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## **Texas Charter School Legislation and the Evolution of Open-Enrollment Charter Schools**

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### **Abstract**

This article chronicles the evolution of legislation for Texas open-enrollment charter schools to their implementation by demonstrating how these schools have (or have not) used their freedom from state-mandated requirements to develop innovative learning environments as well as to bring innovative curricula into the classroom. The investigative focus was on an analysis of Texas open-enrollment charter school legislation, from 1995 (74<sup>th</sup> legislative session) to the 77<sup>th</sup> legislative session in 2001, and the characteristics of the state's 159 open-enrollment charter schools that were in operation during the 2001-2002 academic year. The authors found that charter school legislation has changed in response to concerns of all involved, and focuses on the need for balance between choice, innovation, and public accountability. Although charter schools are free from most state regulations, legislators were clearly

interested in ensuring that this freedom does not impede charter schools' ability to provide a quality education to all students who attend them. The currently operating open-enrollment charter schools in Texas are more racially and economically segregated than other public schools in the state, and charter schools that targeted students most at risk for dropping out of school (and returning students who had previously dropped out) differ from other schools in their stated teaching methods. Teacher turnover remains significantly greater than that for other public schools in the state. However, it does not appear to be specifically associated with schools that target disadvantaged students or minority students. The schools' mission statements suggest that innovative school environments are a factor in school design. Texas is poised to continue along the public education choice model. Charter school legislation provides a framework upon which charter schools may build to meet the educational needs of the students who choose to attend them, including the freedom to be creative in meeting students' unique needs. Questions remain about how and why charter schools exist and the contributions they make to the overall public school system, including whether charters are making a difference in what and how much children are learning.

The Summer 2002 marked the conclusion of a five-year study of Texas open-enrollment charter schools by a team of researchers affiliated with three universities and one research organization. The five-year study revealed much about Texas charter schools, including characteristics of their student body and administration, revenue and expenditures, student performance, as well as the experiences and opinions of charter school students, their parents, public school administrators, and charter school directors. Despite the comprehensiveness of the study, a key element of the charter school reform effort in Texas was missing from the state evaluations; namely, the match-up between legislative expectations and actual charter school distinctiveness.

The charter school movement in Texas came about during a time when public schools were under attack. There was a groundswell of support for reform at the state and local levels, as well as nationally. Although the public and legislators were aware of inadequacies in the Texas public education system as early as the 1960s, it was not until 1984 that the Select Committee on Education produced a report of 12 recommendations for a major overhaul. Still, it was seven more years before the recommendations were seriously acted upon.

In 1991, the Texas Education Agency introduced what it called the "Partnership School Initiative," a challenge for individual schools to achieve educational excellence and equity for all students by freeing the schools from certain regulations (Stevens, 1999). More than 2,000 campuses applied for participation in the program, and in January 1992, the Texas Education Commissioner announced the selection of 83 schools (another 15 schools joined shortly afterward). The overwhelming interest by schools in participating in the Initiative suggested to legislators that schools wanted greater local flexibility. Many would-be reformers complained of what they saw as impediments: (1) state laws, rules and regulations; (2) the state bureaucracy - particularly the Texas Education Agency, (3) school district policies, and (4) central school district administration and school boards (Stevens, 1999). The strong interest

shown in the initiative lead the state legislature to make serious changes to educational funding in 1993, which, in turn, set the stage for the creation of charter schools. During the next legislative session in 1995 (the Texas state legislature meets biennially), legislation passed with wide bipartisan support that allowed for the development of the state's first charter schools. These charter schools, whether they were home-rule charter school districts, local campus programs, or state open-enrollment charter schools, were to be free from many state requirements. In fact, the Texas charter school law is considered to be one of the least restrictive in the nation (Center for Educational Reform, 1999).

One factor in the legislation that makes Texas somewhat unique – albeit not from all states – is that it requires an evaluation of all open-enrollment charter schools. The original 1995 statute stipulated that the State Board of Education (SBOE) designate an impartial organization with experience in evaluating school choice programs to conduct an annual evaluation of open-enrollment charter schools (TEC § 12.118). The responsibility for designating the evaluator was given to the education commissioner in 2001. This evaluation must include consideration of students' scores on the state's standardized assessment instrument, student attendance, student grades, student discipline incidents, socioeconomic data on students' families, parents' satisfaction with their children's schools, and students' satisfaction with their schools. An assessment of the costs of instruction, administration, and transportation incurred by open-enrollment charter schools and the effect of these schools on school districts and on teachers, students, and parents in those districts must also be included in the evaluation. In addition, the 2001 revision empowered the commissioner to include additional issues as he or she deems necessary. The requirement to evaluate allows for a regular flow of information about charter schools to be brought to the legislatures' and public's attention.

