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## **The Catch-22 of Charter Schools**

By Chris Braunlich

In the film adaption of Joseph Heller's anti-war novel, Captain John Yossarian defines the phrase "Catch-22" this way: "In order to be grounded, I've got to be crazy and I must be crazy to keep flying. But if I ask to be grounded, that means I'm not crazy any more and I *have* to keep flying."

Yossarian had nothing on Virginia's charter school law. In the Catch-22 of Virginia charter schools, only schools that look like traditional public schools can be approved. In which case, they are not innovative and need not be approved.

In the rest of America, charter schools are publicly funded independent schools established by teachers, parents, or community groups under the terms of a charter issued by an educational institution. Charter schools like KIPP Academy, Aspire, and the Harlem Children's Zone demonstrate daily that the achievement gap can be closed and that every child, regardless of where they live or their socio-economic status, can achieve at high academic levels.

Today, there are more than 5,600 public charter schools in the United States, serving two million schoolchildren.

In Virginia, there are exactly four, with a combined enrollment of 423 students.

Why so few? One reason is that local school boards are the only entities that can authorize charter schools in Virginia, and they regularly demonstrate their resistance to any change or improvement they cannot control. In fact, half of Virginia's charters were started by the school divisions that approved them (a sure-fire guarantee of control). And those drafting charter school applications report that school systems frequently refuse to discuss key components (like financing), so that applicants are largely taking a shot in the dark.

No wonder the most successful charter school operators have expressed no interest in coming to Virginia.

Just recently, two charter applications – one in rural Rockbridge County and one in suburban Fairfax County – were met with fierce resistance from local boards.

Despite the fact that both applications were led by public school educators with more than 200 years of combined experience, would have brought back and revitalized closed school buildings, focused on academically at-risk students, created innovative new programming, and had the enthusiastic endorsement of the Virginia State Board of Education, the applications were rejected or deferred.

Some critiques used by school system staff sounded suspiciously similar: The school wasn't where the school system wanted it. The open-enrollment lottery system wasn't rigged to ensure that selective students would be the ones winning the lottery (a process one federal official said was "inconsistent with the federal definition of a charter school"). The school division didn't like (or understand) the way the school was going to be staffed or the hours of the day that class would be in session.

These were schools that were going to offer different combinations of the successful Expeditionary Learning program, dual college enrollment programs, the national AVID (Advancement Via Individual Determination) program, a small school environment with librarians and counselors doing double-duty as teachers, and expanded or restructured school days.

Pretty innovative. Aimed specifically at children who need the help. Exactly what Virginia law (which defines charter schools as offering innovation in such areas as instruction, assessment, school scheduling, management and structure) set out to create.

But ... Catch-22. They won't approved if they're genuinely innovative because if they're genuinely innovative they don't operate like the schools school divisions already have and understand.

Worse, there's another "Catch-22" on the horizon: Federal grant funds aren't likely to flow to Virginia if school boards keep rejecting charter school applications. And without federal start-up funds, charters are less likely to get off the ground.

What to do? Some have proposed creating a state-wide chartering authority, as exists in other states. But such a proposal would raise a host of state constitutional and funding issues and, in other states where the same constitutional issues exist, the courts have rejected the idea.

Another route might be a strong binding appeals process, even if it were limited only to areas with less than fully accredited schools. Local school divisions would still be able to supervise the school, but if rejected charter applicants could appeal to a higher authority, those school divisions might just be inclined to better cooperate in developing quality proposals and encouraging innovation. And in other states, with similar state constitutional restrictions, such appeals processes have been upheld by the courts.

One thing is certain: There's unlikely to be bold innovation that will help educationally at-risk children in Virginia if innovators remain trapped in a "Catch-22" of our own making. And Virginia's schoolchildren deserve better.

*"That's some catch, that Catch-22," Yossarian observed.*

*"It's the best there is," Doc Daneeka agreed.*