Chartering Is a Strategy for Minnesota Public Education

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CHARTERING IS A STRATEGY FOR MINNESOTA PUBLIC EDUCATION

The cover photo is of educators attending Education Evolving's national meeting about 'teacher-powered' schools, in Minneapolis in 2022. The speaker shown is Mary Cathryn Ricker; successively teacher, union local president, Minnesota commissioner of education and executive director of the Albert Shanker Institute.

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Introduction

This institutional innovation made by state legislatures in their systems of public education is commonly described as 'charter schools' . . . which produces a discussion about whether or not 'they' are or are not (in conventional terms) 'performing' better than district schools.

That is unfortunate: Better for the discussion to focus on the intent and potential of the legislation, which is to open the opportunity for innovation, at a time when no other strategy exists for the fundamental change needed in American public education.

Chartering makes change possible

An effort to describe Minnesota's program of chartering cannot simply summarize the law and describe the schools that exist today. An adequate understanding of this institutional innovation in public education requires an explanation of how the new sector opens for the state the way to secure the change the public wants in an institution long resistant to anything fundamentally different.

The model that Horace Mann saw and admired in Prussia in 1843 and brought to America was a bureaucratic model, centralized and authoritarian at the state and local level. It changed what then existed, especially with its insistence that 'public' be non-sectarian (from a concern about the growing Catholic immigration at the time). But Mann's system was not itself designed for change.

Almost from its beginning there were people proposing different and better forms of school and approaches to learning. But to adopt these would have meant changing system and schooling as Mann's effort defined it: That could not and did not happen. As a result, the new ideas that had some success appeared in the private sector; appeared in the public sector only with the 'alternative schools' created for students considered 'at risk' and often (in the current idiom) 'pushed out' of their schools.

For the mainline public sector to change, a 'space' needed to be created within public education in which the 'different' could be tried. Chartering provides that space.

Such a 'space' appeared in Minnesota with the 1991 legislation, the first such in the nation. Here the program has worked both to improve existing conventional schooling and to innovate with new models fundamentally different; non-conventional. What follows will discuss both the innovations chartering has produced in teaching and learning and the opportunity chartering presents for the process of system change.

Minnesota's legislation and its early implementation

Initially given "zero chance of passage", Minnesota's chartering law was a success just by being adopted. But like all legislation, it was a compromise. In the final hours of the 1991 session its authors—Senator Ember Reichgott and Representative Becky Kelso—regretfully but wisely accepted several restrictions to their original bill.

The number of schools—to be called 'outcome-based schools'—was limited to eight. Schools could be authorized only by a district. Approval was required also by the state. Schools could not own their facility; would rent. The law provided no start-up financing for a new school; revenue would arrive only when students were enrolled.

Still, the path-breaking legislation was remarkable. The concept was to create schools accountable for results, freed from many regulations but bound by those essential to the concept of public education. Revenue was paid to the school directly by the state. It was a new sector within Minnesota's system of public education: repeatedly the law refers to the school "as if it were a district".

The law created no schools. It created simply the opportunity for new and different schools to be created—by teachers, parents, citizens. Quickly, proposals were made, and approved. Milo Cutter's school in Saint Paul, City Academy, was the first to open. In succeeding sessions the cap on the number of schools was raised and then eliminated; the range of organizations able to authorize a school was expanded to include postsecondary schools and community-based non-profit organizations. Start-up aid was made available and lease aid was added to the state financing.

Thus began a pattern that has distinguished chartering in Minnesota. Over the succeeding (now) 32 years this new sector has continued to evolve; from a combination of state policy action and internal

innovation. The contrast is conspicuous with the district sector, the structure of which has remained essentially unchanged.

From time to time, legislators have reviewed the progress of chartering in the state, identified barriers to success in starting or operating schools or problems in the current system and changed the laws governing chartering to eliminate or reduce those problems.

- When a small number of schools ran into problems with leaders using school funds in inappropriate or illegal ways, the legislature created new financial reporting rules and tightened requirements for financial auditing.

- Over the years a number of schools have started and subsequently closed. A handful suffered from financial mismanagement. Changes in state law since have greatly reduced the incidence of similar financial failures. Some closed because they lost or failed to attract students. In contrast, school closings in the district system—for any reason—are rare.

- During the '80s it was clarified that the major objective is student learning (a concept now undergoing some redefinition, as we will see in what follows).

- Along the way the requirement that licensed teachers make up a majority of a school's governing board was modified, to provide flexibility in representation; a kind of local option.

- In 2009 the Legislature enacted a major reform of the school authorizing process. No longer could any organization in one of the defined categories simply declare itself an authorizer: Now authorizers were to be approved individually, by the commissioner. New reporting requirements were added, and authorizers were required to apply for renewal every five years.

- In 2009, too, the Legislature expanded authorizing to include a nonprofit organization whose sole purpose would be to serve as an authorizer of chartered schools, referred to as a single-purpose authorizer. By 2023 about two-thirds of the state's chartered schools had come to be authorized by these organizations.

- Support organizations developed: the Center for School Change in the Humphrey School at the University of Minnesota and, in 1995, the Charter Friends National Network. The latter was a collaboration of the Center for Policy and Hamline University, headed by Jon Schroeder; a project linking state associations of charter schools across the nation.

The public and non-profit character of the sector has remained. The for-profit companies that operate charter schools in many states have never found support in Minnesota.