Five states have over half of the nation's charter schools and two-thirds of the nation's charter school students. Texas is the third largest of these five, following Arizona and California (Michigan and Florida are just behind Texas). Texas has nine percent of the charter schools in the nation and nine percent of total U.S. charter school student enrollment. Although charter schools serve only a small proportion of the more than four million students in Texas public schools, they have captured the attention of parents, educators, and policymakers, as well as the media. Since the Texas Legislature authorized the creation of 20 open-enrollment charter schools in 1995, lawmakers have continuously revised the statute in an attempt to strike a balance between freedom from regulations to foster charter school innovation on the one hand and accountability to protect public education funds and students on the other. In this paper, we chronicle the evolution of charter school legislation to charter school implementation by demonstrating how charter schools have (or have not) used their freedom from state-mandated requirements to develop innovative learning environments as well as to bring innovative curricula into the classroom. We discuss what charter schools were designed to do and what they are actually doing.

## **Methods**

Our investigation focuses on an analysis of Texas open-enrollment charter school legislation and the characteristics of the open-enrollment charter schools in the state. We analyze the text of Texas open-enrollment charter school law, beginning with its initial passage in 1995 to present day provisions. In order to provide a clearer perspective on the statutory provisions as they have evolved over the past five years, the statute was dissected and its

provisions analyzed for each legislative session, beginning with the 74th in 1995 and ending with the 77th legislative session in 2001.

We also examine the characteristics of the 159 open-enrollment charter schools that were in operation during the 2001-2002 academic year. The Texas Education Agency (TEA) requires that every public school provide information concerning its student body and teaching faculty. This information is publicly available through printed reports as well as through the TEA website.<sup>1</sup> We also analyzed the content of charter schools' mission statements and curriculum protocols. We used several sources to find profiles of individual charter schools: 1) The Charter School Resource Center of Texas,<sup>2</sup> 2) WestEd, a nonprofit research and service agency, under contract from the U.S. Department of Education,<sup>3</sup> 3) the annual Texas Open-Enrollment Charter Schools Evaluations,<sup>4</sup> and 4) websites of the individual charter schools.

## **The Nature of Open-Enrollment Charter Schools**

### **Charter Schools' Legislative Mission**

**Legislative background.** Charter schools were granted the freedom to implement educational innovation, in exchange for a promise to improve student academic achievement. In 1995, the 74th Texas Legislature authorized the creation of three types of charter schools: (1) home-rule district charters, (2) campus (or program) charters, and (3) open-enrollment charters. Home-rule district charters allow existing school districts to reconstitute themselves as locally controlled systems free from most state requirements, including curriculum, employment and student discipline. Converting to a charter district does not affect the district's boundaries, taxes or bonds that were authorized prior to the date the charter becomes effective. Although they are subject to educator certification requirements, they are not subject to statutory provisions with regard to contracts (TEC §§ 12.011 - 12.030). The local school board of school districts seeking to convert to charter status must appoint a charter commission that reflects the racial, ethnic, socioeconomic and geographic diversity of the district. The charter commission must include parents of school-age public school children and at least 25 percent of classroom teachers selected by the professional staff (TEC § 12.105). District charters require voter approval of a majority of the district's qualified voters through an election in which at least 25 percent of registered voters cast votes (TEC §§ 12.021(a) and 12.022(a)). There are currently no home-rule charter school districts in Texas.

Campus, or campus program, charters were authorized to allow a campus or campus program to operate free of most state and district requirements, including district instructional and academic provisions. The campus charter agreement is, in essence, between the local school board and the teachers and parents of the school or program. A petition, signed by a majority of the students' parents and teachers at the school, is presented to the local school board for approval (TEC § 12.052(a)). A campus charter "retains authority to operate under the charter only if students at the campus or in the program perform satisfactorily" as specified in its charter (TEC § 12.054(2)). In 1997, the Legislature added a provision that requires that a district adopt a campus charter and campus program charter policy, which outlines the procedures for approving campus or program charters, compliance requirements, and components of a charter application even if a school district chooses not to operate campus charters (TEC § 12.058).

