



MINNESOTA SPONSOR ASSISTANCE NETWORK

An initiative of Education|Evolving with support from the Minnesota Department of Education

School Boards and Teachers Have Choices, Too

By Robert J. Wedl, Director
Minnesota Sponsor Assistance Network

Introduction

“Parent and student education choice” is now a common part of the public education system. But are parents and students the only ones with options in public education? This paper suggests that not only do parents and students have “choice,” but so do teachers and school boards. The latter two simply have not exercised the options available to them. This paper addresses what could happen if they did.

Since the publishing of the “Nation at Risk” report in 1983, federal, state and local entities have significantly increased their efforts to initiate various educational reforms in an effort to respond to the findings of that Report.

The list of such reforms is extensive and while they vary from state to state most have a focus around setting learning standards for students, measuring student achievement, raising standards for teachers, testing teachers as a part of granting licensure, providing assistance to sites, moving decision making (and in some cases revenue) to sites, expanding the use of technology, applying some type of consequence to sites based on student performance and providing expanded parent choice including vouchers to attend private schools.

These were all initiated prior to the No Child Left Behind Act (NCLB). This law includes many of the above provisions. While the above list does not capture all of the initiatives, most reforms center around the above concepts albeit different states have developed different models of each.

During much of the 1990’s, the policy of expanding “choice” was a recommendation on many of the education improvement agendas throughout the country both at the federal and state levels. It continues to be a fundamental component of federal policy and in most states as well. The discussions

around the policy of expanded “choice” were usually restricted to mean “choice for parents and students.”

But, few have used the concept of choice in reference to teachers or school boards. The board has a variety of “choices” available for them to deliver education designed to accomplish the goals they have set for the schools of which they are the policy leaders. Teachers too have “choice” (options) in terms of developing new professional practices organizations where they are no longer employees but rather, owners of the organization.

Therefore, while the discussion of choice has usually meant “choice for parents and students,” there are choices available to school boards and teachers, as well.

Minnesota’s History of Expanding Choice

In 1985 to 1988, through the bipartisan leadership of Governor Rudy Perpich, Senator Tom Nelson and Representative Connie Levi, the Minnesota legislature adopted the concept of parental choice as state policy.

Governor Perpich’s initiatives created policies such as open enrollment that enabled students to attend school sites in other districts; Post-secondary Enrollment Options (PSEO) for 11th and 12th graders to attend post-secondary schools; and, options for “at risk students” to attend alternative schools and area learning centers. These initiatives focused on expanding choice for students and parents.

In 1991, with the bipartisan leadership of Minnesota Governor Arne Carlson, Senator Ember Richgott-Jung and Representatives Becky Kelso and Mindy Greiling, the Minnesota Legislature added a significant new dimension to the choice discussion by enacting the nation’s first charter school law.

In more recent years, former House Education Finance Committee Chairperson Representative

Alice Seagren, along with Representative Mindy Greiling, lead minority member on the House Education Committee, and Senate Education Policy Committee Chair, Senator Steve Kelley, have provided strong leadership bipartisan leadership to be both defending and expanding upon educational choice. Seagren, now Minnesota's Commissioner of Education, continues to provide leadership, along with Democrats Kelley and Greiling, now joined by the Republican chairs of the two House K-12 Education Committees, Representatives Barb Sykora and Mark Buesgens.

While Minnesota's charter school legislation certainly did significantly expand choice for parents and students, it was the nation's first major piece of public policy that expanded the concept of choice to teachers and to school boards.

Chartering is a "Process" not a "School"

People frequently ask, "Are charter schools good schools?" That question really cannot be answered because the policy of creating these schools is not just about schools.

"Chartering" is a process by which public schools are initiated and operated. We should actually refer to them as "chartered schools" rather than "charter schools." Schools operated by school boards are "district operated schools" and schools that exist by virtue of the chartering process are "schools that are chartered." Both are public schools. Schools are neither good nor poor because of the way they are created. Rather, their quality depends on what goes on "inside of them" in terms of how well they meet the needs of the students in attendance.

"Chartering" is a management process. By design, the chartering process is more flexible than other education delivery arrangements and is better able to adapt and change. It is able to focus resources to priorities. It is less bureaucratic. It is exempt from many laws and rules of the commissioner.

While all schools should have their focus on improved student achievement, a chartered school must constantly focus on improving student achievement because it is for failure to accomplish its mission and its student performance expectations that its charter can be revoked.

Expanded Opportunities for Teachers

With the chartering law, teachers for the first time have been given the "choice" of starting their own

schools or converting current schools to chartered status. The law requires that schools must be started by teachers. A school proposal without licensed teachers involved with its development cannot be granted a charter.

