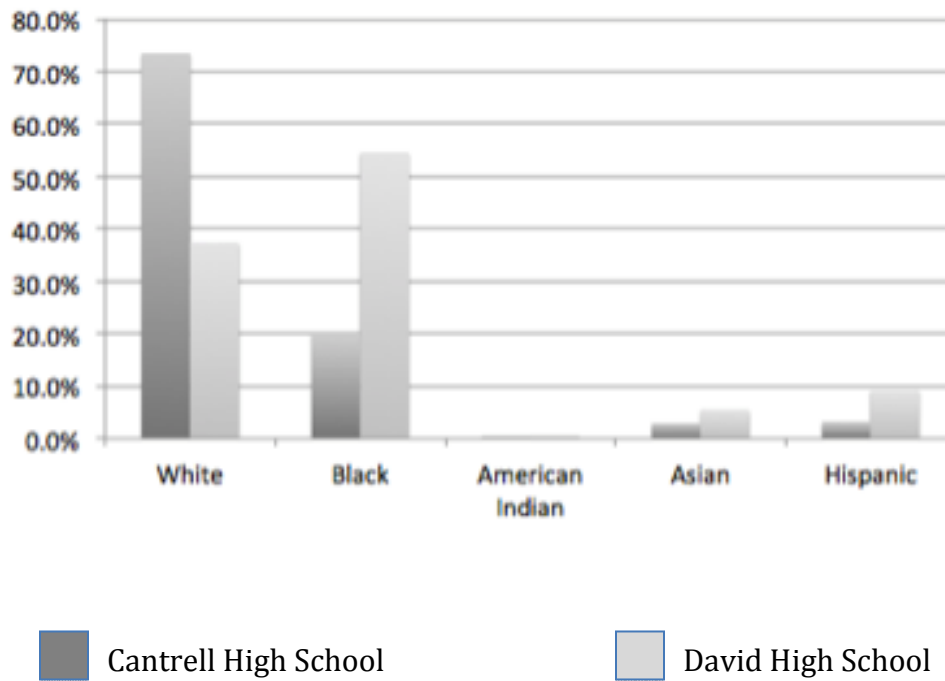


Figure 4. Comparison of minority enrollment in Cantrell High School and David High School.

Furthermore, minority enrollments at these two schools seem to reflect the demographics of their respective communities. The city of Cantrell has a majority white population, at 73.5%, while

Edison County has a majority black population, at 54.8% (United States Census Bureau, 2014) (see figure 5).

## Racial Composition for Cantrell and David High Schools



*Figure 5. Racial composition for Cantrell and David High Schools.*

Because of the diverse populations, economics were also considered since the wealth of any school is determined in large part by the community's tax base. Ironically, while David High School appears to meet the criteria for Title 1 funds with 42% of its students participating in the free lunch program (Public School Review, 2014b), it is not a Title 1 school (Georgia Department of Education, 2014b). Conversely, Cantrell High School, while only having 22% of its students on free lunch (Public School Review, 2014a), is a recipient of Title 1 funds (Georgia Department of Education, 2014a).

When considered along with housing costs and average incomes, the city of Cantrell clearly has advantages. Households in Cantrell earn, on average, \$20,768 more annually than residents of Edison County (United States Census Bureau, 2014). Residents of Cantrell also have more homeowners and pay less rent than Edison County residents. In fact, residents of Edison County pay almost double the rent for 1 and 2 bedroom apartments than their neighbors in the city of Cantrell (Public School Review, 2014a, 2014b). These demographics are worth considering when comparing these two schools, because in a rapidly growing community, with inflated housing prices and lower incomes, lack of Title 1 funding presents even more challenges for students and educators.

### **Academic Comparison**

When comparing the two schools academically, it appears that Cantrell High School has done better across the board; however, it is worth considering how much better they have done. While Cantrell High School scored higher than David High School in English Language Arts in 2009/2010, David High School made scores mostly in the high 80s and low 90s and passed NCLB criteria (Georgia Department of Education, 2014a, 2014b). It should be noted, however, that Cantrell High School did not have any Hispanic or English Language Learners (ELLs) in this testing period. Also, as evidenced by the mathematics scores, David High School did not meet AYP in 2009/2010; however, the following year their math scores improved considerably placing them back in the category of meeting AYP (Georgia Department of Education, 2014b). Additionally, in the 2010/2011 school year, black students and students of low socioeconomic status (SES) surpassed students of the same demographic, in math, who attended the charter school.