While home-rule and campus charters provide school district charter options, open-enrollment charter schools constitute new independent educational units. The State Board of Education (SBOE) grants approval for the creation of these new independent school districts, whose service areas may cross one or several existing district attendance boundaries. The 1995 legislation provided for the SBOE to authorize the creation of a maximum of 20 open-enrollment charter schools by eligible entities, such as public or private institutions of higher education, non-profit organizations, or governmental entities (TEC §§ 12.101 (a) and (b)). In 2001, amid concerns among legislators, policy makers and the public about the rapidly increasing number of open-enrollment charter schools and the concomitant challenges of ensuring adequate accountability and oversight (Dunnam & Bivins, 2001), the number of open-enrollment charter schools was limited to 215, and a provision was added to the statute to ensure that charter applicants meet financial, governing and operational standards.

Texas open-enrollment charter schools each operate in accordance with the governance structure stipulated in their charter. As with the other forms of Texas charter schools, the continuance of the operation of these schools is contingent on satisfactory student performance (TEC § 12.102). Likewise, similar to other public schools in the state, open-enrollment charter schools are subject to federal and state laws that protect civil and constitutional rights. However, they are subject to the state's education code only to the extent the statute makes its provisions specifically applicable to them (TEC § 12.103). On the other hand, unlike traditional school districts, open-enrollment charter schools do not have the authority to levy taxes; hence, they receive no funds from local property tax sources.

A provision was added in 2001 allowing for the creation and operation of a second charter school option independent of the local school district: the university charter. The SBOE is authorized to grant a charter to a public senior college or university for creating and operating an open-enrollment charter school either on its campus or in the same county in which its campus is located (TEC §§ 12.151-12.156) if the application satisfies six criteria. The educational program must include innovative teaching techniques, and must be designed to achieve measurable goals specified in the charter, including the improvement of student performance. The attainment of the goals must be assessed in accordance with objective standards set forth in the charter. The program must be supervised by the university's teaching or research faculty, who have substantial experience and expertise in education research, teacher education, classroom instruction or educational administration. Finally, the charter school's financial operations must be supervised by the college or university's business office. In the remainder of this paper, we focus specifically on open-enrollment charter schools.

The State Board of Education (SBOE) is responsible for adopting the application form and procedures for requesting creation and operation of open-enrollment charter schools in Texas, including selection criteria (TEC § 12.110(a)). Applications to create and operate open-enrollment charter schools are approved or denied based on the (SBOE) adopted criteria, which must address improvement of student performance and encouragement of innovative programs. Every application must include an impact statement; that is, "a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district" (TEC § 12.110(d)). Applications must also include the contents required by statute (TEC § 12.110(b)). The SBOE has the discretion to require a petition documenting parental support for a proposed open-enrollment charter school or hold a public hearing for this purpose as a part of the application process (TEC § 12.110(c)). Although the first batch of applications went to the SBOE in 1995, it was not until 2001 that a provision was added to

provide for the adoption of procedures for notifying school districts from which proposed open-enrollment charter schools would likely draw students or legislators who represent the geographic area to be served by the proposed charter school. The education commissioner was given responsibility for providing such notification (TEC § 12.1101).

Once approved, an open-enrollment charter school's charter becomes a written contract between the chair of the State Board of Education and the chief operating officer of the school (TEC § 12.112). Each charter granted by the SBOE must not only satisfy statutory provisions, but must also include information consistent with that which is provided in the application, including any modifications required by the SBOE (TEC § 12.113). Recall that open-enrollment charter schools are only subject to the state's education code to the extent the statute makes its provisions specifically applicable to them. Hence, it is in the charter document that the accountability of open-enrollment charter schools essentially resides. It is also through this document that operations are governed. In 2001, the Legislature added a provision to this section stipulating that the granting of a charter does not constitute entitlement to renewal on the same terms as it was originally issued. The original 1995 Texas charter school statute provided that charter revisions could only be made with SBOE approval (TEC § 12.114). However, in 2001, it was amended to require the approval of the commissioner of education, rather than that of the SBOE.