Furthermore, Minnesota's law provides that by the end of the third year of operation, the teachers must be the majority of the school board. This type of choice provides teachers with a far greater role in decision-making than does the earlier teacher empowerment policy of site based management which frequently really does not provide much decision making to the teachers at all.

Minnesota law also provides that if 60 percent of the teachers at a site vote to convert that site to chartered status, the school board must consider that request. While a few Minnesota charters have been the ideas of parents, the vast majority have been the idea of talented and committed teachers.

Minnesota law makes it "risk free" for one or more teachers to start or teach in a charter school.

- School boards must grant leaves of absence to teachers wanting to teach at a charter school;
- While on leave, teachers maintain their seniority and benefits;
- Teachers may form a union at the charter;
- Teachers may continue to be represented by the same union as at the district-operated school although it would be a new body.
- The retirement plans remain intact with the same contributions being made.

Forming a union at the chartered school is the decision left to the teachers under Minnesota law and forming or not forming a union cannot be a contingency for the sponsor granting a charter. Although many teachers in Minnesota charter schools are union members, no charter school has yet been organized for purposes of collective bargaining.

Since teachers must be the majority of the school board, perhaps the reason is that when the teachers are already the majority of the board, the need for a union is decreased. In essence, teachers would be negotiating with themselves.

At chartered schools, teachers are key in the creation of the design of the school, determining its mission and goals, selecting the curriculum, determining how to use the financial resources, etc. Teachers can transform their visions into reality.

Teachers are also provided “choices” under a new model whereby the teachers are the leaders of the professional teaching aspects of the school. In most professions, the professional can own the operation. The professional need not always be an employee. However, in education, teachers are always employees...never employers.

In a new book edited by Ed Dirkswager titled, *Teachers as Owners: A Key to Revitalizing Public Education*, this all changes. Dirkswager describes how teachers can form a cooperative under Minnesota’s cooperative law just as the rural electric cooperative does.

By law, the members of the cooperative are the owners of the cooperative. The board of the chartered school contracts with the cooperative for teaching and other services. With this model, teachers are given the choice to actually own the cooperative that runs the school and are the management of the cooperative.

The Ed Visions Cooperative in Henderson operates under this model now and consults with many schools around the nation now adopting this design. This model is not restricted to the chartered school sector to be a viable model. Teachers and boards in the district operated sector may implement this model as well.

When physicians, attorneys and other professionals develop their organization, they are the board and they employ an administrator to “manage” the operation while they are practicing their profession. Teacher ownership models this practice.

Teachers teaching at the Minnesota New Country School in Henderson are the owners of the Ed-Visions Cooperative which has a contract with New Country for their teaching services. The teachers report that being “an owner” and being an employee are worlds apart...a very positive world at that.

The concept of “teacher choice” is new and few teachers seriously even consider this option because they have always been employees... but as the pressures of NCLB continue to mount and as revenue remains constant, more and more teachers may want to consider the restructuring options available to them and adopt these new empowerment opportunities.

Choices for School Boards

School boards are charged with one of the most im-

portant roles in our society...setting local policy regarding the education of our children. What happens in our schools is a rendezvous with our future.

Regardless of the complexities of the issues facing our school boards and regardless of the significant changes occurring all around us, it is interesting to note that boards continue to primarily access only one method available to them for implementing their important work. Almost every school board follows the singular model of directly operating all of the schools in the district.

Ted Kolderie, Senior Associate of the Center for Policy Studies which is a joint venture with Hamline University in St. Paul, describes this as the board “owning and operating” all of the schools.

In the 20th century, this nation focused on “developing a public education system.” In the 21st century, this has changed. The focus now is on “developing systems for the education of the public.”

There are various organizational mechanisms within the public education arena to “educate the public.” Boards do not have to own and operate all of the schools (or any of them for that matter) in order to “educate the public” of the community.

Howard Fuller, former superintendent of the Milwaukee school district suggests that if we truly are committed to the notion that all children must be successful learners, we must also be willing to put into place all of the options possible so that this happens. It is not going to happen by using single management or program options.

Essentially, boards have a number of organizational methodologies at their disposal:

- Own and operate their own schools so that the goals they have set are achieved;
- Cooperate with other boards and agencies to implement programs that result in the goals being achieved;
- Contract with other entities to educate the students so that their goals are achieved;
- Grant chartered status to schools proposed by others to be located in the school district; and,
- Grant chartered status to create learning opportunities determined by the school board so that the goals the board has set are achieved.

Each of the above are management or organization models. None of them are “good or bad” when

viewed alone. It is what goes on inside them or what occurs because their design permits that to happen is what is “good or bad.”