In 2023, to reinforce Minnesota's concept of a nonprofit sector, the Legislature added a requirement that any organization that contracts with a charter school board to provide, manage or oversee all or part of a school's education program, administration, finances, business or operational functions must make a copy of the contract available on the school's website.

It must also publish on the website assurances that no school board member has received or been promised any form of compensation or gifts from the contractor, and that no employee or board member of the contractor serves on the school's board.

A chartered school may not use tests or other qualifying standards in determining admission, and may not discriminate. Schools must accept any student who wants to enroll, space being available. If the school has a waiting list, it must use a lottery to determine admission. (There are two specialized schools; for the hearing-impaired and for students with autism.)

An important constant over the three-plus decades has been the set of objectives set by the Legislature and still in the statute: Increasing learning opportunities for all pupils; encouraging the use of different and innovative teaching methods; creating different and innovative forms of measuring learning outcomes; establishing new forms of accountability and creating new professional opportunities for teachers.

That mission is reflected in the motto of the Minnesota Association of Charter Schools: "*Unleashing education from convention*."

Minnesota's innovation went quickly across the nation

The spread of the chartering idea across the nation could usefully be studied as a case in the diffusion of this institutional innovation.

It was quite remarkable. There was no national organization, no outside financing, no best-selling book to generate a campaign. Word of the legislation simply went around—especially after the California legislation in 1992. There were requests for Minnesotans to 'come and explain'. And the idea was picked up by education writers, apparently sensing a public interest in the simple idea of letting teachers and parents try some different types of school.

There was the important help from President Clinton following his election in 1992. Will Marshall at the Democratic Leadership Council had seen the potential in public school choice and chartering; made these centrist ideas part of the agenda it recommended for the new administration. Clinton set a goal of 3,000 schools by 2000. His education secretary, Richard Riley, visited Minnesota early. Soon Congress had enacted a program of aid for the start-up of schools.

By the end of the '90s chartering had come into law in some form in about 40 states (today, 46) plus the District of Columbia. Authorship was notably bipartisan. Almost everywhere the new legislation came without the support of, or against the opposition of, the education groups regarded by political reporters as dominant in education policy at the capitol.

As is the case with most innovation, the chartering idea took a variety of forms in the state actions during the '90s. Initially the creation of new schools was to be a local affair, but Massachusetts and New Jersey reserved the role to the state itself. In many states only districts were to charter schools, but some—as had Minnesota—opened authorizing to other state-defined entities as well. Some states required the new schools to be nonprofits; in others the law was open to commercial operators.

Predictably, the introduction of a new sector alongside the traditional district system generated discussion; controversy.

Much of the controversy was the result of the—understandable—tendency to discuss this fundamental change in public education as "charter schools". That produced, unfortunately, a war of words; advocates and opponents firing policy research back and forth, arguing whether 'charter schools' were or were not better than 'district schools'; 'better' defined in terms of results from the tests that in the mid-'90s had come to be taken as the measure of student and school 'performance'.

'Charter' having become an adjective, a 'charter school' was assumed to be a kind of school. The resulting disinterest in the differences among the schools, and in the innovations in the new sector of public education distorted the discussion.

A better understanding now of what actually has been created, especially here in Minnesota, would help the policy discussion enormously,

Minnesota education today: the array of options

It is worth considering both the overall picture of elementary/secondary education in Minnesota today and the growth in the variety of schools and students within it.

The Department of Education (MDE) reports for 2022-'23 a total of 962,144 students in Minnesota. Public education enrolled 870,019—of whom 771,983 were in the district sector (down from 823,679 in 2002) and 67,470 in the chartered sector (up from 14,610 over the same 20 years). In the non-public sector 65,702 were in private schools (down from 85,388) and 26,423 were being home-schooled (up from 14,610).

It is important to set chartering within the larger array of options developing in Minnesota's system of public education. Briefly:

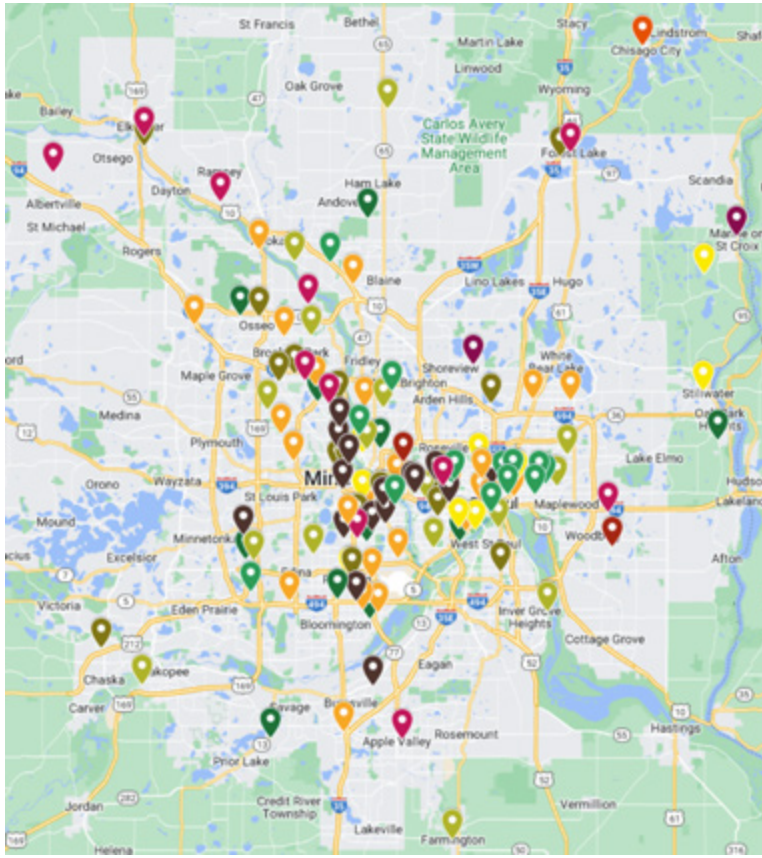
- Legislation in 1985 made it possible for juniors and seniors to finish high school in college. In 2002 the Post-Secondary Option enrolled 2,612 students; by 2023 more than 17,000 were doing college-level work. But note: Districts, not wanting their students leaving to study at the college—the money to pay their tuition coming, under the law, from the student aid provided to districts—quickly arranged for college courses to be offered in the high school. Today 90 per cent of those doing college-level work are doing it as 'concurrent enrollment' in their high schools. It is a remarkable demonstration of the effect of incentives in a system-design for change.

