

TACTICS USED BY CHARTER SCHOOL OPPONENTS

By Don Gilman

Anyone who has tried to establish a public charter school knows some of the roadblocks that opponents will put in the way in order to stop the new charter school from opening. They will go after funding (see Figure 1), they will finance anti-charter propaganda and call them “studies,” they will file lawsuits, and they will generally just try to disrupt the entire process to stop it from moving forward. These are usually the strategies and tactics employed at the state or national level. But evidence is now coming out of a much more insidious battle being waged, and it is being fought in neighborhoods and cities across the nation, rather than at the state or national level. This is now local “hand-to-hand” combat in our own communities, and we need to be prepared!

In 2005, an editorial in the Washington Post described the charter school war in Maryland, stating, “It’s guerilla turf war, with children caught in the middle. Attempts to establish public charter schools in Maryland have been thwarted at almost every turn by entrenched school boards, teachers unions and principals resistant to any competition.” Their objective seems to be clear: stop charter schools at all cost.

As of today, there are almost 4,000 public charter schools in 41 states (the ones that have charter laws), enrolling more than 1 million students. Talk to the organizers of these schools and you will find that most, if not all, encountered significant bureaucratic resistance and red tape within their communities. Perhaps it showed up when the organizers were looking at purchasing a building, or when they tried to comply with zoning ordinances. Perhaps it came when they were looking into transportation options, or funding. Or perhaps it was even in the form of legal action. As advocates of the public charter school movement, we need to be aware of the tactics being used across the country so we can be better prepared to fight the battles, having learned from those who have gone before us and who have already fought the battles...and won.

There are three main fronts on the local level that opponents of public charter schools appear to be using with some regularity: 1) Zoning; 2) Funding; and 3) Transportation.

Zoning

The strategy being used repeatedly across the nation regarding zoning appears to be designed to stop public charter schools before they start, or at least in their infancy stage. One of the first, and most difficult, steps in starting a public charter school is finding, and buying, a building to be used for the school. Opponents target this stage in order to make it as difficult as possible, before the charter school gets some momentum behind it. They realize that it is much easier to increase the level of complexity at this early stage, and get the organizers to give up, rather than fight the battle later when there may be more community support behind the proposed school.

As an example, in Englewood, New Jersey, city officials suddenly rezoned the property that the Englewood Charter School was planning on using. The property contained a converted warehouse that was to be the main building for the school. As a result of the rezoning, no elementary schools could operate on the site. “They passed zoning changes to specifically exclude us from buildings,” said Paul Raynault, one of the charter school organizers.

Funding

Talk about the fox guarding the hen house, many times the funding for public charter schools has to pass through the local school districts first, giving them an immense amount of control. In Ohio, for example, funding passes through the districts to the charter schools, and the districts have the option to review and question every single student record in a practice called “flagging.” When a student’s record is flagged, the charter school doesn’t get paid for that student. Many complaints have been lodged by charter school officials against their local public school districts claiming that the districts have abused the flagging process with the clear objective of putting the charter school out of business due to financial insolvency. Depending on the school, flagging can easily cost a charter school tens of thousands of dollars in funding each year.

One Toledo charter school leader said, “We don’t even know that we have a problem, then all of a sudden, they’ll put up a flag and say, ‘We need proof of residence.’ We’ve had kids who were in the [Toledo public] schools for their entire academic careers and suddenly the district wants to challenge where they live.”

Transportation

Many states have laws on the books that require public school districts to provide school buses for the transportation of students in private and charter schools. For example, again in Ohio, students in private and charter schools are eligible for transportation services from the local school district, provided they and their school meet certain criteria. This sounds great, until you find the loophole that is often used. In the event that providing the transportation is “impractical” for the district, the district may instead opt to financially compensate the affected families instead. In 2006, the Columbus School District decided that it would be “impractical” to transport the 1,384 charter and private school students on their school buses, and instead decided to give the affected families a check for \$172 for providing their own transportation...less than \$1 per day!

Our Response

These tactics, and various others, are used with regularity throughout the nation. As supporters of public charter schools, we must be aware of the techniques that may be used against our efforts to start and run a new charter school in our community. We must develop alliances early in the process so we can influence our local politicians and school boards. We must garner wide-spread public support as early in the process as possible to thwart any rezoning efforts. We must launch our own public relations campaigns, making the public aware when school districts and politicians use unfair tactics to keep our charter schools from opening. Simply put, we must not be afraid to fight back...and win!