While both schools met AYP in 2010/2011, it should be noted that David High School faced the challenge of serving ELLs while at the same time producing high enough scores between two demographic populations to exceed the scores of the charter school

### **Graduation Rates**

The second indicator that the Georgia Department of Education uses to determine the effectiveness of a school is its drop out rates. In the 2010/2011 school year, Cantrell High School had a lower percentage of students graduating in each area evaluated. The charter school's overall graduation rate was 1.9% lower than the public school, graduation rates among black students was 4.2% lower, and low SES children graduated at a rate of 2.6% lower than David High School (Georgia Department of Education, 2014a, 2014b).

### **Denied Charter Petitions**

David High School was an interesting school to observe as a model of public schools. For several years, the Edison County School District faced an onslaught of corruption. In February 2013, the Governor ousted two-thirds of the Edison County School Board. This followed a report by the Southern Association of Colleges and Schools, which described the board as being "engaged in open warfare with itself, [engaging in] questionable staff hiring practices, and [claiming the school had demonstrated] fiscal irresponsibility" (Severson, 2013, para. 5). Additionally, in December 2013, a former Superintendent was convicted of several counts of racketeering (Milligan, 2013, para. 1).

While court proceedings were still in progress in the Edison County School District, a group of concerned stakeholders drafted a cluster charter petition. Their proposal included seven schools to be housed within the existing public schools in the district. The Charter School Association's Executive Vice President, Andrew Lewis expressed why he thought the initial vote

for a cluster charter was successful (“David voters,” 2013). Lewis said that the charter petition expressed the district residents’ desire for a greater say in how their children learn and how their schools are run. Furthermore, Lewis said that the cluster charter was an attempt to “move from a management and control governance model by the local Board of Education, to an oversight governance model” (“David voters,” 2013, para. 7).

Citizens responded with well thought out concerns to the proposal for the cluster charter and echoed the arguments of the skeptics of school choice. Hassard (2013), a writer, former high school science teacher, and Professor Emeritus of Science Education at Georgia State University, claimed that only 82 of the 482 Edison County School employees in the cluster responded to a survey about the proposal. The charter included a secondary effort to dome off a sister community as a separate and freestanding school district. Hassard (2013) contended that the move was undemocratic because it did not represent “a broad cross-section” of the constituency in the district (para. 21). Hassard (2013) went on to suggest that the petitions were yet another attempt by “school choice advocates to privatize public education” (para. 23).

Conversely, Mark Elgart, president and Chief Executive of AdvancED, responded to the controversies within the Edison County School district. According to Elgart, the corruption in the Edison County Schools was the result of “a tenured system in stagnation” (as cited in Severson, 2013, para. 9). Elgart also commented on the petition for a domed charter in the sister community, stating in an interview with the New York Times that “there [had] been racial divisions between the county’s north and south for years, and that the issue [was] less about race than socioeconomic differences, the result of a shrinking middle class, and a growing disparity between wealthier property owners and the poor” (as cited in Severson, 2013, para. 15). Furthermore, although Elgart and Hassard represent opposing opinions regarding school choice,

each recognized the community's attempt to segregate their neighborhoods from the rest of the district. They, along with other educators, were able to see beyond the standard rhetoric of school choice and serve the students first by opposing the upscale community's domed Charter.

### **Results**

In practice, NCLB may have helped to close the achievement gap in math between the two schools. Both schools are relatively high achieving schools; however, the charter school was not as successful at keeping young people in school and also lacked the diversity of the traditional public school. Additionally, upon review of the qualitative data, it appears that factors other than the quality of education provided to students may have influenced charter petitioners to draft the cluster charter petition and the petition for the *domed* charter in the sister community.