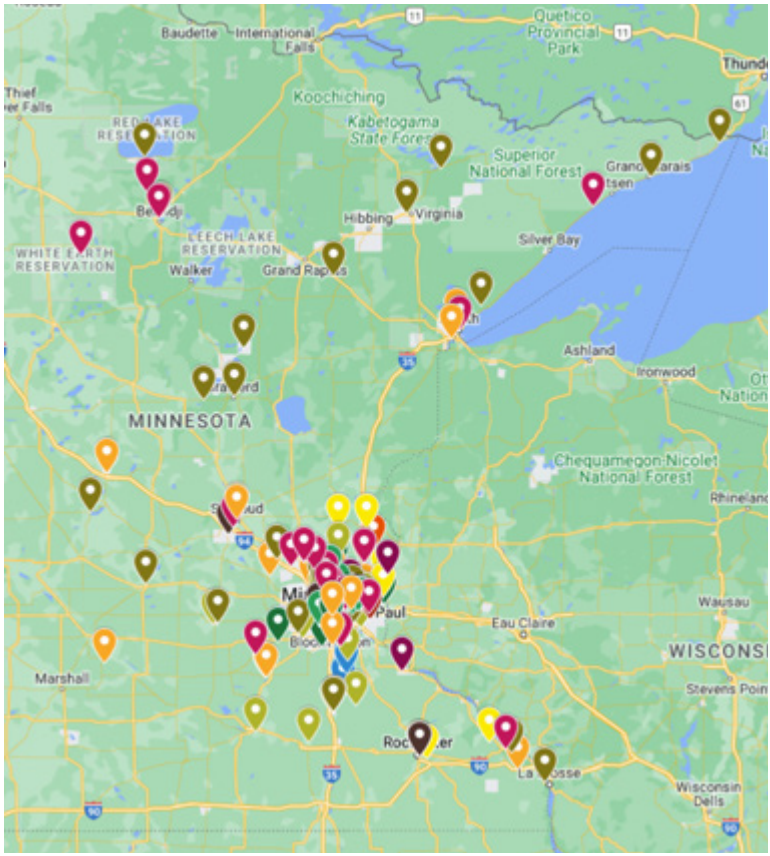
- The introduction of 'open enrollment' in 1997-98, allowing students to attend in a district other than the one in which they live is clearly an option; qualifies as a fundamental change.

- A less-noticed and still somewhat unclear variation within the public system exists in 'alternative' education. MDE currently

counts 12,139 in State-Approved Alternative Programs (Area Learning Centers run by districts, and other alternative programs, district and contracted nonprofit). That might miss many other students doing unconventional work: A count in 2000, using some different definition, showed almost 100,000 in alternative 'arrangements'. It might be that roughly 15 per cent of total public enrollment involves some sort of 'alternative' forms of schooling.

- As to the chartered schools specifically: There are 180 as of this writing; enrolling about 68,000 students. This is a bit over seven percent of the state's total public K-12 enrollment. Sixty are in the seven-county suburban area surrounding the two central cities. Fifty-four are in Greater Minnesota. Chartering's presence is higher in the central cities: Minneapolis is home to 30 schools; Saint Paul to 36.





Many new schools open with only a few lower grades (and pre-K); in subsequent years add additional, upper, grades. Some schools have opened an additional campus under the initial charter. So as the initial group of students moves along, existing schools often grow their enrollment.

The students in Minnesota's program are diverse; more so than in some other states. The Minnesota Association of Charter Schools (MACS) reports 22 per cent are listed as "English-language learners"; 58 percent are students of color; 60 per cent qualify for free and reduced lunch; 13 per cent are receiving Special Education services. These numbers are higher than in the district sector statewide.

The shape and structure of the chartered public sector

In the charter sector **the schools** are independent organizations. They have their own governing boards. They are not 'run' by their authorizers. They operate under a performance contract with their authorizer—which operates under a performance contract with the state. Being independent, the schools can be different; different from district schools and different from each other. This means that both the teaching and learning and the organization of schools in the sector are open to innovation.

The organizational difference between chartered and district sectors is fundamental. The standard plan for Minnesota districts creates a consolidated organization that owns and runs its schools: Decisions are made centrally by an elected board and its administrative staff; the schooling itself carried out at dispersed locations.

Districts do sometimes experiment with new approaches: The difficulty is that these tend not to last and not to spread. The pressure to standardize operational practices, strong in all bureaucracies, is tangible in most districts. Recent experience has shown how difficult a district finds it to have a school outside its general pattern. Boards feel a remorseless pressure, as one superintendent has put it, "to assure everyone they're all being treated the same".

