

THE EDUCATION FORUM

Hosted by The Center for Education Reform

Could School Systems Survive Their Own Rules for Charters?

by Mike Antonucci
April 25, 2001

From Ohio's teachers unions to school officials in San Francisco, the "War On Charter Schools" is on. The cause for battle? An allegation that charters are not sufficiently regulated. The critics say they lack oversight. You be the judge.

The word "oversight" has two definitions: 1) an error due to carelessness, and 2) watchful care or charge. Public education as practiced in San Francisco is proving that the former meaning applies to district operations, and the latter to the district's charter schools.

The effort by the San Francisco Board of Education to revoke the charter of the Edison Charter Academy, managed by the for-profit Edison Schools, Inc., has generated national headlines. Though test scores, discipline and parent satisfaction have all improved since the company took over in 1998, the board is philosophically opposed to for-profit management of public schools, initiating an "investigation" with the foregone conclusion to terminate Edison's five-year contract. While the Edison case is worth examining on its own merits, it more importantly sheds light on the whole question of charter school accountability.

The report on Edison issued by the San Francisco Unified School District notes that California's Charter Schools Act of 1992 was designed to encourage innovation "by exempting charter schools from most of the state laws governing public schools." Charters are supposed to be exempt from most laws governing school districts as well, and the law explicitly states that charters "operate independently from the existing school district structure."

How does reality compare with legislative intent? Here, in full, is the list of documentation the San Francisco School Board requires from the Edison Charter Academy:

* All documentation demonstrating donation of Philanthropic Funds as set forth in section 3.2 of the Management Agreement ("Agreement");

* Any and all modifications to the Edison School Design which have been implemented at the Charter School. (Agreement § 3.3(a));

- * All documentation demonstrating purchase of school and home computer equipment including documentation demonstrating that Philanthropic Funds were used to purchase this Equipment (Agreement, section 3.3(c)):
- * Any and all Charter School policies, including but not limited to, employment policies, student discipline policies, student admission policies, special education identification, assessment and referral process policies, and non-discrimination policies;
- * All documentation setting forth student performance evaluations as set forth in section 3.5(a)(b) of the Agreement;
- * All Edison Schools, Inc. Bylaws and Articles of Incorporation;
- * All documentation relating to governance by the Community Council including, but not limited to, agendas and minutes for Community Council Meetings as required by the Ralph M. Brown Act;
- * All documentation relating to a School Improvement Plan as set forth in Section IV of the Charter;
- * All documentation reflecting compliance with California Education Code § 44327;
- * All documentation demonstrating that admission is offered first to the diverse student body as set forth in Section VII of the Charter;
- * All documentation reflecting compliance with the Consent Decree;
- * All documentation regarding student transfers and the reasoning therefore;
- * All financial audits; * All documents reflecting admission denials and the reasoning therefore;
- * All documents demonstrating compliance with Title I including all documents submitted to the United States Department of Education;
- * All documents demonstrating compliance with Title VI including all documents submitted to the United States Department of Education;
- * All status reports of school performance as required by Section IX of the Charter;
- * All documents demonstrating balanced budgets for each fiscal year as required by Section IX of the Charter;
- * All documents reflecting the reasons 14% of enrolled students did not participate in the testing

required for the 1999 Academic Performance Index;

* All End-of-Year Reports as required by the Accountability Standards set forth in Appendix E of the Charter;

* All Midyear Reports as required by the Accountability Standards set forth in Appendix E of the Charter;

* All Preliminary End-of-Year Reports as required by the Accountability Standards set forth in Appendix E of the Charter;

* All student or parent complaints and responses thereto;

* All customer satisfaction surveys;

* All documents, including agendas and minutes, for the School Site Council;

* All documentation reflecting compliance with Title I, Title VI, Title IX, IDEA, Section 504 of the Rehabilitation Act and the Americans With Disabilities Act, including all documentation submitted to state or federal regulatory agencies;

* All Edison Rules and Regulations as adopted by the Community Council;

* All rules and regulations adopted by the School Site Council;

* All evidence that the Charter School is in compliance with requirements of external source funding including reports, data and information regarding compliance as required by section 8.2 of the Agreement;

* All Quarterly Financial Reports as required by section 8.11 of the Agreement;

* All documents reflecting compliance with applicable laws, rules and regulations regarding indigent students as required by section 8.12 of the Agreement;

* All reports regarding Governance of the Charter School including names of the Board of Directors, terms of office and dates of Board of Director meetings;

* Personnel roster setting forth the names of instructional staff, grade(s) and/or subjects, California Teaching Credential, and verification that fingerprinting and criminal background check were completed;

* Student roster by grade level;

* Report on Instructional Time Allotments with schedule of instructional time.

Can San Francisco's other 114 schools provide this information on command, in a timely manner? And can the board itself, so determined to ensure accountability from Edison, stand on its own record of operational and financial accuracy?

Evidently not. In early April, the *San Francisco Chronicle* ran a series of stories on the findings of an independent audit of the San Francisco Unified School District conducted by the Arthur Anderson accounting firm. Among the 35 "areas of concern" were the facts that the district used \$30 million in school construction bond money to pay for salaries and overhead, could account of only half of \$30 million in bond money received since 1996, purchased three properties without being able to demonstrate a need for them, awarded contracts through verbal agreements, failed to install windows at Hillcrest Elementary School, and spent \$250,000 to bulldoze a vacant lot it did not own.

"Many of the problems cited in the Anderson report are attributed to lack of leadership, of skilled employees, of planning, of experience, of communication and of oversight," concluded the audit.

School Board President Jill Wynns, who is leading the charge against Edison, says she was aware that the bond money was being transferred to other uses because "I asked questions about it." When the *Chronicle* asked her if such transfers were illegal, she replied, "I don't know."

Even the most jaded San Francisco politicians and pundits have had enough. State Assemblyman Kevin Shelley (D-San Francisco) called the audit findings "a scandal of huge proportions." San Francisco Supervisor Leland Yee said the district's financial practices were "irresponsible," "incomprehensible" and "affecting the standards of our children's education." *Chronicle* columnist Ken Garcia calls the district a place "where ideology and political correctness carry more weight than oversight and accountability."

The follies of the San Francisco Board of Education illustrate why people go to the trouble of starting charter schools in the first place. True accountability is more than filling out district-mandated paperwork. It's cleaving to the idea that the education of children is a trust. Given a choice, would more parents choose to attend the charter school run by Edison, which failed to provide the district with "customer satisfaction surveys," or the Hillcrest Elementary School, where the district failed to provide the students with windows?

###

Mike Antonucci is the director of the Education Intelligence Agency, which conducts public education research, analysis and investigations. PO Box 2047, Carmichael CA 95609. Ph: 916-422-4373. Fax: 916-392-1482. E-Mail: EduIntel@aol.com.