### **Discussion**

The controversy over school choice, measured against actual outcomes, has caused some school reformers to change their minds regarding the issue. One very influential educator, Diane Ravitch, who served as Assistant Secretary of Education under George H. W. Bush, has advocated for school choice and privatization. She has had a strong influence on what has and has not been articulated in NCLB. In retrospect, however, Ravitch now claims that privatization is undermining the U.S. public education system by diverting money away from public schools. Ravitch also claims that Charter Schools, which do not serve the diverse populations that traditional public schools do, undermine public schools due to provisions in NCLB (Ravitch, 2010). Some of the provisions in NCLB may account for the lack of Title 1 funding at David High; however, when the demographic data is taken into consideration, it seems there is an inequity in the allocation of resources between the two schools.

In regards to the petition for a cluster charter in Edison County, the school board, ultimately, denied the Edison County Cluster Charter Petition giving four reasons, which included “financial impact, duplication of programs, lack of innovation, and lack of uniqueness” (Johnson, 2014, p. 2). Consequently, the effort by charter petitioners appeared as more of an attempt to overthrow the corrupt school board than to improve students’ academic achievement, because although fiscal accountability may have been in question during the proceedings, the data does not indicate that student performance was lacking at David High. Likewise, Elgart’s statement (as cited by Severson, 2013) regarding the class divisions he had observed in reference to the *domed* charter petition, seem to indicate that the prestigious community’s charter efforts were more about prioritizing property owners and real-estate values than students. This is important because school choice options are typically meant to serve children whose district school has been deemed a failing school (Finn & Hess, 2004, p. 12) or to give choices to students in unsafe schools (Aske, 2013, p.110), and neither of these problems existed at David High School.

When considering the impact that charter schools may have on traditional public schools, it is important to note that public education is one of the few remaining strongholds promoting a common good. Equity in allocation of resources, along with exclusionary problems resulting from limited enrollments should be considered, so that educators may guard against a “reformed educational system advocated by privileged interests” (Stewart, 2012, p. 5). Whether the choice is a public charter school or a traditional public school, the crucial question to keep in mind when evaluating charter petitions is whose interests are being served?

### **Conclusion**



In conclusion, only about 3% of the nation's school age children opt to use funds made available by school choice. In the meantime, the other 97% of school age children attend public schools (Ravitch, 2010), and with public education being the great equalizer in American Society, it is recommended that careful consideration be given to both the benefits of school choice, as well as the consequences to traditional public schools. Additionally, it is recommended that new teachers are aware of the many interests influencing the field of education in the post NCLB landscape, so that they can participate democratically for whichever option may best serve the needs of their students.

Although NCLB pronounces that charter schools are to offer open enrollment to students in failing and unsafe schools, this study does not suggest that they academically outperform their counterparts within the traditional public school system nor that they have the ability to accommodate children from failing or unsafe schools if their enrollments have reached capacity. Moreover, it is recommended that policymakers consider location more in depth. Cantrell High is designated as an urban district, while David High, which is only 1.9 miles away, is considered a suburban school. Urban schools are allowed special provisions under NCLB due to the diverse populations that they serve and the high mobility rate among their students population. However, in this case it is David High that serves the more diverse and highly mobile population, which is reflected in the growth shown, but the urban distinction is not given them; thus, they do not qualify for provisions, which were meant to serve populations such as theirs. This may indicate that school-to-school comparisons should be made rather than district-to-district comparisons to ensure equity in allocation of resources.

Furthermore, it is recommended that collaborative efforts between petitioners, educators, and administrators be used when considering charter petitions, in contrast to the "us versus

them” approach used by the cluster charter petitioners. Considerations regarding enrollments should be taken into account to prevent outcomes that segregate by class or racial lines, thus, limiting diversity. Likewise, charter petitioners should follow guidelines set forth by the states charter school commission and consider these guidelines alongside the reasons for their charter denials if they wish to be successful on future attempts. By implementing some of the suggestions herein, concerned stakeholders, between and among charter and traditional public schools, may have a better shot at ensuring that students, above all other interests, are being served first and eliminate the question of whose interests are being served?

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