Some of the differences one sees in Minnesota's chartered sector actually appeared in a district school at one time, but disappeared after a change in the school's principal, or with a change in district superintendent, or with a change in the composition of the school board.

Interestingly, some Minnesota superintendents, retiring from districts, have moved to play important roles in the chartered sector. Dennis Carlson, superintendent of the state's largest district, Anoka-Hennepin, became head of the largest chartered school. Tom Tapper, after retiring at Owatonna, became head of the partnership providing administrative support for Innovative Quality Schools. Robert Wedl, a former

commissioner, in 2002, while policy and planning officer in Minneapolis, had tried to persuade the superintendent and board chair that fundamentally they want results: If good results come also from schools contracted or chartered, go there.

Chartering makes possible differences in the approach to learning.

Teachers who work in a school and the parents or community members who sit on the school's governing board are able to establish the character of the school (as did the founders initially). The authorizer cannot change this (though it can withdraw its participation, requiring the school to find another approved authorizer—or to close.)

If the teachers in a chartered school decide that one of the greatest needs for their students is a reading specialist to work with students struggling to read at the appropriate grade level, they can agree to allocate funds for a reading specialist and adjust other staff responsibilities accordingly.

If a school thinks a multi-age grouping of students would provide the best learning environment for its students, it can set up two- and even three-grade-level classrooms. It can set up 'looping' if it wishes: a teacher staying with a group of students for, say, three years. If it wants to use its community as a classroom for some learning, it can use community settings rather than the school's main building. If the teachers want to run their school they can. (About this more in a moment.)

There is a High School for Recording Arts that enrolls many students who have quit, or have been 'pushed out of', conventional school; some several times. And there are college preparatory schools; classical academies; on-line schools, and more.

Some started out planning to use one educational strategy; then decided a different approach would work better with the students they were teaching.

Many chartered schools enroll 100 to 300 students, far fewer than in most district schools. The late Eugene Piccolo, until recently MACS' executive director, heard parents cite the small size of their child's chartered school as a big reason for their enrollment. The parents believe their child will get more personalized attention in a small school.

By no means do all the schools move to different models either for their schooling or for their organization and operation. Broadly speaking, chartered schools can be sorted into three groups.

- A good many make little effort to be different. They continue the conventional school their leadership and teachers knew. For these it is enough just to be independent.

- In a second group there are schools that do conventional schooling but aim to do it better . . . intend to show it is possible to raise 'performance' with students who do not do well in the schools run by large districts with their centralized decision-making structures.

  Great Minnesota Schools—neither an authorizer nor an operator of schools—is a nonprofit support organization that helps such schools, in Minneapolis (and in two adjacent suburbs enrolling largely Minneapolis residents). It is well financed. Jen Stern is its executive.

  GMS works to improve schools with at least 40 per cent of their enrollment eligible for free and reduced lunch and that are serious about closing the opportunity gap. The central concept is Good to Great. Its goal is "to triple the number of Minneapolis students attending excellent and equitable schools, by 2030". Ten schools are now in its 'portfolio'; more in a 'partnership' arrangement. It tried in 2016 to apply its improvement program in Minneapolis' district schools, but found the district uninterested in such a relationship.

- A third group contains those schools using the opportunity chartering provides to try something different from conventional school. These innovate both with pedagogy and with organization. Here are the schools personalizing learning, and the schools organized as worker cooperatives or as partnerships of teachers.

It is difficult for the public and for state policymakers to see these distinctions—in large part because of the way the media covers public education. The dailies cover district organizations; they do not cover public education in its entirety. Reporters are candid: "We don't cover charter schools at all". In thinking in terms of individual, independent, schools they miss the story. Which would suggest covering *the sector*. In

following authorizers they would note the contrast with district boards of education; would see organizations overseeing multiple schools which they do not own and run.

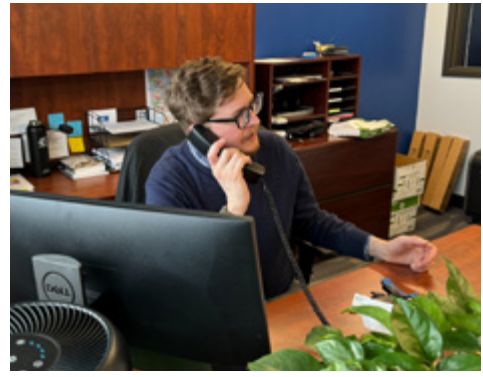
The chartered sector has its own set of associations, separately for schools and for authorizers.

The association of schools (MACS) has as members about two-thirds of the schools; a number the organization will now be working to increase. Its website is **https://mncharterschools.org**. MACS provides training for school boards, support to groups seeking to start a new chartered public school, guidance on school finance and accountability, and more. It maintains a Crisis Response Team that helps schools experiencing a crisis, as well.

The association is clear about the role of the chartered sector. The chartered sector is to be a kind of 'research and development' operation for Minnesota public education; not to replace the district sector but to stimulate it.

Every year MACS announces the winners of its Innovation Awards, which it says are "designed to recognize achievements in the five areas defined as the purposes of chartered public schools in the Minnesota statute." The Minnesota association is not affiliated with the National Alliance for Public Charter Schools (NAPCS; 'the Alliance') which has been slow to set innovation as its priority.