Until recently almost all of Minnesota students attended schools that were “owned and operated” by the school board. That is changing in Minnesota. In a recent analysis done by Education / Evolving, it was learned that over 20 percent of Minnesota’s students are being educated in “alternative” systems including alternative schools, charter schools, home schools and through Minnesota’s Post-secondary Enrollment Options Program (PSEO).

Some of these, such as Area Learning Center’s (ALC’s), are “owned and operated” by school boards but programs such as PSEO, contract schools and chartered schools are not.

The most rapidly growing sector, based on the number of students attending them, are schools that are chartered. However, the impetus to create those chartered schools were not initiated by school boards... most were initiated by parents and teachers interested in new ideas and approaches. If school boards actually used the management “choice” they currently have, how might that change the landscape with respect to addressing the needs of the students in the 21st century?

Joe Graba, Senior Policy Fellow at Hamline University in St. Paul and also a founding member of Education/Evolving, a new joint venture of The Center for Policy Studies and Hamline University, has been asking a number of key questions regarding the future of education in the United States. Perhaps the key question Graba has for every school board in the United States is this:

Is it possible to get the schools we need for the future solely by trying to change the schools we currently have...or in some cases, do we really need to start schools new?

We have been trying for more than a quarter of a century to improve what we currently have and we have spent huge amounts of money doing so. And in many cases, we have been very successful...with 60 to 65 percent of the students.

At one time that might have been considered acceptable. The challenge of our schools today however is to educate all children at high levels. While we do an excellent job with many students, we are missing far too many as well especially in

urban areas and with students that simply must have different types of schools in order for them to be successful.

Without question, the needs of the children coming through the schoolhouse gate are at times almost overwhelming. Other students come to school with a wealth of information and understanding and complain that they “are bored” and want to learn more or faster or differently... but we continue to try to address their needs by trying to change what we currently have regardless of how well that strategy or model has worked before or regardless of the cost of that model.

What if the school board looked at other options at its disposal? What if teachers did the same? What if the board decided to use the chartering option rather than trying only to reform what it currently has...what if it started new...at least in some areas? Two clear options are available to the board.

1. Learning could be delivered by chartered schools sponsored by the school board where the learning model is designed by an agent other than the district and where students are required to meet the goals of the chartered school board as negotiated in a contract with the district school board.

This is an example of an “operator initiated chartered school.” Under this option, the district school board grants charters to schools organized and designed by others. The board, as sponsor, provides oversight of the school by virtue of monitoring the goals set in the contract.

Also, the school board is able to apply consequences based on performance. In this model, the board is provided with proposals developed by others and determines whether the proposal meets the board’s vision and mission. In the following model, it is the district board that determines the education models it wants to implement.

2. Learning could be delivered by chartered schools where the Board determines the type(s) of schools it wants and grants charters (by virtue of sponsoring schools) to operators submitting the very best proposals describing how they will meet the goals of the Board.

This is a “sponsor initiated model” of a chartered school.” Under this option, the school board would

determine the type of school(s) or model(s) it wants to have. It would identify the results or goals to be accomplished within those model(s). It would then issue Requests for Proposals (RFP's) as to how the expectations of the Board could be met in new and different ways.

Under this model it is likely that the board might provide services, for a fee, to the chartered school and also lease space to the school. It would review the program and financing following its timelines.

With the "sponsor initiated model," the district board would set the goals and learning performance indicators for the students. The district board would determine the student performance measurement which would include multiple indicators and measures and the school board would met out the consequences based on performance.

The job of the chartered school would then be to implement its plan to achieve the goals that district board has set. The role of the district school board changes but its focus on student results doesn't.

In the "operator initiated model," the operator seeks out the best sponsor for the school it wants to operate. In the "sponsor initiated model," the sponsor seeks out the best operator to manage and implement the schools it wants. It is likely that the latter model would be of greatest interest to school boards.

The key issue faced by today's school boards at the start of the 21st century is how to put into place the learning opportunities necessary for the children and youth of the community to successfully meet the bold vision of the board. With the "No Child Left Behind" policy, this nation is committed to accomplishing a feat that no society in history has ever accomplished -- to educate all children to high levels. It is a policy that must be attained...if not because it is the right thing to do, then surely because the economy of this nation depends on it. Persons who lack an education that includes some type of higher education will be left behind in the competitive world of the 21st century.

The financial implications of using the chartering options vary from district to district in Minnesota primarily because chartered schools do not access the excess levy that is raised from local property taxes.

