



SCHOOL CHOICE PROJECT



Oregon Charter School Report Card:

The history, progress and future of charter schools in Oregon

	Qtr 1	Qtr 2	Qtr 3	Qtr 4
English	A	C	B	B
Social Studies	D	D	B	B
Math	B	A	A	A
Science	B	B	A	A
Art	A	B	B	B
Physical Education	C	C	C	C
Foreign Language	C	C	C	C



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I. INTRODUCTION

By *Steve Buckstein*

In 1991, two distinct educational reform paths took off in Oregon. That was the year Cascade Policy Institute was founded, with education as a chief policy priority. It was also the year that the Oregon Legislature passed the "Oregon Education Act for the 21st Century," known informally as "The Katz Bill" after then-House Speaker Vera Katz.

Cascade's efforts, often described under the broad category of "school choice," identified an inflexible system as the main problem facing Oregon's school children. Thus, we focused on reform ideas that would: 1) give educators greater opportunities to succeed, and 2) give families greater choice in selecting their schools.

The charter school option marries three reform approaches: opportunity for educators, choice for families and accountability for schools.

The Katz Bill took a different approach, emphasizing accountability in the school system. It focused on setting achievement standards and initiated a battery of tests to gauge student progress. Critics of the state's reform approached charged that it was painfully slow, mired in bureaucracy and did little more than show just how badly schools were failing to educate students year after year, without actually holding those schools accountable.

Fifteen years later, the Katz Bill's legacy has grown dim as the State Superintendent of Instruction recently announced plans to abandon the controversial Certificates of Initial and Advanced Mastery that developed out of that 1991 legislative reform effort.

Yet one reform idea from the school choice camp was given a chance with the passage of charter school legislation in 1999, and it continues to show to promise today. The charter school option marries the three reform approaches described above: opportunity for educators, choice for families and accountability for schools.

"A charter school is a public school that receives public funds under a written agreement – a charter – that outlines student performance goals and educational services the public charter school will provide. Charters are excluded from many statutes and rules guiding traditional public schools. In exchange for this freedom from regulation, the public charter school guarantees in its written agreement (charter) certain levels of student performance."¹

Now that charter schools have existed in Oregon for about seven years, we believe it's time to issue a report card on their progress. This report includes both national and state charter school history, a look at the research comparing test scores in charter schools to their regular public school counterparts, two analyses of how successful the charter movement has been in Oregon, and recommendations for improvement.

Cascade helped launch Oregon's charter school debate in 1993, while the national charter school movement was still in its infancy. We brought one of the few national charter school experts, Ted Kolderie, from Minnesota to meet with key Oregon education and business leaders to talk about adopting a charter school program in our state.

By 1999 the groundwork was laid for successful legislation authorizing Oregon charter schools. Cascade's Charter Policy Handbook was a key resource in that effort.² The Handbook was written by the Oregon Charter School Task Force, an independent group composed of "friends of the charter movement" and chaired by Richard Meinhard. It was hand-delivered to all 90 Oregon legislators who would soon vote on our state's charter law.

The Handbook suggested that the most promising way to motivate the public school system to create needed innovation and promising educational practices was through the use of public charter schools. It set out four principles for the framework of a charter school system in Oregon, which were:

- 1. Autonomy** – Charter schools must be separate and independent from local school district control.
- 2. Multiple sponsors** – Other public bodies besides the local school board should be able to charter schools.
- 3. Accountability in exchange for deregulation** – Charter schools must be accountable both to families and to the public in return for being released from many of the regulations that restrict regular public schools.
- 4. Public schools of choice** – Charter schools must be open to all students, tuition free, secular, and under public oversight.

The 1999 Oregon legislature passed, and the Governor signed, a charter law that, depending on who is asked, went a little or a long way toward adopting the philosophy and principles set out in the Oregon Charter Policy Handbook.

Charter schools are exempt from many rules that apply to traditional public schools. In exchange for this freedom, the school guarantees in its charter certain levels of student performance.

II. CHARTER SCHOOL NATIONAL HISTORY

By John Liljegren

By the 2004-05 school year, nearly 900,000 students were being educated in over 3,300 charter schools in 40 states and the District of Columbia, leaving only ten states without such a law.³ How did we get here in just 13 years since the first charter school opened?

The term “charter school” has been around since at least the 18th century, when it was used for Protestant schools established under English rule in Ireland for the education of poor Roman Catholics.⁴ The use of that term in the United States in connection with education reform is traced to Ray Budde, a teacher and professor of school administration at the University of Massachusetts.

In the late 1970s, Budde suggested to a local school board the reform idea of having school boards give a small group of teachers a contract or “charter” to create a school-within-a-school.⁵ Most of us faintly remember from history classes that charters were granted by kings or queens to the Dutch East India Company, to the Hudson's Bay Company, and to various companies and individuals for the purpose of establishing American colonies. The colonies had their own governors and legislatures but remained under the ultimate control of the English king.

In Budde's mind, this was analogous to charter schools, where ultimate control would remain in the hands of the school district, while the teachers under the charter would have a certain amount of independence. Budde even wrote an outline of a book to be called “Education by Charter,” which he sent to friends and colleagues for comment, but he received little or no positive response and the book was dropped, at least for the next 10 years.⁶

In 1985, a California alternative education association began advocating that teachers be granted the power to establish public schools.

The education reform movement got a boost in 1983 from the book “A Nation at Risk,” prepared by the National Commission on Excellence in Education at the request of the U.S. Secretary of Education. The book summarized data about poor academic achievement and declining test scores, warned about a “rising tide of mediocrity that threatens our future as a Nation and a people,” and issued a call for action. Many other reports and books were written on education problems in the 1980s, but in media attention and influence “A Nation at Risk” dwarfed them.

Within a year, hundreds of state-level task forces and business groups were studying education issues.⁷

In 1985, a California alternative education association began advocating that teachers be granted the power to establish public schools. It got a bill introduced in the California legislature in 1987, but no law was passed.⁸ By the late 1980s, Philadelphia had started a number of schools-within-schools, which it called “charters.”⁹

By the 2004-05 school year, nearly 900,000 students were being educated in over 3,300 charter schools in 40 states and the District of Columbia.

Perhaps the “launch year” of the charter school movement was 1988, when two significant events occurred. Ray Budde finally published his book, “Education by Charter: Restructuring School Districts.” He proposed creation of schools-within-a-school, to be administered by a group of teachers, under a charter with their school board, for terms of three to five years. The teachers' authority to manage the school would be combined with greater accountability for the failures and successes of their students.¹⁰

The second significant event in 1988 involved Albert Shanker, then the president of the American Federation of Teachers. A year earlier, he had visited a school in Germany that he believed had the characteristics American schools needed, such as a flexible schedule, genuine accountability, and structure. Shanker talked about his charter concept at the National Press Club and published a report “Restructuring Our Schools.” His idea was that charter schools would be voluntary for both teachers and students and would be operated for five to ten years, after which the school district could decide whether to extend the term or close the school.¹¹

In July 1988, the delegates at the American Federation of Teachers national convention proposed to begin looking into charter schools. They suggested that local school boards and unions could “jointly develop a procedure that would enable teams of teachers and others to submit and implement proposals to get up their own autonomous public schools within their school buildings.” As a name for these schools, Shanker suggested, “The best answer so far is ‘charter schools’ a suggestion made by Ray Budde. . . .”¹²

A Minnesota state senator heard Shanker speak in 1989 and decided to start working with a group of Minnesota citizens and legislators toward charter school legislation. That year a bill passed the state senate but not the House of Representatives. In 1991, however, they secured bipartisan support to get a limited charter bill passed at the end of the legislative session, as part of a huge omnibus bill. This charter school law, the nation's first,

allowed no more than eight schools to be created, and the first, City Academy in St. Paul, opened in 1992.¹³

California followed Minnesota's lead by passing a charter law in 1992, and opened 27 charter schools the following year.

The Public Charter Schools Program was appropriated \$6 million for the 1994-95 fiscal year to make grants available to charter schools for help with planning, startup and early implementation costs.

The federal government's interest in charter schools gained steam in 1993, when members of Congress proposed the Public Schools Redefinition Act and President Clinton proposed the Public Charter Schools Program. Although no legislation was passed that year, the following year Congress reauthorized the Elementary and Secondary Education Act (ESEA), and included within Title X the Public Charter Schools Program (PCSP). This program was appropriated \$6 million for the 1994-95 fiscal year, for the purpose of making grants available to help charter schools with costs in planning, startup and early implementation.¹⁴

The federal charter school program has continued to the present time, but the amounts appropriated annually have increased greatly, to \$145 million in five years (for the 1999-2000 fiscal year), and to \$217 million within another five years (for the 2004-05 fiscal year).¹⁵

The charter school movement rocketed forward from 1993 to 1999. During 1993 and 1994, nine additional states (six in 1993 and three in 1994) adopted charter school laws.¹⁶ During the 1994-95 school year, 87 charter schools were open (69 of which were in California and Colorado).

The movement experienced a huge growth spurt in the next two years, 1995 and 1996. Fifteen new charter laws were enacted (seven states each year, plus the District of Columbia in 1996). No two-year period before or since has seen as many states adopt charter laws.

Thus, in just six years, 1991 through 1996, half the states had adopted charter school laws, bringing the total nationwide to 26 states.