MACS' former executive director, Eugene Piccolo, was earlier an associate commissioner in the Minnesota Department of Education (MDE). He retired from MACS late in 2023, succeeded by **Joey Cienian**, previously in charge of learning at High School for Recording Arts.



Joey Cienian

Authorizers have a separate organization; the **Minnesota Association of Charter School Authorizers (MACSA)**. It advocates for chartering with MDE and with the Legislature. Its website is **https://www.mncharterauthorizers.org**. Its head is Laurie Schroeder. MACSA is affiliated with the National

Association of Charter School Authorizers. More about authorizing below.

The chartered sector—the schools and their authorizers—is overseen by **the Minnesota Department of Education**. See **https://education.mn.gov/mde/fam/cs.**

It is a complication that the sector intended to be less regulated so it could be more innovative has been overseen not by a body designed to encourage 'different' but by a bureau whose function is to make rules and see that they are uniformily enforced.

The Legislature is also partly responsible for the accretion of regulations on the chartered sector. When new 'musts' or 'must-nots' are added for district schools they are applied also to the chartered schools.

As the designer of the chartered sector and having given it a charge to explore new ways of doing things, the Legislature might usefully find a way for the chartered and 'alternative' schools to be overseen by an entity whose its mission as—in Professor Paul Kennedy's words—to create "a climate of encouragement for innovation".

Minnesota's chartered sector is innovating in important ways

Minnesota's program contrasts with the approach to chartering in other states. It is distinctive also with respect to the innovations subsequently created within it. The sector has—as the Legislature hoped—generated significant educational and organizational innovations.

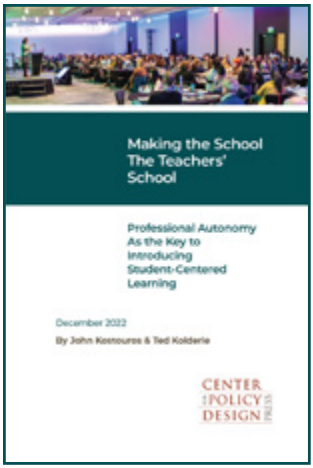
Together with the state's other 'alternative' schools, the part of the sector focusing on innovation has produced a 'new technology of learning' that personalizes learning for students, makes full use of the information revolution represented by the internet, broadens the definition of achievement and that turns teaching into a better job and career.

Let's begin with **teachers' professional autonomy**, an early innovation that is essentially the application to a school of the 'partnership' arrangement common in most vocational areas we think of as professional but seldom seen in education.

School districts are set up in the conventional administrative-bureau form, with a board, superintendent, central office and administrators in outlying schools overseeing and directing teachers in their classrooms. Teachers work for administrators. By contrast, chartering has brought into education a model, that has teachers fully in charge.

Early after the initial legislation it was suggested to teachers and others seeking to create a school in LeSueur that they form a cooperative that would contract with the board of to operate Minnesota New Country School. The founders agreed, and created EdVisions Cooperative, which 30 years later continues to operate that school (now some miles down the Minnesota river at Henderson); handles, in fact, payroll, benefits, training and licensing now for 14 schools.

The idea of teachers being professionally responsible for a school is greeted with disbelief by those holding the accepted theory for school organization. Experience shows, however, that a teachers partnership can work. Education Evolving, a nonprofit based in Minneapolis, has since 2012 run a national initiative to spread what it calls the 'teacher-powered' model across the nation. It is having significant success. To see the project go to **https://www.teacherpowered.org**.



You can read the story of this organizational innovation in the small booklet: *Making the School the Teachers' School—Professional Autonomy as the Key to Introducing Student-Centered Learning*. It is an idea that may appeal to the teacher unions as they consider moving to a professional model—which the pressure to hold teachers accountable for learning will perhaps motivate them to do.

Teacher autonomy and personalized learning go together. If the idea is to personalize learning, teachers have to be able to work with students individually; motivations differing among the students. If conversely the original idea is to enlarge teachers' professional autonomy, personalized learning is likely to result.

Student-centered learning contrasts with the pedagogy in conventional school that has students at the secondary level studying subjects. Some of the innovative chartered schools break with this notion of dividing knowledge into the disciplines traditional in universities: history, science, language, mathematics, politics, economics, the arts. Essentially learning is personalized. Some schools have all students have something much like an IEP, an Individualized Learning Program.

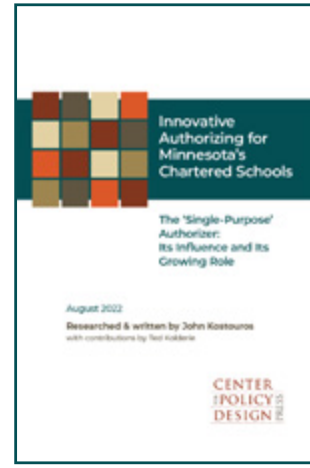
These schools work with students, their parents and perhaps community members to organize learning around projects; students examining reality in ways that show these abstract disciplines related to each other.

An example will help. A student in New Country School was curious about the dispute over 'evolution' in elections to the state board of education in Kansas. His project touched on history, geography and science (the voyage of the Beagle to the Galapagos Islands in the 1830s), on theology (the impact in England of Darwin's theory about the origin of species), on the arts ('Inherit the Wind', the play about the Scopes trial) and on politics (those election contests in Kansas).

A 2024 report from CAREI, the University of Minnesota's Center for Applied Research and Educational Improvement, describes the interest in and efforts to develop a **broader definition of achievement** that goes beyond conventional letter-grades and test-results. The public's interest in such a broadening was captured in the poll by The Kappan in 2015 that found eight of ten Americans interested—more than in

test-scores—in seeing young people seriously engaged in learning, and wanting districts to be accountable for stimulating that engagement.