Chartered schools do generate other revenues that district operated schools do not such as federal

start-up revenue (approximately \$500,000) and state lease aid of \$1200 per pupil. Private foundation grants from The Gates Foundation and the Walton Family Foundation have also been provided to assist in planning and implementing schools that are chartered.

But Isn't Chartering Inviting in the Competition?

If a board is convinced that the only way for it to educate the public who live within their boundaries is to "own and operate" every school, than that board does not want to use any other management option including chartering.

But that board is putting all of its eggs in one management basket and that district will be faced with competition in the next 10 years the likes it has never even imagined. It is important for the school board to understand that when it grants a charter, especially for sponsor initiated schools, it is not inviting in the competition.

Rather it is entering into an agreement with another entity to assist them educate the children and youth of the district. The sponsoring board, through its decision to sponsor, has a significant role regarding setting the goals and expectations in the charter contract. The board measures student progress. The board determines the consequences for the chartered school if it is not seeing the desired performance.

While the board should make decisions with all of its sites based on performance, few do so. The reason is likely because it is so difficult to make substantial change from within. Granting charters for sponsor initiated schools is not competition for the board. Rather, it is one way for the board to carryout its responsibilities to "educate the public."

The Milwaukee Public Schools understands this better than any district in the nation. As a result, more students are staying in Milwaukee rather than open enrolling out of the district because parents are gaining access to the types of schools they want for their children.

Religious schools, open enrollment out of the district and chartered schools located within the district but not sponsored by the board are examples of competition. These schools are outside the jurisdiction of the district board. If a chartered school is to be initiated, the school board should want to be its sponsor.

It is understandable that the district administration and staff view even district sponsored chartered schools as the competition because these schools are indeed competition for the employees and the sites of the district. In most cases, the superintendent is viewed as the CEO of the district schools... not as the CEO of all of the schools created by the board. This is a dilemma for superintendents to think over.

But, if superintendents view themselves as the CEO of all of the schools created by the board, then the superintendent will be viewing the chartered schools sponsored by the board part of her/his responsibility. These schools would then be treated as options not competition. A number of superintendents in Minnesota (Faribault, Chisago Lakes, Hopkins, Waseca, and others) are doing just that.

While the district views schools that are chartered, including those chartered by the district school board, as competition, the school board on the other hand should not view the schools it has chartered as competition.

In the private sector, the employees and managers of the downtown Minneapolis Marshall Fields Department Store want to have customers shop at "their" store and not at Target a few blocks away even though, until recently, both stores were a part of the same company.

However, the Board of Target Corporation didn't really care whether customers are shopping at Marshall Fields, Target, Mervyns or Hudson's They just don't want them shopping at Nordstroms or Macys.

The question for the district board is not, "Do we want other operators of public schools in our district?" The answer to that is already a given. The real question for district boards to consider is, "Are we willing to use options available to us to educate the children and youth of our district using different management models to deliver different learning models...but holding them all accountable for education of the public of the district? Or are we going to continue to rely on the single model of owning and operating all of our schools?"

Concluding Comments

Chartering is a management process. Over 40 states have charter laws. The school boards in Milwaukee, Buffalo, New York and elsewhere are using chartering to create new types of schools for the stu-

dents of the district. They have concluded that the chartering process is the best way to initiate the types schools needed for the future.

Through the early years of the "choice policy" discussions, the concept of "school board choice" was not a part of the discussion. It was not until 1998 when Governor Arne Carlson included this concept in his "Governor's budget" that this policy was discussed as a significant new tool for school boards. It is interesting that the Governor's proposal was not supported at the legislature by the representatives of either the school boards, the superintendents or the teachers.

Perhaps the rationale for this was that most school boards viewed public schools as institutions within the district system which they owned and operated. It was an accepted understanding that district owned and operated schools were the only schools that were needed.

As federal, state and local policymakers as well as the education leadership have focused more on a results/standards based system of education, as the needs of children and youth continue to grow and become more diverse and as revenue increases remain less than expenditure increases, school boards will need to seriously consider the "choices" they have available to them to deliver education so that the goals they have set can in fact be accomplished. School board choice can be a powerful new option for boards to use as they carryout their responsibility "to educate the public" of the district they lead.

ABOUT THE AUTHOR OF THIS PAPER

Robert J. Wedl, is a former Commissioner of Education in Minnesota and school administrator in the Minneapolis public schools. He currently directs a project for chartered school sponsors/authorizers at Education|Evolving which is a joint venture of the Center for Policy Studies and Hamline University. Wedl can be reached at: robert_wedl@yahoo.com. For more information on Education|Evolving and the Minnesota Sponsor Assistance Network, go to www.educationevolving.org.