By the 1996-97 school year, 382 charter schools were open, more than quadruple the number two years earlier, in 1994-95. Measured by the percentage increase in number of schools, no two-year period since then has seen such growth. Two relatively new states to the charter field, Michigan (1993) and Arizona (1994), were rapidly expanding; by 1996-97 they already had 74

and 100 schools, respectively. California had grown to have 99 charter schools.

During the next three years, 1997 through 1999, growth nationally continued strong. Eleven states, including Oregon in 1999, adopted charter school laws (four in 1997, five in 1998, and two in 1999), bringing the total to 36 states.

In the three years between 1996-97 and 1999-00 (the year Oregon's first charter school began operating), the nationwide total of charter schools more than quadrupled again, growing from 382 to 1,689, an increase of 1,307 schools, or 342 percent. In the 1999-2000 school year alone, 484 new schools opened, more than any year before or since.

Since 1999, however, the number of new states adopting charter laws has slowed to a trickle. Of the 14 states lacking charter laws at the end of 1999, only four enacted laws in the subsequent five years, through 2004. Actually, a fifth state, Washington, adopted a modest charter school law in March 2004, after statewide ballot initiatives had failed in 1996 and 2000, but the new law was overturned in November 2004 by a ballot initiative backed by the state teachers' union. Thus, there are now 40 states with charter school laws. All of them had at least one charter school open in 2004-05.

The six 'big hitters' in the charter school movement so far have been California, Arizona, Florida, Ohio, Texas and Michigan.

In the five school years between 1999-00 and 2004-05, the nationwide total of charter schools grew by 1,654, or 98 percent, from 1,689 to 3,343 schools. In fact, for the past eight years (1996-97 through 2004-05), the number of added schools averaged 370 per year. By the 2004-05 school year, about 881,300 students attended charter schools.

What has been slowing, however, is the percentage increase in the number of schools added each year, which is to be expected as the "base" of total schools grows substantially. During the late 1990s, the total number of schools increased each year by at least 60 percent over the prior year. Since then, by contrast, the annual percentage increases have declined to the 20's in 2000-01 and 2001-02, and in the teens since then. With a current base of over 3,300 schools, even an increase of 400 schools in one year would be only 12 percent.

The six "big hitters" in the movement so far have been California (533 schools and 154,000 students in 2004-05), Arizona (509 schools and 74,000 students), Florida (301 schools and 53,000 students), Ohio (255 schools and 28,000 students), Texas (234 schools and 74,000 students), and Michigan (216 schools and 60,000 students).

III. CHARTER SCHOOL OREGON HISTORY

By John Liljegren

Oregon's charter school law was enacted in May 1999, but the law did not suddenly blossom from a seed planted that spring. For at least a decade, education reform ideas, including proposals for charter schools, had been germinating.

The national turmoil in education during the 1980s and 1990s affected Oregon. A major reform focus was on math and science, and several efforts were made, particularly by groups of Oregon science teachers, to obtain grants from the U.S. Department of Education and the National Science Foundation (NSF).

The NSF was looking for initiatives much more comprehensive than proposals simply to improve math and science standards and curriculum. Instead, the NSF wanted to fund “state systemic initiatives” that addressed all major components of an educational system and were long range, integrated, and well-coordinated among multiple agencies. But the NSF considered only grant requests submitted by each state's governor's office, and in Oregon the governor and the Oregon Department of Education (ODE) either had little interest or were opposed. Though 40 states eventually received “state systemic initiative” grants, Oregon never did. However, efforts to get these grants certainly helped spread general acceptance of the idea that major reform was needed.¹⁷

1991-1992: Reform ideas considered

In 1991, the legislature enacted House Bill 3565, formally known as the “Oregon Education Act for the 21st Century” and informally called the “Katz Bill,” after House Speaker Vera Katz. The Katz Bill, among other things, mandated that each school have a site council ostensibly responsible for the quality of education at that school. Some people hoped that the combination of site-governed schools and an emphasis on outcome based education would lead to higher achieving and more accountable schools. This may have diverted energy for a time from the push toward effective school choice, such as charter schools.

In 1992, the New American Schools Development Corporation solicited proposals from groups who wanted to develop models of “break-the-mold schools.” Almost 700 groups around the nation, including several in Oregon, submitted innovative proposals for new school designs. One was written by Richard Meinhard, Ph.D., Cascade Policy Institute Academic Advisor and Executive Director of the Center for Educational Change, entitled “Schools of the Marketplace.”¹⁸ As described in the proposal's introduction, “It sharpens the differences between bureaucratic and market approaches to school reform. It shows how and why we must use the creative, mutually beneficial relationships of healthy market mechanisms as a model for

redesigning the teacher/student relationship as well as the rigid and highly regulated public system of schooling.”

1993-1994: Introduction of charter concept

In May 1993, Cascade Policy Institute, the Center for Educational Change (then directed by Richard Meinhard) and Portland State University hosted a small conference called “Charter Schools: A Solution to Oregon's Education Crisis?” The conference featured Ted Kolderie, a leader of Minnesota's charter school movement. Kolderie also spoke at a public event hosted by Cascade, and met with leaders of Associated Oregon Industries in Salem.

Later that month, Representative Charles Starr introduced House Bill 3671, which would allow creation of charter schools. But few legislators were familiar with the charter school idea at this time (Minnesota's first charter school and the first in the nation had opened just a few months earlier), and the bill never even received a committee hearing.

Oregon's first charter school legislation was introduced in 1993, just a few months after the nation's first charter school opened in Minnesota.

Charter school proponents continued their efforts during the interim period before the next legislative session in 1995. A 1994 task force, led in part by a couple education service district superintendents, developed charter legislation recommendations for Representative Patti Milne. Based on these recommendations, Rep. Milne had a bill drafted and sought feedback from various educators, civic and education organizations, and potential charter founders.

In December 1994, the Yamhill Education Service District and the Center for Education Change hosted a larger conference, “Contracts, Charters, and Change.” This conference again featured Minnesota's Ted Kolderie and also brought in education researcher Paul Hill. To squash any budding charter school momentum, the Oregon School Boards Association and state Superintendent of Public Instruction, Norma Paulus, pressured educators to stop cooperating with the movement. After co-hosting the conference, the acting superintendent of the Yamhill Education Service District decided the ESD would disassociate itself from its co-host, the Center, and from any future projects concerning charter schools.

1995-1996: Testing options under existing law

Undeterred, proponents pushed on. In March 1995, Rep. Patti Milne introduced her charter school bill, House Bill 2892. Unlike its predecessor in 1993, this bill received several hearings before

the House education subcommittee. The Democratic Party started showing signs of more openness to the idea, and that same month the Oregon Democratic Leadership Council invited Ted Kolderie to speak.

But all the major statewide education organizations and ODE opposed HB 2892, and some Democrats who initially had supported the bill switched sides. In fact, virtually the entire Democratic Party membership of the House united in opposition, and the only prominent Democrat to support the bill was Secretary of State Phil Kiesling. Nevertheless, the committee approved the bill in May and sent it to the full House for a vote, where it was defeated 33-27.

Using parliamentary maneuvers, Republicans were able to have the bill reconsidered and sent to the House Rules committee, where it was again passed by the committee late in the session. By then, Governor Kitzhaber had sent a letter to the House saying that he would “veto any bill that goes beyond the public school choice provisions of the Oregon Educational Act for the 21st Century [the Katz Bill].” The bill never received another vote of the full House before the legislature adjourned in June.

The Oregon Department of Education was awarded \$1.3 million in federal charter schools funds for planning, implementation and capacity building grants statewide for 1996, 1997 and 1998, prior to the passage of any Oregon charter legislation.

In the fall of 1995, Richard Meinhard of Portland and Lowell Smith of Salem obtained ballot title certification for a charter school initiative. Although they launched a funded effort to gather the required signatures, the effort fell a few thousand signatures short of being placed on the ballot for a public vote.

In the meantime, the education establishment, which repeatedly argued over the years that existing law already provided sufficient opportunities for innovation and accountability, tried to prove that point with a school in Bend and thereby head off the charter movement.

School district boards had for years contracted with private organizations to provide alternative education services for students who, according to the districts, needed to be placed in an alternative setting. But these contracts were never for mainstream students, where the decision to attend the private school could be made by the students and parents instead of the district.

Challenging this practice, a number of Bend-area parents of middle school students organized the Bend Community School in early 1995, as a private, non-profit corporation. With the encouragement of ODE, the parents asked the district to fund the

school as an alternative education program, where students could attend at the election of their parents. The district agreed, changed its alternative education policies to allow this, and signed a contract with the school, which opened that fall. In October, ODE approved registration of the school as a private alternative education school.¹⁹

This development seemed to demonstrate that existing law allowed school boards sufficient discretion to authorize contracts for public education services provided even by private schools serving mainstream students. In fact, ODE eventually received a charter school grant from the U.S. Department of Education when, oddly, Oregon lacked the charter school law that was supposed to be a requirement for any such grant. But in its application, ODE cited the Bend Community School as an example of existing “charter-like” schools in Oregon.

Because some people thought the grant was illegal, it triggered national discussion about state eligibility for such grants. In any case, ODE was awarded \$1.3 million in federal charter schools funding for planning, implementation, and capacity-building grants statewide for 1996, 1997, and 1998.

Even the tiny move of approving the Bend Community School was too much for the teachers' union, which promptly filed two lawsuits against the district and ODE to block it. The trial court upheld the district and ODE early in the summer of 1996. The union plaintiffs appealed, and the court of appeals did not issue its decision until nearly two and a half years later, in November 1998.²⁰ During that period, ODE applied for and obtained the federal charter schools grant and another legislative session took place.