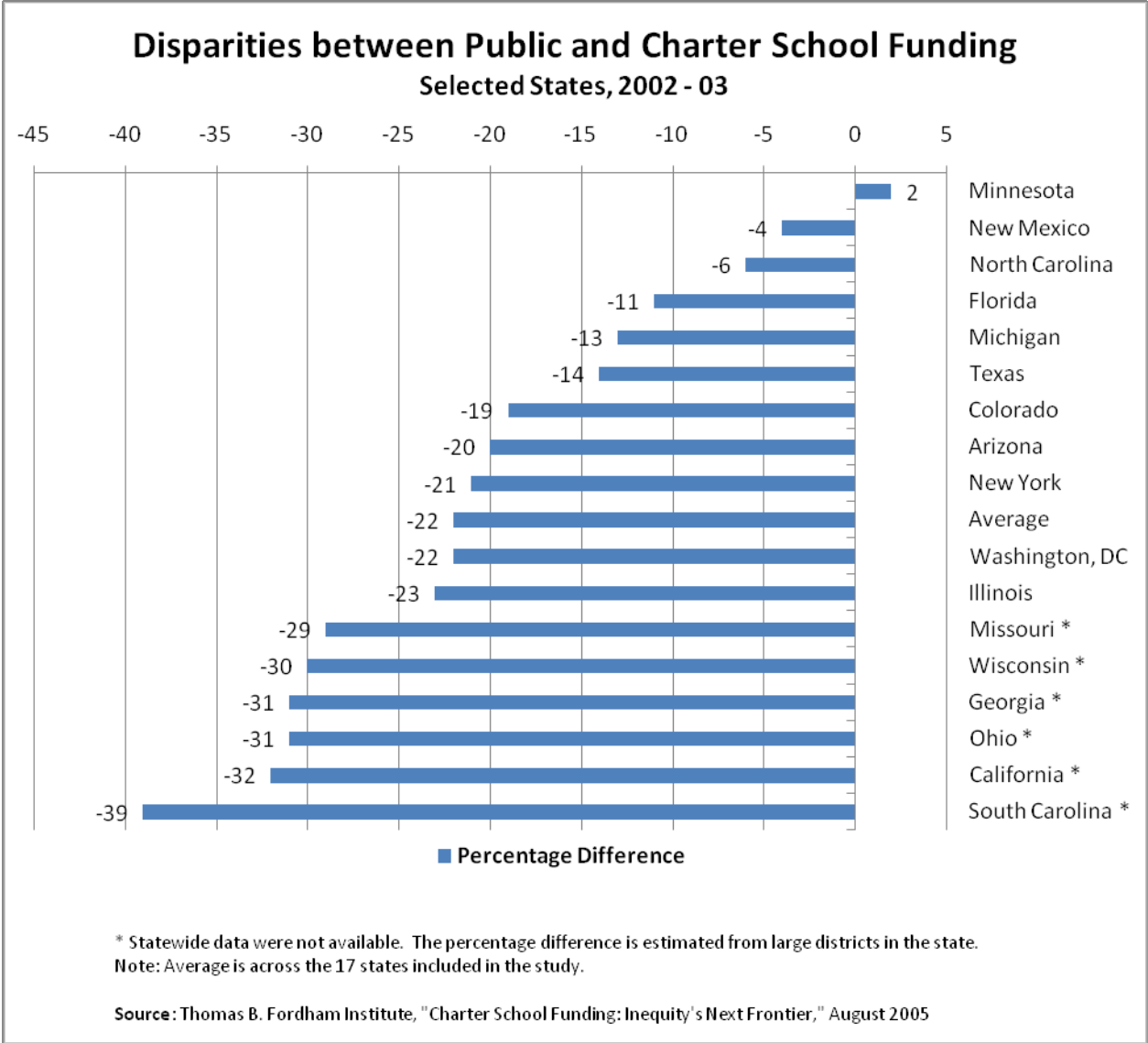


Figure 1: On average, charter schools receive 22% less funding than traditional public schools.