The statute specifies the minimal contents of all open-enrollment charter agreements, including a description of the educational program, facilities to be used, grade levels offered, enrollment criteria to be used, acceptable level of student performance, and the period during which the charter will remain in effect. In addition, the charter must describe the geographical area it will serve, the process by which the annual budget will be adopted, how the annual financial and program audits will be conducted, and its governance structure. Moreover, charters must include the qualifications that employees must meet and the basis on which the charter school may be placed on probation or under which its charter may be revoked or its renewal denied (TEC § 12.111).

In 1999, the 76th Legislature expanded the requirements for the content of open-enrollment charter schools' charters to include not only the composition of the governing board members, but also officers of the school. It specifically required that officer positions (i.e., principal, director, other chief operating officer, assistant principal, assistant director, and financial manager) be designated and that information be included concerning how officers are selected and removed from office, how members of the governing body (i.e., the board of directors, board of trustees, or other governing body) are selected and removed from office, how vacancies are filled, the term of office for members of the governing body, and whether the terms will be staggered (TEC §§ 12.1011(3) and (6), 12.111(8)(A)-(F)).

The content provision was again revised in 2001 by the 77th Legislature. All 1999 revisions were retained, except the provision requiring that the charter include employee qualifications was deleted. Two provisions were added: (1) open-enrollment charters must now also "specify the powers or duties of the governing body of the school that the governing body may delegate to an officer," and (2) specify how the school will distribute information to parents regarding professional employee qualifications, including professional or educational degrees held, a statement of certifications held, and relevant experience.

As with other U.S. states' charter school legislation, Texas statute prohibits discrimination in admission policy on the basis of gender, national origin, ethnicity, religion, or disability (Ausbrooks, 2001). In addition, it prohibits discrimination based on academic ability, athletic ability, or the district the child would otherwise attend. However, unlike many other states' charter school laws, Texas statute allows open-enrollment charter schools to exclude

students who have a documented history of a criminal offense, juvenile court adjudication, or discipline problems (TEC §12.111(6)). It further provides that the continued operation of an open-enrollment charter school, or the renewal of its charter, is contingent on acceptable student performance on the state's standardized assessment instrument (i.e., the Texas Assessment of Knowledge and Skills (TAKS)) and on accountability provisions specified in the school's charter.

Texas statute allows open-enrollment charter school operators to require that students who apply for admission to their school meet a reasonable submission deadline established by the school (TEC § 12.117). In 2001, a provision was added specifying that in the event that more applications are received than available positions, the positions will either be filled by lottery or "in the order in which the applications received before the deadline were received" provided that a notice of the opportunity to apply for admission to the school has been published, including the application deadline, in a "newspaper of general circulation in the community in which the school is located not later than the seventh day before the application deadline" (TEC §12.117(a)(2) and (b)).

**Characteristics of the school student body.** Texas state charter schools tend to be small in terms of student enrollment. The average enrollment across the 159 schools recorded is 243 students, and 63 percent of the schools have between 101 and 500 students. Only 13 percent of the schools have more than 500 students. Newer schools tend to be smaller than older schools, but that could be because the schools that have been opened longer have had more years in which to attract students. The average school size for schools opened in 1996-98 is 310 as compared to 237 for schools opened in 1999-00 and 158 for schools opened in 2000-01. (See Table 1.)

On average, charter schools have approximately the same proportion of economically disadvantaged students as traditional public schools (51.4 percent in charters as compared to 49.3 percent in non-charter public schools). Unfortunately, the economically disadvantaged tend to be congregated in only a few schools: 32 percent of the schools have a student body that is more than 75 percent economically disadvantaged and 24 percent have between 50 and 75 percent. For the most part, the distribution differs little across the generations of charter schools, with one exception: schools opened in 1999-00 tend to have lower concentrations of economically disadvantaged students (see Table 1).

A higher percentage of African American students attend charter schools as compared to non-charter public schools, but there is little difference in the proportion of Latino students in the two types of schools. While only 14 percent of students in Texas non-charter public schools are African American, the 159 charter schools have an average of 35 percent African Americans in each school. Although the majority of charter schools have less than 25 percent African American students, nonetheless 21 percent of the schools have more than 75 percent African American students. Schools opened in 1998-99 are particularly racially segregated, with 28 percent of the schools having over 75 percent African American students. Latinos make up 41 percent of the students in Texas non-charter schools, and on average, 39 percent of students in each charter school are Latino. Schools opened in 1999-00 are least ethnically segregated, with only 14 percent of the schools having greater than 75 percent Latinos, and schools opening in 1996-98 are the most segregated with 33 percent having greater than 75 percent Latino students.