Although the court of appeals upheld several rulings by the trial court, in one important respect it reversed. It held that state alternative education law required the district, not parents, to decide whether it was necessary that a student be placed in an alternative education program to best serve the student's educational needs and interests.

Because the parents selected the students who attended Bend Community School, and the district paid for all those selected without any further evaluation of students' needs and interests, the district violated state law. This court of appeals decision negated any notion that existing law could be used to create genuine choice schools, where parents made the choices that are at the heart of charter schools.

In November 1996, the Northwest Regional Educational Laboratory (NWREL) sponsored The Northwest Symposium for Charter School Policy, to which it invited educators, parent activists, and policymakers from Alaska, Idaho, Montana, Oregon, Washington, and Wyoming.²¹

The education establishment continued efforts to squash any charter schools momentum, arguing that existing laws already provided sufficient means of flexibility, innovation and

accountability. At the November NWREL conference, Leon Fuhrman of ODE argued that Oregon, along with many states, already provided opportunities for innovation and regulatory freedom within existing school-reform laws and therefore passing charter schools legislation would simply create another layer of bureaucracy. Fuhrman said states should "tweak" existing reform laws and "build on what exists" instead of writing new laws.²²

A November 1998 court of appeals decision negated any notion that existing law could be used to create genuine choice schools, where parents made the choices that are at the heart of charter schools.

1997-1998: Time runs out on charter legislation

Nevertheless, as the 1997 legislative session began, the outlook for charter schools in Oregon was brighter than ever. Republicans controlled the Senate, 20-10, and the House, 31-29, and the chairman of the Senate Education Committee, Tom Hartung, was a strong charter school proponent. Though several charter school bills were submitted, eventually they were consolidated into Senate Bill 628, which the Senate passed in April by a vote of 18-12.

The bill stayed tied up in the House Education Committee for two months. The committee eventually passed the bill, but no vote by the full House took place until July 3rd, just two days before adjournment. All 29 House Democrats voted against the bill, and they were joined by one Republican, Chuck Carpenter, thus causing a tie vote of 30-30, meaning the bill failed (in a standard parliamentary move, another Republican, Ron Sunseri, then voted no, thus creating the possibility of changing his vote later so that the bill might be reconsidered, but time ran out).

Looking back years later, some charter school proponents believe the failure in 1997 was good in the long run, because the 1997 bill was a poor one and the 1999 law was far superior.

1999: Charter legislation finally passes

By 1999, the outlook for a charter school law in Oregon had greatly improved. Nationally, the charter school movement had experienced tremendous growth, in both the number of states enacting charter laws and the number of operating charter schools. The prior legislative efforts in Oregon and years of advocacy by the Center for Educational Change and others had increased public acceptance of the charter idea and increased the number of supportive Oregon lawmakers.

Meanwhile, Rob Kremer had created an organization called the Oregon Education Coalition made up of parents, public school teachers and administrators, business people, and other citizens to support various education reforms, including charter schools. Kremer was spending much of his time lobbying in Salem and had formed helpful relationships with lawmakers and other lobbyists.

Furthermore, ODE had been chastised for receiving federal charter school grant funds when the state did not have a true charter school law and needed such a law to continue receiving those grants.

During the 1999 legislative session, Republicans still controlled the Senate, though by a smaller margin (17-13), and had increased their majority in the House (34-25, with one independent). Of critical importance was the fact that both education committee chairmen, Tom Hartung in the Senate, and Ron Sunseri in the House, strongly supported charter school legislation.

As the legislative session opened, Cascade Policy Institute published an Oregon Charter Policy Handbook, which was compiled by an independent Oregon Charter School Task Force led by Richard Meinhard. The handbook contained among other things a rationale for charter schools and proposed model legislation. It was unveiled at a news conference at the State Capitol and then a copy was hand-delivered to every legislative office in the building.

Proponents were confident that a charter school bill would get passed by the legislature. Their biggest fear was that Governor Kitzhaber, who indicated early in the year that he was open to considering a charter school plan, would nevertheless veto whatever bill got passed. From the beginning of the session, charter school legislation was a hot issue. The key lawmakers agreed to submit just one charter school bill and obtained a good bill number for publicity purposes, Senate Bill 100.

Seventy-six versions of Senate Bill 100 were drafted before the charter legislation was signed into law on May 27, 1999.

The Senate Education Committee quickly approved Senate Bill 100, and on February 3, 1999 the full Senate approved it 16-14. This vote was generally along party lines, Republicans in favor and Democrats against, but three of seventeen Republicans voted no (Vern Duncan, Len Hannon and David Nelson) and two of thirteen Democrats voted yes (Thomas Wilde and Mae Yih).

The bill moved to the House, where the House Education Committee held many hearings and work sessions during February and March, then voted out an amended bill on April 6.

Two days later the full House approved the bill 32 to 26. All but one of the 34 Republicans voted in favor (and one other was absent). Every one of the 25 Democrats (except one who was absent) and the one independent representative voted against the bill, joined by the one Republican “no” vote (Vic Backlund).

The public record of hearings and votes does not reveal the behind-the-scenes intrigue and politicking that took place throughout the session, as amendments were repeatedly proposed to deal with various issues and objections, to secure support of wavering lawmakers, to increase media and public support, and to reduce the likelihood of a Governor veto. Eventually, 76 versions of the bill were drafted.

Governor Kitzhaber had said there were nine principles he believed essential to effective charter school legislation. Proponents amended SB 100 in such a way that they could plausibly claim the bill met eight and one-half of those nine principles. The major sticking point was whether the law would require that 100 percent of all charter school teachers had to be licensed, instead of 50 percent as the bill provided.

Governor Kitzhaber wrote an opinion piece in the Eugene Register-Guard saying that he would veto the bill unless it required 100 percent teacher licensing. In response, Rob Kremer of the Oregon Education Coalition wrote an Oregonian opinion piece chiding the Governor for pandering to the teachers' union, and then Kremer commissioned a cartoon picturing the Governor as a lap dog of the union, a cartoon seen posted on many walls in the state capitol.

The approved Senate Bill 100 required that at least half of all charter school teachers had to be licensed, not the 100 percent Governor Kitzhaber had demanded.

After the House passed SB 100, the bill went back to the Senate, where, after referral to a committee and further work sessions, it was approved by the committee without any additional amendments. On April 29, the Senate voted 18 to 11 to agree with the House-approved version of the bill. The charter school proponents had gained a net two Senate votes since February (switching from no to yes were two Democrats, Peter Courtney and Avel Gordly, and one Republican, Len Hannon; and Democrat Mae Yih switched from yes to no).

The approved SB 100 required that at least half of all charter school teachers had to be licensed, not the 100 percent Governor Kitzhaber had demanded, and thus no one knew whether the Governor would fulfill his promise to veto it. But for reasons never made public, he changed his mind and signed the bill into law on May 27, 1999.

Changes in the Law since 1999

The original law contained two provisions that were set to expire automatically a few years later. One said that at least 80 percent of a charter school's students had to come from the same district where the school is located. This provision expired January 1, 2004, and thus there are no longer any restrictions on the number of students from another district who may attend a charter school.

Of the nineteen charter schools to open in the first three years, six were very small schools in rural areas that either had already been closed by districts or faced a strong likelihood of being closed.

The second provision said that the total number of students attending all the charter schools within any one district cannot be more than 10 percent of the number of students in that district. This provision expired January 1, 2003, but at that time no district had close to 10 percent of its students attending charter schools.

The legislature has enacted a few minor changes to the charter school law since 1999, but no major changes. The minor changes the legislature made in 2001 and 2003 include these four: (1) school districts that decide to create and directly operate a charter school (as contrasted with the typical charter school that is operated by an independent non-profit organization) are no longer required to create a non-profit organization to operate the school or to apply for tax exempt status with the IRS; (2) the “poverty factor” is calculated using the same percentage for a charter school as is used by the district in which the school is located (this adds a small amount to funding for schools); (3) charter schools are subject to the law prohibiting corporal punishment; and (4) charter schools may receive services from an education service district in the same manner as other public schools.

Charter Schools Opened in Oregon

The first charter school to open under the new law was the Lourdes School, in the Scio School District in Linn County. Lourdes had been a K-8 school district since 1898, but was merged into the Scio district in 1998, then closed by the district. The school was reopened as an alternative education school for one year, with staff donating their time. The charter law presented an opportunity to keep this community school alive, and it is now operating in its seventh year as a K-8 charter school, serving 49 students (the most allowed by fire codes in its leased building), with about 25 students on the waiting list.

The other charter school to open in 1999 was the Molalla Alternative Options School. The school operated for two years, through 2000-01, and seemed to be generally regarded as, or assumed to be, a charter school. However, no non-profit corporation had been created (as required by law) and there was no formal charter contract between the district and any independent entity. There had been a charter proposal signed by the district board chairman and members of a site council, and that was probably the reason why those in leadership at the school believed they were operating a charter school.

In any case, in 2001 the district asked for proposals to seek a technical assistance grant from ODE to help design a genuine charter school and conflicts arose between staff at the school and district administrators. The district eventually took the position that no legal charter school had ever actually existed; instead, they deemed the school to be a district-run alternative school. Although a group formed a non-profit corporation and proposed operating as a charter school under contract with the district beginning in the fall of 2001, the district never approved this proposal, and the school discontinued operations at the end of the 2000-01 school year.