This broadening of 'achievement' makes possible the personalization of learning essential to maximize student motivation, engagement and learning. Personalization rests on the common sense that young people differ, one from another; in interests, aptitudes, readiness. This approach is central in the work of Education Evolving. Locally it has attracted the interest of the Bush Foundation.



Minnesota is different also with respect to **authorizing**. The independent schools can be found grouped under the state-approved entity that is their authorizer. The school's contract with its authorizer sets out the objectives it intends to reach. The authorizer is charged with ensuring the school achieves its objectives; operating within the contract and within the state's laws and regulations. A school pays its authorizer a fee set by the state, based on the size and composition of student enrollment.

Early, there were about 50 authorizers, most of them school districts. Almost all districts stopped authorizing after the Legislature in 2009 made authorizing a serious responsibility.

Currently there are 12 state-approved authorizers: two school districts (Northfield and Chisago Lakes); one college (University of St. Thomas); three community-based nonprofits (Volunteers of America Minnesota, Osprey Wilds Environmental Learning Center and Pillsbury United Communities) and six single-purpose authorizers.

The 'single-purpose authorizer' is a newly-created nonprofit, deriving tits authority from approval by the commissioner of education. Legislators decided it made sense to have authorizers that would have no responsibility other than to solicit, receive and review proposals for, and—if they approve—to oversee new schools. Today these single-purpose authorizers are responsible for almost half of Minnesota's chartered schools.

Some authorizers try to specialize. Some solicit proposals. One such, Innovative Quality Schools (IQS), says its mission is to " . . . achieve success for all learners by supporting schools engaged in educational innovation." It says a key value of its work is to encourage schools to "Take risks to try creative new things, challenge old processes, and continuously adapt."

By 2023 IQS had become one of the state's largest authorizers, overseeing 35 schools. (see **https://iqsmn.org**). Its board is supported not, as is conventional, by a small employed staff but by a partnership contracted to it; which in turn contracts with a cadre of current and former academics, teachers and administrators paid per-assignment. This innovative arrangement, introduced by Robert Wedl, the former commissioner, gives the authorizer greater capacity in its oversight at lower cost; lets it 'do more with less'.

Novations Education Opportunities (NEO) has 29 schools; among them Escuela Excitos, a Spanish-language immersion K-8 school, and Lionsgate, a 7-12 school for autistic students and those with other learning disabilities, with a transition program for those ages 18 to 21. Osprey Wilds Environmental Learning Center, says its mission is "to authorize a portfolio of high performing charter schools that instill a connection and commitment to the environment".

Laurie Schroeder, who leads the partnership that serves IQS, and currently also the association of authorizers, says authorizers have done a good job implementing especially the legislative objectives to create innovative forms of measuring outcomes; and to establish new forms of accountability for schools.

The 2009 legislation had provided for only three single-purpose authorizers. All were quickly created. So the window had closed when Louise Sundin, a former and longtime president of the Minneapolis Federation of Teachers and member of the AFT executive committee, wanted to propose an authorizer that would approve schools in which teachers had truly professional roles. She asked legislators to raise the cap. In 2011 they in fact removed it, and the Minnesota Guild for Public Charter Schools appeared. Sundin was its first board chair. It was the first, and is perhaps still the only, authorizer in the nation to have been created by a teacher-union leader.

In 2023 the Guild served as authorizer for 16 schools around the state. Sundin today expresses disappointment that in many of the Guild's schools teachers have been reluctant to stray very far from the traditional top-down school organization in which most were trained and had worked. Only four of the Guild's 16 schools, for example, appear in the Teacher Powered Schools network. identified by Education Evolving; a challenge to which that organization is now working with the Guild to address.

The sector will continue to evolve

An innovative idea appears in different forms; evolves and is perfected with experience. Versions that work poorly are discarded; versions working better are improved. Think about the evolution of the automobile, airplane and computer from their beginnings to the present.

Chartering has not yet gone through this process. Minnesota's initial idea took different forms in other states. There has been too little analysis, especially about innovation resulting, to evaluate the differing versions. The discussion is filled largely with controversies. Some are generated by problems in the schools. Some are arguments about policy preferences, as in the debate over commercial vs. nonprofit operators. And some, recently, result from the chartered sector's successes, which the district sector does not like.

In Minnesota today some of the issues about chartering reflect the controversies elsewhere. Some are specific to our state's own program. Let's take the latter first.

First, as to the program in Minnesota

Three questions regularly occupy the Legislature: the financing of the program and its schools; the ownership of school facilities and the availability of transportation for students enrolled.

Financing—The chartered schools spend a higher proportion of their revenue on 'instruction' than do schools in the district sector. Still, inadequate financing keeps pay lower. Some, like Eugene Piccolo, have worried that some schools are becoming a place for young, inexperienced teachers to begin their teaching careers; then to move on to district schools for higher pay. Against this, a recent study by Education Evolving found retention is higher in schools offering teachers significant professional autonomy.

MACS, MACSA and other chartered school advocates continue to work for measures to narrow the financial gap between chartered and district schools.

Facilities—Districts own their schools; the independent chartered schools must lease. While the state does provide lease aid, it is often inadequate. Laurie Schroeder lists 'space' as the number-one challenge facing anyone wishing to authorize, start or expand a school.

