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The Case for Education Freedom and Protecting Charter Schools

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Children are Covid's lowest-risk demographic, but American elementary and secondary students have suffered the most throughout the pandemic because of pandemic-era school closures and abysmal remote instruction. Negligent school district leaders endangered children academically, emotionally, and physically by closing and refusing to open schools, decisions that led to devastating learning loss, significant mental health issues, and higher rates of suicide and obesity. *The New York Times* reported that, "Children fell far behind in school during the first year of the pandemic and have not caught up." Michael Petrilli, president of the Thomas B Fordham Institute observed that, "We haven't seen this kind of academic achievement crisis in living memory."

Policymakers must expand education freedom and protect charter schools in order to provide parents and students with a path out of the learning loss crisis created by traditional public school districts.

SCHOOL DISTRICTS CREATED A LEARNING LOSS CRISIS

Throughout the pandemic, many areas have experienced extended school closures, disastrous remote learning, misspent "emergency" federal funding, refusal to meet the needs of children with disabilities, lowered academic standards, and school boards determined to ignore the impact of learning loss on students from low-income households. Study after devastating study reveal the widespread academic and emotional harm school district bureaucrats, teachers unions, and union-supported school board members inflicted on America's children.



Declining California math scores have been described as a “five-alarm fire,” with 8th grade students testing on average at the 5th grade level on the 2021 state standardized math test. While standardized test scores have plummeted for students across the country, minority and low-income students in areas that persistently closed schools - including California - have lost the most academically. Children who had not learned to read before schools closed in March 2020 are still struggling to acquire reading skills. Students with special needs are suffering academically, behaviorally and emotionally because school districts refused to fulfill their federal obligation to provide assistance, accommodations and therapies to students with IEPs.

Parents know their children deserve a better education than the one provided to them for the last two years. Parents know they deserve power over their children’s education, but unfortunately school districts and unions hold all of the power in areas without education freedom. For too long, the existing education system in our country prioritized the needs and desires of its employees. The teachers unions ensured that *union-backed* school board candidates were elected into office in order to implement *union* goals.

For too many years, children have suffered under this adult-centered regime. Even before the pandemic, nearly two-thirds of U.S. students were unable to read at grade level and only 15% of 8th graders were proficient in U.S. History.

EXPANDING EDUCATION FREEDOM

No child should be trapped in a failing system. Policies must be in place that enable parents to take their children’s taxpayer-funded education dollars to the education providers of their choosing—whether it be a public, private, charter, or homeschool.

Historically large numbers of families are now leaving traditional government assigned schools. Traditional public school enrollment decreased by over 3% (1.5 M students) last school year. Homeschooling rates doubled. Families in areas with perpetually closed public schools, but fully open private schools, eagerly transferred their children. And public charter school enrollment increased by 7.1% (240,000 students). Even when schools reopened, ongoing frustrations with overzealous quarantine policies, mask mandates, sexually explicit books in school libraries, and lessons focused on CRT and gender ideology, fueled a continued exodus from traditional public schools.

Thankfully, in 2021, state legislators recognized the soaring demand for educational options, and expanded or created new private school choice programs in 20 states. School choice policies empower parents, rather than distant bureaucrats, to direct their children’s education. School choice programs give families purchasing power to direct their children’s educational path, rather than remain beholden to central government negligence. Education freedom policies also send a wake up call to school districts: **serve students well, or the students will leave.**

Clearly, it’s time to fund students, not systems, and develop policies that allow a wide variety of education options to flourish. **Our country must prioritize parental rights and education freedom rather than bureaucratic systems and union control.** Parents whose eyes are now open to the power imbalance between parents and school districts must become school choice advocates in their communities and states.

PROTECTING CHARTER SCHOOLS

In addition to continuing to create and expand private school choice options, states policymakers should support charter school policies and federal policymakers should protect the Charter Schools Program from the Biden Administration's administrative attacks. Currently 44 states and Washington, D.C., have charter schools— public schools that operate mostly or entirely outside of the traditional school-district system. There are approximately 7,700 charter schools operating in the United States, serving 3.4 million students. For over a quarter of a century, the federal Charter Schools Program (CSP) has channeled essential startup funding to nonprofits launching charter schools. This valuable and important federal program should be continued and strengthened, rather than weakened by the Biden Administration's proposed changes to the program.