Nine charter schools started operations in the 2000-01 school year, four of which subsequently closed. Out of seven schools that opened in 2001-02, six were continuing their operations in 2004-05, their fourth year. Of the eighteen schools to open in the first three years of the charter law, six were very small schools in rural areas that either had already been closed by districts or faced a strong likelihood of being closed. Another seven had missions that focused on students who were either “not making it” in other schools or were looking for a smaller school setting or more specialized education. Several schools had an education philosophy rarely if ever found in public schools, for example, Waldorf, Montessori, a military model, and expeditionary learning.

In the next three years, 45 charter schools were opened (nine in 2002-03, nineteen in 2003-04, and seventeen in 2004-05), only two of which have since closed, one after the 2004-05 year. Thus, during 2004-05 there were 56 operating charter schools. Two of those are sponsored by the state board of education, after applications were denied by a district school board. The state board has denied two other appeals, and one appeal is currently pending. A total of eight schools have closed.

During 2005-06, nearly 7,600 students attended 66 Oregon charter schools,²³ out of a total K-12 public school enrollment of 559,000.²⁴ Thus, the average Oregon charter school size was about 115 students, compared to a national average of over 260 students per charter school.

Table 1 lists all Oregon charter schools open through 2005-2006.

IV. DO CHARTER SCHOOLS OUTPERFORM OTHER PUBLIC SCHOOLS?

By Steve Buckstein

At Cascade we believe that whether or not charter schools outperform other schools academically, the very choice they offer parents and students justifies their existence. But naturally we want to know how they compare. Because Oregon has relatively few charter schools and relatively few students in those schools compared to its entire public school universe, making broad academic comparisons is not an easy task. We therefore sought out the most comprehensive national study of such comparisons; a December 2004 study by noted education economist Caroline Hoxby of Harvard.²⁵

Carolyn Hoxby found that Oregon's 5th grade charter school students were 13.9 percent more likely to be proficient in reading than their matched public school counterparts.

Here is the Abstract from her study:

“This study compares the reading and mathematics proficiency of charter school students to that of their fellow students in neighboring public schools. Ninety-nine percent of all elementary students in charter schools are included in the study. The charter schools are compared to the schools that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the “matched” school). Compared to students in the matched regular public school, charter students are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math on their state’s exams. Students in charter schools that have been in operation longer are more likely to have a proficiency advantage over their peers in the matched regular public school. In reading, the advantage is 2.5 percent for a charter school that has been operating 1 to 4 years, 5.2 percent for a school operating 5 to 8 years, and 10.1 percent for a school operating 9 to 11 years. Also, charter school students are more likely to have a proficiency advantage if their school has funding that is at least forty percent of that enjoyed by regular public schools. The results suggest that charter schools are especially likely to raise the achievement of students who are poor or Hispanic.”

Hoxby’s study primarily compared the reading and mathematics proficiency of 4th grade charter school students to their traditional public school peers. Because of Oregon’s testing regime, she needed to use 5th grade traditional public school and

charter students here. Her study included all Oregon charter schools with 5th grade students in the 2002-2003 school year. Even then, the Oregon State Department of Education testing results only allowed her to compare reading results for those students to the results of students in the regular public schools they most likely would have attended had charter schools not been an option. Comparable mathematics results were not available.

“The Legislature and Oregon Department of Education (ODE) should seriously explore statewide open enrollment, making it easier for all Oregon students to choose from any regular, charter or magnet school, or special emphasis program around the state.”

– The Chalkboard Project

Thus, Hoxby looked at 125 5th grade students in seven Oregon charter schools and found they were 13.9 percent more likely to be proficient in reading than their matched public school counterparts, controlling for schools targeting at risk or gifted students. That compares to a 5.2 percent advantage for charter school students nationwide.

The Hoxby study is strong evidence that charter schools have contributed to higher levels of academic achievement both nationally and in Oregon.

A year after the Hoxby study, The Oregonian published its own review of Oregon charter school student performance.²⁶ It concluded that the state's elementary and middle charter schools are largely outperforming regular schools with similar demographics, while most charter high schools are underperforming. Charter supporters point out that charter high schools often attract students who have already dropped out of traditional public schools or are well behind academically when they decide to try the charter option.

Recognizing that research about charter schools and some other market-based school competition is encouraging, the prestigious Chalkboard Project²⁷ last year recommended the following:

“The Legislature and Oregon Department of Education (ODE) should seriously explore statewide open enrollment, making it easier for all Oregon students to choose from any regular, charter or magnet school, or special emphasis program around the state.”²⁸

If the state acts on the Chalkboard Project recommendation and it becomes easier for students to choose from a wide variety of school types, then more students may choose charter schools, giving researchers a larger sample from which to make academic comparisons.

V. THE STATE OF THE CHARTER SCHOOL MOVEMENT IN OREGON

by Rob Kremer

Oregon's charter school law is celebrating its seventh birthday.

Governor John Kitzhaber signed the charter school bill into law on May 27th, 1999, an action that still puzzles those of us who were involved in the legislative effort. Just two weeks prior, he had written an opinion piece in the Eugene Register Guard saying he was going to veto the charter school bill unless it was amended to require 100 percent of charter school teachers to hold an Oregon teaching license.

No amendment was made, but sign the bill he did. By doing so, Governor Kitzhaber sparked a movement that, although still in its formative years, holds promise to significantly alter the K-12 landscape in Oregon.

At the end of the 2004-2005 school year, Oregon had 56 operating charter schools. Compared to other states, our rate of charter school formation, adjusted for population, exceeds that of both California and Colorado, two states that are considered to have very successful charter school movements.

Oregon's charter schools are small. The 56 schools serve about 6,000 students, which means that charters comprise five percent of all public schools, but serve just one percent of public school students. The average size of charter schools will almost certainly increase over time, since most schools start small and plan to grow by adding grade levels. But compared to school district schools, charter schools will likely remain much smaller.

Compared to other states, Oregon's rate of charter school formation, adjusted for population, exceeds that of both California and Colorado, two states that are considered to have very successful charter school movements.

The size difference between charter and regular public schools is interesting because the trend in school districts is toward bigger schools. Districts, both urban and rural, are closing small school buildings in pursuit of cost efficiency, despite mountains of evidence showing the academic and social benefits of small schools. Fiscal realities are forcing kids into larger schools, but charters will remain as a pressure release valve for parents who want a smaller school environment for their kids.

The charter school movement in Oregon is somewhat unique. The final version of the bill that Governor Kitzhaber signed was supported by two major education establishment lobbying

groups the Oregon School Boards Association (OSBA) and the Confederation of Oregon School Administrators (COSA). In other states, such groups have universally opposed charter legislation, which means the movement is usually born and raised in an environment of constant conflict and opposition.

In Oregon, the support of these key groups has helped create a more collaborative relationship between charter schools and school districts, but the political compromises that were necessary to gain their support (without which the bill would have almost certainly never passed) have created conflicts of their own.

If a district doesn't want the charter school in the first place, why would it actually negotiate on any one of the dozens of crucial elements of the charter contract that would ensure a successful school?

Most of the conflict springs from the processes the legislation established for the approval and renewal of charter schools. Oregon's charter law requires that a charter school get its approval from the local school district. If the district denies the proposal, it can be appealed to the state. Essentially, a charter school must ask a district: "Is it okay with you if we start a school in your district that will compete for kids against the schools you operate, and when a child enrolls in our school from one of yours, most of the money you would have gotten for that child will come to us?"

Most school districts (although not all) are less than excited about this prospect, and so the approval process can become very hostile and politically charged. Many districts look at a charter proposal with an attitude of "How can we deny this proposal and make the denial survive an appeal?" Unfortunately, the vague language of the charter law gives a school district plenty of avenues to deny, and they have learned through collective experience which ones have the smoothest surface.

Even when a charter school wins approval in a hostile district, the battle is far from over. The next step is to negotiate a contract that sets the terms of the relationship between the charter school and the district. Without the contract, the charter school can't even get started, but the district has no incentive to negotiate the contract in good faith. If the district doesn't want the charter school in the first place, why would it actually negotiate on any one of the dozens of crucial elements of the charter contract that would ensure a successful school?

A district can refuse to renew a charter contract for any reason it desires, or no reason at all, and there is no avenue for the charter to appeal.

It is quite common for a hostile district to take a hard line on a crucial contract issue, then refuse to give any reasons for the position it takes. For instance, it might insist on a two year term for the contract, which the district knows will cripple the charter school right out of the box, making it very hard to enter into lease contracts, borrow money, justify leasehold improvements, and convince parents it will be around for the long haul. If the charter school doesn't agree to the two year term, it won't ever get the contract signed.

The problem is the charter school has absolutely zero leverage in the negotiation. Indeed it's not really a "negotiation" at all. Contracts are negotiated between two parties who both desire some resolution, and therefore both have incentive to come to terms. A hostile school district has the opposite incentive. It would be perfectly happy to not come to resolution, so the charter could not start. The charter school almost always ends up losing, because it has little choice but to agree to terms that set it up for failure.

Even if an acceptable contract is negotiated, there's the problem of expiration. The charter law has a gaping flaw in the contract renewal process, which hostile school districts are now realizing they can exploit.

The continued existence of the charter school is subject to the whim of the very entity that is most likely to want it shut down, the school district.