MACS reports that "In order to provide safe, healthy and utilitarian spaces conducive to the learning program of the school, charters have 'looked outside the box' for space". There are schools located in former church-school buildings, in community and recreation centers, in shopping malls, in town halls and in converted industrial and office buildings.

Districts are supposed to make available space in their buildings, but are not required to do so, and most do not. Commercial space is often inappropriate or too expensive and some cities actively discourage rental of space to a chartered school. Schroeder is not alone in believing that the sector would have produced many more schools were it not for these challenges.

The limit on direct ownership of facilities has over the years led a number of charter schools to establish an Affiliated Building Company (ABC) to construct, purchase and/or renovate facilities. The school then leases from the ABC.

MACS' legislative priorities for 2023-24 include amendments to permit chartered schools to own their facilities, and to establish a Minnesota Charter School Facilities Authority that could make loans to qualifying charter schools to purchase, renovate or construct facilities to be owned by the school.

Transportation—State law requires school districts to provide transportation on contract to chartered schools within a district's boundaries, but leaves it to the district how it provides that service. Most districts are indifferent, or hostile, to the needs of chartered schools. (The offer of a 10 a.m. pick-up and 6 p.m. drop-off is not helpful.)

Few schools own their own buses or vans. Schools often contract with private bus companies (as do some districts). In the metropolitan area, some schools that draw students from a wide area provide them with passes on bus or light-rail transit. Parents sometimes drive their children to school.

Second, questions elsewhere affecting the policy discussion here

The issues in controversy nationally play out here. Central, perhaps, is the debate about the future of public education; between improving the schools we have, and creating fundamentally different schools new. Another, related, is about the relationship of the chartered and district sectors: Is chartering about replacing districts or stimulating districts to change? A third is about the definition of 'learning'; the concept of success for student and school.

Conventional school, or fundamental change? This issue involves chartering so far as some of its new schools have departed in fundamental ways from the conventional technology of learning: age-grading, courses and classes, the use of day, week and year.

A system as deeply rooted as public education does not welcome radical change. And it is a question that divides the chartered sector itself, as we have seen; with some schools devoted to improving conventional school and others innovating, creating the new technology of learning.

Realistically, it probably is inevitable that Minnesota will have both, given that fundamental change cannot be mandated but proceeds voluntarily, the system therefore changing gradually. What is likely to move the system to fundamental change is the four decades of failure in the effort simply to improve the system we have. It is impossible not to see that it is time to find a winning game.

The public-utility model, or a system of choice? Traditionally in each area there was a single organization providing public education, to the schools of which children were usually assigned; a public-sector public utility. Families of means could of course choose the district in which to live while those of low income could not; a dimension of choice and a question of equity that educators have tended not to discuss.

For the districts the Legislature's introduction of choices—the post-secondary option, inter-district enrollment and especially chartering—was bound to be a concern, in a way that private schools and schools for 'troubled' children were not. Predictably, with the growth of the chartered sector, districts try to restrict the number of such schools or their enrollment, or both. This is less visible in Minnesota, but is actively—and successfully—being done in California, the nation's largest charter state. It is an effort to reduce the availability of options; in effect to reestablish the public-utility model,

A similar effort to eliminate choice appears in the lawsuit asking Minnesota's courts to take away from first-generation immigrants the opportunity to have for their children a school reflective of their culture. Its sponsors say they mean to end 'segregation' but the result would be to tell people of color the kind of school to which they may not, and the kind of school to which they must, send their children.

A bias against providing choice is endemic in conventional public administration; in the notion that a governmental body should itself do whatever it decides is to be done. The alternative of multiple organizations offering a service would provide citizens the ability to choose, and for citizens choices are freedom and power. The impulse to deny this to citizens is unworthy; unfair especially to those most dependent on public services. (In adopting the practice, policy bodies deprive themselves of influence over the administration, as Robert Wedl notes with respect to school boards.)

Keep the narrow, or broaden, the concept of achievement? The argument about the success of 'charter schools' comes to focus in the debate under way in the nation about moving beyond the narrow definition of achievement as proficiency in English and math. (see page 16) This is important because few things work against innovation as effectively as the notion that only schools scoring high on the state tests can be considered 'high-performing'.

Some chartered schools—and some districts—want to graduate young people who have also learned to think critically and creatively, and have developed skills in communication and in working with others. Educators in these schools know that as they prioritize these other goals less time will be available for test-preparation; meaning they risk being tagged as 'low-performing'. They accept that risk.

What might be decisive is the understanding that the authors of 'standards-based systemic reform' have acknowledged its failure . . . that the standardization it produced at the district level worked to drive schools away from what is of interest to students.

In Summary . . . An innovation essential for the state

Minnesota's program for chartering new schools has done well at 'letting people try things'; perhaps exceptionally well in comparison to other states.

Its new schools are producing both improvements in conventional school and in others quite fundamental innovation. As with all innovation, some things tried do not work well. These tend to come to attention quickly, and to be quickly corrected.

Enough response to the innovations in this new, second sector has appeared to indicate the district sector will in its own good time pick up the innovations appearing in the chartered sector, adapting them to its own needs (much in the way it has responded to the post-secondary option). It will be interesting to see if districts gradually pick up the ingenious variation on teacher autonomy introduced by Farmington and Spring Lake Park. (see reference to Kyte, page 24)

The success of choice and chartering over its 30-plus years makes their continuation essential for state policy leadership. Public education has set appealing goals, but has lacked the dynamics, and the desire, needed to reach those goals: The message from the system to the state has been: 'Give us the money and leave us alone'. Chartering enables, empowers, the state to show what can be done differently. The controversy created by the second sector is the price legislators and governors pay for progress and performance. It is a price worth paying.