The original CSP law created a federal program to provide small, competitive grants to charter school developers, including “teachers, administrators and other school staff, parents or other members of the local community in which a charter school project will be carried out.” The program's creators hoped that funding new charter schools would expand freedom for communities to innovate, test a variety of educational approaches and provide educational opportunities to students poorly served by their neighborhood school.

Soon after the first state charter school law passed in Minnesota in 1991, advocates proposed creating a federal startup funding source for these new, innovative, autonomous public schools. The idea received bipartisan backing, including substantial support from Democrats in Congress and the White House. Republican Sen. Dave Durenberger of Minnesota developed a proposal to provide competitive federal grant funding and build awareness of the charter idea among other states' legislators and governors. Democratic Sen. Joe Lieberman of Connecticut co-sponsored the bill and Democratic Rep. Dave McCurdy of Oklahoma introduced the bipartisan House companion bill. The Democratic Leadership Council and its affiliated think tank, the Progressive Policy Institute, worked to expand support for the proposal among members of Congress and governors.

Then-President Bill Clinton included charter funding in his administration's Elementary and Secondary Education Act reauthorization proposals, and charter proponent Sen. Ted Kennedy, Democrat of Massachusetts, oversaw the reauthorization conference committee. The federal Public Charter Schools Program was signed into law in 1994 as part of the comprehensive Improving America's Schools Act in the reauthorization and received a \$6 million appropriation for fiscal year 1995.

For years, CSP expanded due to support from congressional advocates. The Obama administration, under Secretaries Arne Duncan and John King, initiated a significant funding spike for the program and, due to bipartisan support, it has grown considerably. In FY 2022, CSP received an annual appropriation of \$440 million for the fourth consecutive year. As recently as February 2020, Democratic Rep. Rosa DeLauro of Connecticut stated that “with regard to charter schools, there is a place for them. They have a role in education.”

Unfortunately, the United States Department of Education's proposed new rules for the Charter Schools Program (CSP) would create insurmountable bureaucratic hurdles for most applicants, and lower-income communities that desperately need alternatives to failing traditional public schools

would be denied CSP funding. Perhaps by design, the delay in the application process caused by the proposed rules would deter potential grantees from applying for CSP grants in 2022, and prevent the creation of new educational options for communities and families who are poorly served by the traditional public school system.

The rules' plan to require charter schools to describe "unmet demand for the charter school" by showing "over enrollment of existing public schools" is irrational in an era of declining traditional public school enrollment and unfair to parents. Parents choose charter schools based on the educational opportunities, academic program, and environment the school offers their children. Parents should not lose access to educational options because the local school district is not "over enrolled."

The proposal to require charter schools to demonstrate plans to "establish and maintain racially and socio-economically diverse student and staff populations" would prevent charter schools from opening and serving students in urban environments with high minority populations. Charter schools have a long history of servicing Black and Hispanic students in urban areas effectively, in stark contrast to the failing traditional public schools in the same areas. Teachers, parents and education entrepreneurs hoping to open charter schools in areas that are not racially or socio-economically diverse, like Native American reservations, would not be able to access CSP funding. It is cruel to deprive historically underserved students of high-quality education options.

The Biden Administration plans to require states to prioritize funding for charter applicants that have found a school district to "partner" with them. School districts have little to no incentive to partner with independently-operated charter schools, so the CSP funding would automatically be directed to district-authorized charter schools. This proposal would empower districts to prevent innovative and entrepreneurial charter schools from opening.

The federal charter grant program effectively uses small amounts of federal power and funding to encourage a variety of innovative approaches to public education. Many schools launched with CSP funds serve disadvantaged students. Rather than proposing rules to weaken the program, the U.S. Department of Education should explore opportunities to further strengthen the program. Rather than making the already lengthy CSP application even more onerous and complicated, it should be streamlined to avoid discouraging smaller charter developers and community organizations from applying.

The Charter Schools Program is an important investment in educational opportunity that should not be undermined by these bureaucratic rule changes. The CSP was designed to encourage nonprofits to open a diverse array of charters that fit the needs of their local communities. The program should be strengthened, rather than attacked, ensuring that flow of federal charter school funds align with the program's original goals. Demand for charter schools is growing with overall charter enrollment increasing by seven percent this year. Federal funding should be accessible to charter school founders who seek to meet the growing demand. Students and families will benefit from an expanded education marketplace.