The statute says only that a charter contract "may be renewed upon the authorization of the sponsor," which means that a district can refuse to renew a charter contract for any reason (or no reason at all) and there is no avenue for the charter to appeal. A charter school could be phenomenally successful, have a waiting list of a hundred students, and be living up to all its accountability provisions, but during the final year of a charter's contract, the parents and school staff literally do not know if the school will exist the next school year. In other words, the continued existence of the charter school is subject to the whim of the very entity that is most likely to want it shut down: the school district. It strains credulity to think the legislature intended that a successful public charter school could be closed, after hundreds of thousands of dollars of public investment, simply because a school district doesn't want the competition.

This and other problems that are caused by hostile school districts dealing in bad faith could be solved by vigorous oversight from the Oregon Department of Education. The legislative intent section of the charter statute states, "The provisions of this chapter should be interpreted liberally to support the goals of this section..." But the state allows school districts to time and again violate the spirit of this provision.

Although most school districts are hostile to charters, some have truly embraced the charter school concept and are using the new law to better serve their own students. Salem-Keizer School District, Scio School District, Reynolds School District and North Clackamas School District all have used the new law to create new schools that they could not otherwise have started.

The phenomenon of districts starting charter schools, however, makes independent charter school operators a little nervous, because they suspect that the primary motive is often to access the federal charter school planning grant funds that the state doles out to charter schools to help them get started. The state has administered the charter school planning grant program since the year 2000. Applicants submit competitive grant proposals, with the dozen or so winners each year getting a total of up to \$350,000 in funds to defray start-up costs.

In the last several competitions, district-generated charter schools have comprised more than half the successful grant awards. Independent charter operators who don't have access to taxpayer-paid grant writers and school development teams argue that districts should not have access to start-up funds intended for truly independent charter schools.

Some school districts have used the charter school law to save small rural schools that otherwise would have to be closed for financial reasons. For instance, the Philomath School District was planning to close the Kings Valley School, a tiny rural elementary school in the mid Willamette Valley. It was no longer efficient for the district to staff and maintain the building, so it slated the school for closing, and the children were to be bussed across the valley to another Philomath school.

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The parents in Kings Valley asked the district to let them operate the school as a charter school, and they purchased the building for a nominal cost. Kings Valley Charter School is now a thriving small elementary charter, and the small community still has its local school.

Other small rural districts are using the charter school law for a purpose that nobody ever anticipated: saving their district.

Paisley School District, a tiny one-school district in Lake County found itself buried in various costly state mandates. For instance, although it only had 87 students, it was required by state education rules to have a certified librarian on staff. If it failed to comply with this and other state mandates, it could be declared “non-standard” and be taken over by the state.

The solution: turn the district's single school into a charter school, which exempts it from a long list of state education statutes and rules, including the librarian mandate. Operationally, calling itself a charter school changed virtually nothing, but in reality, it was able to essentially deregulate itself out from under rules and mandates intended for larger districts.

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Finding and paying for suitable facilities is another challenge for charter schools. Charters receive, on average, about \$4,000 per student in public funds, from which they must finance their facilities. Unlike school districts, charters don't have access to bond money for their facilities. Oregon's land use laws make it extremely costly to either build a facility from scratch or adapt an existing facility to be used as a school.

Charter schools find themselves navigating city and county zoning and development ordinances in order to build or adapt a facility, which almost always adds tens of thousands of dollars to whatever the project will cost. Local governments routinely view development projects as an opportunity to extract some public benefit, which is bad enough when the project is a large scale, for-profit real estate development. But when it's a shoestring no-frills school facility built by an upstart non-profit, the added cost of local government requirements can sink the entire project. For instance, a small charter school in Woodburn wanted to install modular classrooms on a parcel of leased land. The total project was estimated to cost \$130,000, mostly for grading, landscaping, sidewalks and other site improvements. The classrooms were built, but the city required the school also build a \$40,000 block wall between it and the neighboring property—a wall that neither the school nor the neighboring land owner wants.

Surveys have shown that the facilities problem is the single biggest obstacle for charter schools all around the nation. Oregon's restrictive and costly land-use regulatory system makes it an even bigger problem here.

Starting a charter school is arduous work. It is made far harder than it should be by artificial barriers many school districts place in their paths.

Despite these struggles, the charter law has triggered an incredible release of pent-up energy in Oregon in the form of public educators, parents and civic leaders who overcome tremendous obstacles to see their vision for what public schools can be turned into reality. Will the cumulative effect of this energy overcome the artificial barriers and transform public

education in Oregon?

It's too early to tell. But we can say that the charter school movement in Oregon, at age seven, is a child with much potential.

Surveys have shown that the facilities problem is the single biggest obstacle for charter schools around the nation. Oregon's restrictive and costly land-use regulatory system makes it an even bigger problem here.

VI. GRADING OREGON'S CHARTER POLICY

By Richard Meinhard, Ph.D.

States are now beginning to reject the idea that all public education must be delivered through the existing school district system. They are beginning to open the delivery of public education to other providers through vouchers, contracting, home schooling support and charter schools. For state legislatures, it is becoming immoral to continue restricting so many kids' lives by continuing to rely on the sole strategy of trying to make existing schools improve. Legislatures want to open the delivery of public education to other options.

Of these attempts to open up opportunities for other providers to offer public education, the charter idea is perhaps the most compelling legislative strategy. The charter strategy creates another sector of public schools that are chartered, self-governing and actually accountable for delivering public education. These public schools are more or less separate from the existing district system.

The idea of a separate charter sector has faced extreme political resistance from those inside the existing district system. This resistance is understandable because they have a vested interest in maintaining the districts' exclusive franchise over public education dollars and services on which their jobs and benefits rely. But there are well established, rational principles that legislatures can follow to responsibly and gradually lift the exclusive franchise districts hold over public education and public dollars. These principles have been developed over the years by national policy groups.

The charter school concept is about allowing change-oriented educators to develop new opportunities free from the control of established school districts. A workable plan has to include the method whereby new charter schools can come into being separate from districts and the principles for establishing a self-governing, accountable schools model. A useful set of principles for evaluating Oregon's charter policy can be found in Ted

Kolderie's book, "Creating the Capacity for Change: How and Why Governors and Legislatures Are Opening a new-Schools Sector in Public Education." This discussion builds on Kolderie's evaluation model.

1. Grading the Creation of an Independent, New Schools Sector

To what extent has the state created a healthy, independent sector of new schools? In Oregon, new charter schools are cropping up at a healthy rate. Sixty-six are now operating, which suggests Oregon's policy has at least the basic features necessary for creating an independent sector. But the new charter sector has serious limitations that inhibit dynamism and cost charter starters huge amounts of time and money.

To What Extent Does Chart Policy Create an Independent Sector for New Schools?

F or D Policy is Unworkable; There is No Separate Sector	C- or C+ Policy Has the Basics But With Limitations	B or A Proficient Policy; There is an Independent Sector
At this undeveloped stage, a charter policy cannot create an independent sector of new schools that has any of the dynamics necessary to promote change and improvement. Charters exist by being incorporated into the traditional public school system both at the local district level and at the state level. They exclusively or largely come into existence at the discretion of districts and are controlled by district rules and administration.	At this stage of policy development, the basics are present for creating an independent sector of new schools but it is limited and misunderstood. The charter sector has weak independence and separation from local district control and resistance. Some weak mechanisms provide some protections to the charter sector but unnecessary controls create inefficient processes and limitations.	A policy proficient in creating an independent sector reflects an understanding of the dynamics of an open system for promoting change. By having its own supportive sponsors, infrastructure, regulations and standards, the charter sector exists independently and parallel to districts and the state department. Neither districts nor the state can control or prevent the growth of the charter sector.

We can grade Oregon's policy in establishing an independent charter sector by evaluating: the legal autonomy of the charter sector, the availability of choices for charter starters among supportive sponsors, the degree of equity and independence of revenues, the amount of choice to select a charter school given to students and families, and the eligibility of various types of organizations to start a charter school.

Oregon policy allows districts the power to by-pass the provisions of an approved charter developed by applicants by requiring a second step that gives the districts control over writing a contract. It means districts can insert additional legal

Legal Autonomy – What is the legal status of the charter sector?

No legal autonomy	Dependent / independent	Legally autonomous
The local districts can regulate and impose standards. The charter is essentially a creature of the district controlled by a contract issued at the discretion of the district and administered by the district. Applicants may have to prove need, show support and not compete with an existing school.	The charter school's contractual language is written or controlled by the local district, although there may be some kind of appeal or method for renegotiation if the local district terminates or denies the application. The state may intervene in order to arbitrate in a denial.	Charter starters form independent organizations that offer a charter to a sponsor. They develop their charter with content that answers key questions of the state and choose a sponsor who may either accept or reject. Sponsors have no obligation to consider or approve charter applications. Charter schools have defensible property rights for their existence and exist as Local Educational Agencies just as a district does.

requirements after the charter is approved. By putting chartering under the control of the local district, charter schools remain at risk of accepting difficult contract provisions. Charter starters must also go through districts to obtain a charter planning grant.

Sponsorship – How much choice is there in selecting a sponsor?

Local district only can approve	District approval with an appeal process	Multiple sponsors can approve charter
Only the local district can act as a sponsor and approve a charter for a school inside the district boundaries. It decides on the basis of district needs.	Charter applicants must go to the district, but can appeal to the state board if there is an impasse. The state mediates disputes, or the law may allow a state board to charter a school as a last resort. The district may block approval by claiming harm to the district.	Charters starters can choose from among several sponsors including a sponsor who is dedicated to chartering schools. The process is efficient, voluntary for all and clear. The district's concerns are irrelevant to approval.