Chartering has gone from being seen as a radical departure from traditional education policy to being an accepted and increasingly popular part of Minnesota's educational system. With the strategy of creating a "climate of encouragement for innovation" the state can move public education to the achievement of its goals.

To Learn More . . .

The national picture is available on the site of the U.S. Department of Education; **https://charterschoolcenter.org/what-charter-school**. The site for NAPCS, the Alliance for Public Charter Schools" is **https://publiccharters.org**. Its preview of state legislation is here: *What's Next for Charter Schools in the 2024 State Legislative Sessions.* A support organization, the **National Charter Schools Institute**, is **https://nationalcharterschools.org**. There is also **https://qualitycharters.org**, the site of NACSA, the National Association of Charter School Authorizers.

The **Minnesota Department of Education** site is invaluable: To reach it go to **https://education.mn.gov/mde/fam/cs**. There you can find complete lists of the authorizers and of the schools, and an interactive map on which you can find their location in Minneapolis and Saint Paul, elsewhere in the metropolitan area and elsewhere in the state.

The **MACS** site is: **https://mncharterschools.org**. It too has a directory of the schools and maps their location. At **https://www.mncharterauthorizers.org** you can find **MACA** the authorizers association.

Education Evolving—**https://www.educationevolving.org**—is not a support organization for the charter sector specifically; is more focused on the innovations appearing it it; especially student-centered learning and 'teacher-powered' schools.

A good many relevant reports, policy papers and other booklets in our little series are at **https://www.centerforpolicy.org**, the site of the **Center for Policy Design**: You might look especially for these, mentioned in the booklet: *Nobody Ever Asked Me*, suggestions from young people about how conventional school could do better; *Student-Centered + Teacher-Centered*, the report from Charles Kyte; *Beyond the Basics*, the

report from CAREI, and *Should Minnesota's Schools Be Obliged To Ensure that Students Learn?*, a comment on Justice Page's proposal for a constitutional amendment.

Ember Reichgott Junge's book from 2012. *Zero Chance of Passage*, is the definitive account of the origins of chartering; in Minnesota, and in the 1992 California legislation which brought the idea to national attention.

Finally: Just **Google**. This will take you into the full controversy over 'charter schools'; in most of which, as the booklet explains, both proponents and opponents argue about the schools; can not or will not—in any case, do not—see the creation of this second sector in public education as a strategy for system change.

About the Author

Ted Kolderie was a member of Governor Quie's task force on education policy in 1982 and of Governor Perpich's Discussion Group from 1984 to 1988. With Joe Graba he founded Education Evolving.

He had earlier been a reporter and editorial writer for the Minneapolis Star and Tribune, executive director of the Citizens League and a senior fellow at the Hubert H. Humphrey School of Public Affairs at the University of Minnesota.

In 2007 the National Alliance for Public Charter Schools made him an inaugural member of the Charter School Hall of Fame. In 2011 he received The James Bryant Conant Award given by the Education Commission of the States for "outstanding contributions to American education".

He went with the American delegation to Finland in 2012.

His thinking about education policy can be traced through his four earlier publications: in 2004, *Creating the Capacity for Change - How and Why Governors and Legislatures Are Opening a New-Schools Sector in Public Education*. . . in 2014, *Improvement + Innovation - How To Get Education Changing the Way Successful Systems Change* . . . in 2015, *The Split-Screen Strategy - How To Turn Education into a Self-Improving System* . . . and in 2021, *Thinking Out the 'How'*, his recollections of his time in public affairs.

. . . and about those who helped

John Kostouros, who wrote our earlier *Guide to the Charter Sector* in 2017, prepared the initial draft of this booklet and provided the basic research. He has been both a participant and an observer of public education, as a public-school teacher, journalist, education consultant and as a parent; following the state's efforts to improve its school system since the 1980s when the Legislature decided to open enrollment across districts.

What you see in the booklet owes much to the comments and suggestions made on earlier drafts by Joey Cienian and **Michael Padgett** at the Minnesota Association of Charter Schools, **Laurie Schroeder** with the Minnesota Association of Charter Authorizers, **Robert Wedl**, **Ember Reichgott-Junge**, **Jon Schroeder** and **Bill Blazar**.

A great deal is owed to the information provided on the websites of the organizations involved; in particular, those of the Minnesota Department of Education, the U.S. Department of Education and the National Alliance for Public Charter Schools. Links to those sites appear under **To Learn More** on page 24.

It is a mistake to think of 'charter schools' only as the schools.

Most of the discussion is only about the schools; a discussion comparing 'charter schools' to district schools and asking, "Which is better?" That discussion ignores the differences among the schools; treats 'charter schools' as if they were all the same. That's a mistaken discussion.

Think instead of 'chartering' . . . the opportunity opened by the Legislature for teachers and others to create new and different kinds of schools. That catches the essence of the Legislature's intent in creating a second sector in Minnesota public education, a kind of 'research and development' program.

New approaches to teaching and learning have been appearing in this chartered-school sector. Of particular interest is a model notable for motivating and engaging students, and for providing teachers a personally and professionally rewarding job and career.

This small booklet looks at the 30-plus years of chartering in Minnesota. It describes the process of letting teachers and others try things, highlights some innovations that may prove of national significance and mentions encouraging responses beginning to appear in the district sector.