Oregon policy effectively gives districts the sole decision making authority over any chartering inside the district boundary. Oregon does have a limited appeal process to the state board of education if the local district and applicant can't reach agreement after re-submission. The state board arbitrates and sends the decision back to the local district, and it will only reluctantly override a district's refusal to charter the school itself.

There is little support for chartering at the state level and in some large districts. Pushing a charter application through can be a time consuming and costly process for charter starters. Districts can, and have, stopped charter schools.

Funding – To what extent is there a dedicated, equitable revenue stream?

Incomplete district funding	Mandated funding through districts	Independent revenue stream and parity with other public schools
The local district provides funds for the charter school for operating costs only. The funding is less than the per pupil amount the district receives. The district has no obligation to allow a charter school to use district building space.	There is a minimum level of funding by districts for charter schools, with some provisions that encourage districts to give charters building space, operational support services and development support	The funding stream is direct from the state, follows the students and is equivalent to the districts' revenues. Funding includes all the entitlements, special allocations, building costs and grant opportunities districts receive. There are methods of financing created to allow debt for buildings. Funding is tied to actual individual student growth.

In Oregon, all funding goes through the district. Charter schools receive a percentage of the district's average per student operating fund revenues, which averages in special funds for at-risk kids. This means charter schools serving at risk students are not given the extra per pupil amount allocated to districts for these students, only the average for all students. Charter schools receive nothing for building costs or rental off set. There are no provisions for capitalization or land use accommodations for charter schools.

Choice – To what extent are students free to choose from among the schools?

Restricted to district students	District controlled provisions for out-of-district students	Unrestricted student choice
Only the local district students may enroll in a charter school and there may be caps on the percentage of district students who can enroll.	Transfer agreements are allowed at the discretion of districts. Districting and district boundaries control the arrangements. Districts still "own" the students inside the district boundaries.	There is open, uncapped enrollment in all charter schools. Students are free of district boundaries in choosing their school. Any student from any place in the state may choose a charter school.

There is considerable in-district choice arranged through inter-district transfer agreements for students and families in most districts in Oregon, although the inter-district transfer agreements do not extend to charter school families. A charter school can accept out-of-district students only if all district students applying are served. The post-secondary option to attend community college is open to Oregon students.

Eligibility – How open is the eligibility to start a charter school?

Restricted	Open with restrictions	Unrestricted
Eligibility is restricted to non-profit organizations and groups that can demonstrate majority and educator support. There may be restrictions on the make-up of the governing board of the charter school, restrictions on conversions or a requirement that the school not impact the district. For-profit schools are not allowed.	Any group may start a charter school if they can show financial viability. Conversions of existing public or private schools may be prohibited or highly regulated. There are still restrictions, such as prohibitions against for-profit schools, organizations that cannot establish immediate financial viability or schools that would impact the district. There may be limitations of size or prohibitions against non-traditional organizations, such as home schools, e-schools and contracted study schools.	Any person, organization or group is eligible to start a charter school. Any existing or new school can charter in any or all of its students. There are no prior restraints imposed on qualifications or capabilities that must be demonstrated, except prohibitions against felonious background of officers and employees. There is no prohibition against for-profit organizations.

Oregon prohibits for-profit charter schools and conversions of private schools, although a non-profit charter school can contract with for-profit organizations. There is a minimum enrollment size of 25 and a requirement to show financial viability. The local district may disqualify a school that it deems would have an adverse impact on the district.

Evaluation Score

In developing a sector of new schools independent from districts, these five factors (autonomy, sponsorship, funding, choice and eligibility) support a rating of a low C-minus for the current state of development of Oregon's charter policy.

2. Grading the Model of the Accountable, Self-Governing School

Next, we grade Oregon's charter policy by evaluating how well it establishes the model of the accountable, self-governing school. District schools are administered and owned by the district. Schools are regulated, tested, administered and funded as the means for delivering public education. They are not accountable for outcomes in any consequential sense.

The accountable school idea replaces the process controls of regulation and administration with contractual education outcomes that charter schools must deliver. Sponsors may not continue to approve them if they do not deliver the outcomes. Administered schools have security and regulations; accountable schools have guaranteed outcomes and freedom from regulations.

How Well Developed is the Accountable, Self-Governing School Model?

F or D Administered, Dependent on Districts	C- or C+ Semi-Autonomous, Unclear Accountability To District Sponsor Only	B or A Self-Governing, Clear Accountability for Both Families and the Public
By state and district policy, the new schools are administered and not self-governing schools. Controls are placed on the school's operations, personnel, financial, or educational processes and decisions. The outcomes are vague, general and may include non-academic notions. The schools are subject to the same regulations or bargaining agreements as district schools. There may be limited options for some waivers. The schools are, in effect, district administered schools rather than autonomous, self-governing schools. The charter schools are subordinate to the districts and have few appeal options choices in chartering matters.	The schools have significant autonomy from the district sponsor with a state blanket waiver of most regulations, although there are significant exceptions. Accountability is on general outcomes, standardized achievement tests, and some process compliance. The replacement of regulatory control with outcome accountability is beginning although it is still mixed. Accountability to families and to the public remains undifferentiated. Significant aspects remain non-voluntary.	The chartered schools can assume any form of organization. The charter contracts deliver and demonstrate clear, specific, individualized outcomes of growth for each student. The schools are free to develop and operate specialized programs responding to targeted students and families who freely choose and evaluate the contracted outcomes and services. Parental and public accountability are differentiated and both legally enforceable. The public accountability overseen by the sponsors ensure a minimum, general level of performance, health, and safety. Student success evaluated by families plays the primary role in the dual public/family charter accountability. Schools are free from time- and place-bound restrictions. There are appeal processes for all.

In order to gather supporting data for an evaluation of this criterion, we can look at five essential factors: autonomy and self-governance, accountability, deregulation, consumer rights, and personnel and certification.

By law, Oregon districts do not have to renew a charter and they can limit the charter to less than five years. Districts can impose frequent and detailed reporting requirements. Charter schools do not have a right to the full per pupil funding that districts receive, nor do they receive the additional amounts for serving more than the district average percentage of students receiving special compensation funding. Schools must demonstrate financial stability as a charter condition, and regardless of the students they serve, they cannot receive funding under the alternative education formula.

Autonomy and self-governance – To what extent is the school a legally autonomous, self-governing entity?

Regulated	Some regulations, some contracted outcomes	Enforceable contracted outcomes only
The school is controlled by state regulations in its internal operations.	For-profit schools or conversions are prohibited or highly regulated, although schools may contract freely. Schools do not have a property claim for their continued existence.	Schools have a protected claim on revenues and profits; control over operations, services and standards; and a property right in the existence of the school that cannot be destroyed or diminished by regulatory demands of the government.

Oregon law requires general testing and a statement of things for which the school will be accountable. The district can impose additional requirements. State law makes the standardized system of state testing and reporting mandatory for charter schools.

Accountability – To what extent is the school accountable for educational outcomes?

Restricted	Vague, general, weakly defined	Legally contracted student growth
The outcomes are not clearly differentiated from process controls and most are imposed by law. They are unfocused, vague, or general, with an emphasis on instruments and methods to be used. They are uniform for all students and measure absolute levels of achievement and not growth. The policy includes and confuses many instances of process accountability with outcome accountability.	Some or all of the educational outcomes and testing are imposed by law, rather than by the design of the charter school. There is no differentiation between the parents' needs and evaluations, and fulfillment of public accountability. Parents have no tort for a failure to deliver promised outcomes. Sponsors may close a school for vague reasons or failure in meeting a general academic standard.	Schools design and offer a set of clear outcomes defining the academic growth promised to each student. Families have a legally enforceable and adjudicated process for demanding contractual fulfillment of outcomes, just as any legal contract for goods or services is enforceable. There is no necessary requirement, or only a very limited one, for uniform or generalized outcomes or standardized testing. Families and charter schools have property rights and legal claims in the contract provisions of the charter. The school can sue or be sued.

Oregon law requires charter schools to comply with the statute on state testing, textbook selection, curriculum requirements, school improvement plans, etc. There are school year and school day time requirements.

Deregulation – To what extent is the school free of regulatory controls?

Restricted	Somewhat Restricted	Free
Charters are subject to the same regulations and process controls as district schools, but may be able to apply for waivers.	Charters are free of most regulations, but key restrictions remain in personnel decisions, collective bargaining, financial management, textbook selection, etc. Charter starters are not free to design all aspects of operation. Some conditions are externally regulated and imposed.	Except for protections against harm or fraud, the charter school is free to design and operate the school and its educational programs in delivering the educational outcomes it develops and offers.

Oregon charter law does not mention parents' legal rights to services except in its prohibition of discrimination and in special education services. Families retain rights under special education laws. Students may be discriminated against based on where they reside; charter schools must serve all students in their resident districts before taking students from out of district.

Consumer rights – To what extent do families served have consumer status and protections?

None	Undistinguished consumer rights	Right to a legal claim and consumer protections
Families' choices are determined by the district. Families may be required to apply or enrollment may be limited by the district. Parents have no right to the services of a charter school or a school being chartered or kept open. Parents have no right to have the full allotment of public funds for their children's education go to the school in which their children are enrolled.	Families can choose a charter school, but have no enforceable legal claim on promises of educational growth made by the charter school except by appeal to the sponsor. Families may be involved in running the charter school through site councils that limit the discretionary powers of the charter operators to design and operate the school. Sponsors can close a school on behalf of families, but there is no mechanism for micro-intervention for specific failures to learn by individual students.	The consumer status of students and families is completely differentiated from the provider status of the charter operators. The charter defines a legally binding service to which families have a legally enforceable claim, rather than a right or obligation to become involved in the charter school governance. Families also have consumer protections against fraud and denial of service. Full per student funding follows the student to the school in which the student is enrolled.

Oregon law requires that at least 50 percent of charter school teachers be licensed; all those who are not licensed must be registered. The state defines and mandates teacher qualifications. Districts can be the employer of charter school employees, in which case the employees must become members of the district bargaining unit. Teachers may elect to become members of the district bargaining unit.

Personnel and certification – To what extent is the school free to select its employees?

Significantly limited	Somewhat limited	Free
By law, schools are required to hire only licensed teachers. Teachers are employees of the district and must be members of the district bargaining unit. The law requires mandatory participation in the Oregon Public Employees Retirement System.	The school is the employer of teachers. There are some requirements for licenses or a percentage of teachers must be licensed. Teachers are not required to be members of the district bargaining unit or to form their own unit. Some public school dismissal procedures may apply.	The school determines all hiring qualifications. It acts as the sole employer of its employees, independent of any district or public teacher employment and dismissal procedures. It establishes its own retirement and benefit packages for its employees.

Balance of power with sponsors

In addition to each of the factors evaluated above for an accountable school model, it is important to look at the fundamental balance of power in the relationship between the charter school and the sponsor. The state's handbook for charter schools states, "The degree of autonomy exercised by the charter school on such issues as personnel, curriculum and facilities is negotiated between the charter applicants and the local school district and reflected in the charter." But where there is no choice of sponsor, the charter school is in a forced position, with no bargaining power to negotiate the various discretionary provisions. Even after the charter is approved, the district again has leverage to fine tune its controls through the required add-on contract.

Evaluation Score

In developing the model of the accountable, self-governing schools, the five factors above (autonomy and self-governance, accountability, deregulation, consumer rights, and personnel and certification), and the total balance of power between charter schools and their sponsors, again supports a rating of a low C-minus for Oregon's current charter policy. Oregon barely has the basic features needed to establish accountable, self-governing schools, but it is a start that can be developed further.

Conclusion

The traditional one-provider, district model of publicly governed and owned schools does not and cannot lead to change and improvement in the educational program. The Oregon Department of Education is not a research and development organization; it is a regulatory, and increasingly an administrative, bureaucracy of public schools. The ODE and the districts form a protected system still largely retaining exclusive franchise over public education services and dollars. It is a system with built-in stasis.

A healthy, independent charter sector expands choices for students and families, but it also creates choices for state policy-makers. The legislature doesn't create schools; it doesn't operate schools; it doesn't own schools, and it can't reform schools. Its

role is to put a research and development function into the public system for the creation of new and demonstrably better educational methods. If the state wants these improvements, it needs to further develop its charter policy.

VII. RECOMMENDATIONS

By Steve Buckstein

Oregon's charter schools have shown some success despite the severe obstacles described in the preceding essays. But changes in the state's policies are needed if existing and new charter schools are to achieve their full potential in serving Oregon families. Areas that need revision include:

1. Multiple independent sponsors

Public charter schools should not be controlled exclusively by their local district boards. In addition to the state department of education, charter starters should be able to go to other sponsors for approval, such as educational service districts, community colleges, universities, county commissioners, city councils and even other public school districts.

2. Exemption from teacher certification

The provision in Oregon's charter school law requiring that at least one-half the teachers in any charter school be state certified should be repealed. Schools should have wide latitude to hire teachers best suited to the needs of their students.

3. More equal funding

Oregon currently requires that charter schools receive at least 80 percent of the state general purpose funding received by their districts for students in grades K-8, and receive at least 95 percent of the state general purpose funding received by their districts for students in grades 9-12. No local sources of district revenue such as property taxes and federal funds are shared with charter schools. Charter schools are also not entitled to any share of districts' capital funds for buildings and other infrastructure. To provide more equal educational opportunities, charter schools should receive a higher percentage of state funding and should be entitled to some significant share of per student local and capital funding as well.

4. Site accommodation

School districts should provide a list of available district buildings or available space within buildings that could be used by charter schools. Local governments should be flexible and supportive of development plans for new charter schools, including more relaxed zoning rules that would make it easier to find suitable charter school locations.

Lifting restrictions in these four areas would allow charter schools to better serve a broad range of students, offering them more choices and more stable schools. At the seven year mark, it is past time for Oregon's legislature, or the people, to remove these restrictions so that the true potential of the charter school movement can be recognized in Oregon.

VIII. CONCLUSION

By *Steve Buckstein*

Just like grading the educational achievement of a child cannot be collapsed into one letter grade of A through F, neither can we easily grade the charter school movement in Oregon. Merging Rob Kremer's optimistic analysis and Dick Meinhard's more reserved analysis might lead the informed reader to conclude that, while our charter school movement has potential, it has so far failed to realize much of that potential. Faced with a student in that situation, a good teacher might give him or her a B for effort, but just a C- for results.

Potential is wonderful, but potential alone doesn't do much for students who are learning to read, write, compute and think critically right now, not years in the future. Even though the charter school students in Caroline Hoxby's study did statistically better than their matched public school counterparts, the number of those students was too small to say that Oregon charter schools have benefitted any significant proportion of Oregon children. And, even if many more charter schools are created under the state's current policy, that policy lacks some of the key components for success outlined in Richard Meinhard's analysis.

For Oregon's charter school system to earn a higher grade, Oregonians need to encourage their legislators and public school leaders to adopt more of the features outlined in the 1999 Oregon Charter Policy Handbook and in the Recommendations section of this report; features such as full funding, multiple sponsors, and freedom to hire more uncertified teachers. Then, perhaps in another few years we can revisit our charter school system and give it both an A for effort and an A for results.

Endnotes

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17. Much of this section about Oregon history is based on conversations with and information provided by Richard Meinhard and Rob Kremer. Specific footnotes are not included for information provided by these sources or for legislative history, which is available through the Oregon state legislature web site http://www.leg.state.or.us/bills_laws/home.htm. Other sources are specifically noted.
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Table 1: All Oregon Charter Schools

School	District	City, County	Type	Grades served	Enrollment
Schools Opened 1999-2000					
Lourdes	Scio	Scio, Linn	Community school rural area	K-8	49
Molalla Alternative Options	Molalla	Beavercreek, Clackamas	Alternative		Closed
Schools Opened 2000-2001					
Armadillo Technical Institute	Phoenix-Talent	Phoenix, Jackson	Alternative for at-risk; project oriented; technology training; work and pace individually	6-12	120
Destinations	Coos Bay	Coos Bay, Coos	Alternative; integrated curriculum, project based, community/service learning	6-12	80
Lincoln City Career Tech	Lincoln City	Lincoln City, Lincoln County	Career skills, computer technology and digital programs, project-based; some at-risk students	9-12	50
McCoy	Portland	Portland, Multnomah	At-risk students, drop outs	6-12	Closed
Pioneer Youth Corps	Eugene	Eugene, Lane	Alternative, at-risk students. Military model, building teamwork, self-esteem, leadership	6-12	Closed
Ridgeline Montessori	Eugene	Eugene, Lane	Montessori	K-8	172
21st Century	Salem-Keizer	Salem, Marion	Thematic instruction; integrative learning; flexible scheduling; technology	9-12	Closed
Village	Eugene	Eugene, Lane	Similar to Waldorf. Holistic, arts integrated.	K-7	178
Willamette Valley	Corvallis	Corvallis, Benton	Adventure based learning; arts; service learning.	6-12	Closed
Schools Opened 2001-2002					
Detroit Lake	Santiam Canyon	Detroit, Linn	Community school in rural area.	K-8	Closed
Kings Valley	Philomath	Philomath, Benton	Community school in rural area; blended classrooms.	K-5	42
Luckiamute, Pedee	Dallas	Monmouth, Polk	Community school in rural area.	K-8	105
Multisensory Learning Academy	Reynolds	Gresham, Multnomah	Structured, sequential, multisensory teaching. Slingerland instruction reading and writing.	K-5	160
CM2 Opal	Portland	Bend, Deschutes	Based on principles early childhood schools of Reggio Emilia, Italy. Emphasized listening to children, long-term inquiry-based project work.	K-4	63

Table 1: All Oregon Charter Schools

School	District	City, County	Type	Grades served	Enrollment
Rimrock / Realms	Bend, LaPine	Bend, Deschutes	Expeditionary learning; small school environment; at risk students.	6-8	53
Three Rivers	West Linn, Wilsonville	West Linn, Clackamas	Small, flexible middle school environment; individual education plans.	4-8	100
Schools Opened 2002-2003					
Arthur Academy	David Douglas	Portland, Multnomah	Direct instruction and Core Knowledge Sequence; fluent reading skills and mastery learning.	K-3	100
Columbia Education Campus	St. Helens	St. Helens, Columbia	Alternative, at-risk students. Individual plans, Catch up high school credits.	7-12	103
Crossroads	Salem-Keizer	Salem, Marion	Alternative at-risk students, drop-outs, expelled, transition back to other schools.	6-8	Closed, Fall '03, 2nd yr
Howard Street	Salem-Keizer	Salem, Marion	Small middle school environment; project based; integrated curriculum; performing arts.	6-8	150
Lighthouse	North Bend	North Bend, Coos	Integrate music, arts and foreign language into traditional curriculum.	K-5	124
MITCH	Tigard-Tualatin	Tigard, Washington	Core Knowledge Sequence Curriculum; phonics-based reading; multi-sensory and direct instruction.	K-8	161
Optimum Learning Environment	Salem-Keizer	Salem, Marion	Environmental science, technology and civics integrated with core curriculum.	1-5	125
Sand Ridge	Lebanon	Lebanon, Linn	Core Knowledge Sequence Curriculum; phonics-based reading. Prepare students for college.	K-12	208
Trillium	Portland	Portland, Multnomah	Mixed-age classes, project-based; community, urban, and global studies; foreign languages; community service; constructivism.	K-12	200
Schools Opened 2003-2004					
Center for Advanced Learning	Gresham-Barlow	Gresham, Multnomah	Engineering; information technology; health sciences. Advanced, project-based learning.	11-12	385
Douglas Avenue Alternative	Gervais	Gervais, Marion	Alternative, at-risk, dropouts, expelled, teen parents.	7-12	22
Eddyville	Lincoln County	Eddyville, Lincoln County	Community rural school. Focus technology; service learning; horticulture and natural resources.	K-12	150
Emerson	Portland	Portland, Multnomah	Project-based; integrate community service projects and community exploration into learning; mixed-ag classes.	K-5	100
Four Rivers	Ontario	Ontario, Malheur	Dual language immersion (Spanish and English); fluency both languages.	K-2	76
Gold Beach Technology	Central Curry	Gold Beach, Curry	Technology made more accessible through computer labs, field trips, partnerships with colleges.	9-12	29

Table 1: All Oregon Charter Schools

School	District	City, County	Type	Grades served	Enrollment
Morrison	Dallas	Dallas, Polk	Alternative. Focus high school dropouts, academics and life skills	10-12	92
Mosier	Chenowith	Mosier, Wasco	Rural community.	K-6	106
Network	Eugene	Eugene, Lane	Small school environment; network of several nonprofits; students take courses at different sites; focus real world skills, hands on learning.	6-12	100
New Urban	North Clackamas	Milwaukie, Clackamas	Alternative; for students who are disenfranchised Project-based learning; prepare workplace skills and transition to college. A High Tech High replication school.	9-12	258
Oregon Coast Technology	North Bend	North Bend, Coos	Technology infused into all of the curriculum; students self-directed.	6-11	270
Paisley	Paisley	Paisley, Lake	One-school district converted to charter.	K-12	65
Resource Link	Coos Bay	Coos	Alternative. Student-driven, project based. Integrate technology, use online resources.	5-12	25
Sheridan Japanese	Sheridan	Yamhill	Japanese language and culture; rigorous academics; multi-age project teams in performing and visual arts and core subjects.	4-12	80
Siletz Valley	Lincoln County	Siletz, Lincoln	Community rural school. Majority Native American students; relationship with Confederated Tribes of Siletz.	K-8	156
Victory Middle	Portland	Portland, Multnomah	Inner city at-risk middle school students. Structured, disciplined environment.	6-7	64
West Lane Technology Learning Center	Fern Ridge	Elmira, Lane	Alternative. Integrates academic, technical, vocational and life skills; flexible schedule; project-based; high use of technology.	9-12	90
West Salem Language Academy	Salem-Keizer	Salem, Polk	Dual-language immersion, English-Spanish. School within a school, hands-on discovery based learning.	K-2	138
Willamette Leadership Academy	Fern Ridge	Eugene, Lane	Alternative for at-risk students; military model; leadership skills and character development; focus effort, equality, discipline, competition, accountability.	6-12	130
Schools Opened 2004-2005					
Bandon Opportunity	Bandon	Coos	Alternative, credit recovery; transition quickly back to regular high school; independent study.	9-12	70
Bethany	Silver Falls	Silverton, Marion	Rural, community. Science and technology focus.	K-8	113
Blue Mountain	South Lane	Cottage Grove, Lane	Democratic, non-coercive school with student directed learning; community environment, not age-based classrooms.	K-12	63
Camas Valley	Camas Valley	Camas Valley, Douglas	Small rural district converted to charter school.	K-12	154
Child's Way	South Lane	Culp Creek, Lane	Small school rural environment; computer based programs; high tech; science research.	6-10	35

Table 1: All Oregon Charter Schools

School	District	City, County	Type	Grades served	Enrollment
City View	Hillsboro	Washington	Expeditionary learning, project centered approach, emphasizes learning by doing, connecting academic learning to adventure, service, and character development.	1-5	58
Clackamas Middle College	North Clackamas	Oregon City, Clackamas	Students earn diploma and dual credit for college credits or degree, or focused preparation for work. Project-based learning.	9-12	200
Garden Laboratory	Portland	Portland, Multnomah	Natural sciences and arts.	K-2	Start 44, down to 22
Jane Goodall Enviro Middle	Salem-Keizer	Salem, Marion	Middle school, with focus on environmental science (e.g. conservation biology), technology, community service; interdisciplinary project-based learning.	6-8	90
Nixyaawi Community	Pendleton	Pendleton, Umatilla	Community High School; teach the Walla Walla, Cayouse, and Umatilla languages.	9-12	50
North Columbia Academy	Rainier	Rainier, Columbia County	At risk students; credit recovery; prevent dropping out; teen parents.	9-12	35
Reynolds Arthur Academy	Reynolds	Multnomah	Direct instruction and Core Knowledge Sequence; fluent reading skills and mastery learning.	K-2	70
Riddle Education Center	Riddle	Riddle, Douglas	Alternative	7-12	50
SEI Academy	Portland	Portland, Multnomah	Small middle school; individual student success plans and advisors; character education.	6	50
South Columbia Family School	Scappoose	Scappoose, Columbia	Partially online; students use e-mail and the Internet for instruction.	K-5	35
Technology Learning Center	Vernonia	Vernonia, Columbia	Technology-based program; credit recovery, and alternative learning style credits.	9-12	18
Woodburn Arthur Academy	Woodburn	Woodburn, Marion	Direct instruction and Core Knowledge Sequence; fluent reading skills and mastery learning.	K-2	38
Schools Opened 2005-2006					
Arts and Technology Charter High School	West Linn-Wilsonville	Clackamas	High energy, flexible, personalized education; Project-Based Learning, instructional technology, small learning groups; community-based internship programs.	9-10	50
Baker Charter School	Salem-Keizer	Marion	Inquiry-based; Emphasis on internationalism; Prospective International Baccalaureate Primary Years Program enriched by music, the arts, Spanish, American Sign Language.	K-2	78
Clackamas Web Academy	North Clackamas	Clackamas	Home educated school; Computer-based OdysseyWare curriculum; Every student receives free computer loan;	1-12	320
Day Creek Charter School	Douglas County	Douglas	Small rural district converted to charter school.	K-12	107
Deschutes Edge Charter School	Redmond	Deschutes	Middle school-within-a-school; Integrated learning based on partnerships w/ community service organizations, local business.	6-8	219
International School of the Cascades	Redmond	Deschutes	International Baccalaureate Program; Emphasis on internationalism; Will add grade each year until 9-12.	9-10	58

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School	District	City, County	Type	Grades served	Enrollment
Milwaukie Academy of the Arts	North Clackamas	Clackamas	Core subjects integrated with performing and visual arts; Project-based learning.	9-12	107
MITCH Sherwood Charter School	Sherwood	Washington	Core Knowledge Sequence Curriculum; phonics-based reading; multi-sensory and direct instruction.	K-2	60
Oregon Connections Academy	Scio	Linn	At-home public school. Proven, print-rich curriculum developed by Calvert School and Prentice Hall; technology tools.	K-9	650
Oregon Virtual School	Bend-LaPine	Deschutes	Combined virtual learning and proctored tests at facility; Curriculum is Virtual Greenbush; most students attend HS part-time as well.	9-12	55
Paisley Charter School	Paisley	Lake	Small rural district converted to charter school.	K-12	77
Phoenix School of Roseburg	Douglas County	Douglas	Focused on social, emotional and academic needs of at-risk youth; smaller class sizes.	7-12	140
Portland Arthur Academy	Portland	Multnomah	Direct instruction and Core Knowledge Sequence; fluent reading skills and mastery learning.	K-2	75
Upper Chetco Charter School	Brookings-Harbor	Curry	Brain Compatible Learning based on multiple intelligences; skill level placement over grade level;	2-5	28

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John Liljgren is now the chief operating officer for Mastery Learning Institute, which operates four Arthur Academy Charter Schools in Oregon and plans to add more. For several years he was field director of the Oregon Public Charter School Service Center where he assisted and advocated for more than 35 charter school applicants and operating schools. He also served two years as accountability coordinator for Oregon, under a contract with the League of Oregon Charter Schools, organizing and leading the process to develop an accountability plan that can be used by charter schools throughout the state. Mr. Liljgren joined the Service Center after a 14-year career in commercial leasing, which followed seven years practicing law. He has a bachelors degree from North Park College, and a law degree from the University of California at Berkeley.

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Founded in 1991, Cascade Policy Institute is Oregon's premier policy research center. Cascade's mission is to explore and promote public policy alternatives that foster individual liberty, personal responsibility and economic opportunity. To that end, the Institute publishes policy studies, provides public speakers, organizes community forums and sponsors educational programs.

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