**Table 1**  
**Student Characteristics of Charter Schools, Given by the Year Opened**

	<b>All Charter Schools, N=159 % (N)</b>	<b>1996-98 N=18<sup>a</sup> % (N)</b>	<b>1998-99 N=57<sup>c</sup> % (N)</b>	<b>1999-00 N=65<sup>d</sup> % (N)</b>	<b>2000-01 N=19<sup>e</sup> % (N)</b>
<b>Enrollment</b>					
Average (std. dev.)	243.3 (260.8)	309.7 (209.5)	252.9 (222.8)	237.1 (321.7)	158.0 (127.1)
Percent 25 or fewer (N)	3.1 (5)	0.0 (0)	1.7 (1)	4.6 (3)	5.3 (1)
Percent 26-50 (N)	5.7 (9)	0.0 (0)	7.0 (4)	4.6 (3)	10.5 (2)
Percent 51-100 (N)	15.1 (24)	0.0 (0)	14.0 (8)	16.9 (11)	26.3 (5)
Percent 101-150 (N)	22.6 (36)	11.1 (2)	14.0 (8)	35.5 (23)	15.8 (3)
Percent 151-200 (N)	18.2 (29)	27.8 (5)	21.0 (12)	12.3 (8)	21.0 (4)
Percent 201-500 (N)	22.0 (35)	44.4 (8)	26.3 (15)	13.8 (9)	15.8 (3)
Percent 501+ (N)	13.2 (21)	16.7 (3)	15.8 (9)	12.3 (8)	5.3 (1)
<b>Economically Disadvantaged</b>					
Average (std. dev.)	51.4 (34.5)	55.7 (29.6)	57.3 (34.9)	43.3 (35.9)	58.3 (28.7)
Percent 25% or fewer (N)	29.7 (46)	16.7 (3)	25.4 (14)	40.1 (26)	17.6 (3)
Percent 26-50% (N)	14.8 (23)	22.2 (4)	18.2 (10)	9.2 (6)	17.6 (3)
Percent 51-75% (N)	23.9 (37)	27.8 (5)	18.2 (10)	26.1 (17)	29.4 (5)
Percent 76% or more (N)	31.6 (49)	33.3 (6)	38.2 (21)	24.6 (16)	35.3 (6)
<b>African Amer. Students</b>					
Average (std. dev.)	35.1 (34.8)	28.5 (32.9)	39.6 (39.2)	34.5 (32.4)	31.1 (33.7)
Percent 25% or fewer (N)	52.8 (84)	61.1 (11)	50.9 (29)	50.8 (33)	57.9 (11)
Percent 26-50% (N)	17.0 (27)	16.7 (3)	12.3 (7)	23.1 (15)	10.5 (2)
Percent 51-75% (N)	9.4 (15)	11.1 (2)	8.8 (5)	7.7 (5)	15.8 (3)
Percent 76% or more (N)	20.7 (33)	11.1 (2)	28.0 (16)	18.4 (12)	15.8 (3)
<b>Latino Students</b>					
Average (std. dev.)	39.2 (32.8)	48.8 (37.9)	36.7 (34.2)	38.4 (29.6)	40.9 (35.2)
Percent 25% or fewer (N)	46.5 (74)	38.9 (7)	50.9 (29)	44.6 (29)	47.4 (9)
Percent 26-50% (N)	21.4 (34)	22.2 (4)	19.3 (11)	23.1 (15)	21.0 (4)
Percent 51-75% (N)	11.9 (19)	5.6 (1)	8.8 (5)	18.5 (12)	5.3 (1)
Percent 76% or more (N)	20.1 (32)	33.3 (6)	21.0 (12)	13.8 (9)	26.3 (5)



**Table 1, continued**

	<b>All Charter Schools, N=159</b>	<b>1996-98 N=18<sup>a</sup></b>	<b>1998-99 N=57<sup>c</sup></b>	<b>1999-00 N=65<sup>d</sup></b>	<b>2000-01 N=19<sup>e</sup></b>
<b>Grades Offered<sup>b</sup></b>					
PreK	34.0 (54)	27.8 (5)	50.9 (29)	23.1 (15)	26.3 (5)
K-5 <sup>th</sup>	53.4 (85)	61.1 (11)	66.7 (38)	43.1 (28)	42.1 (8)
6 <sup>th</sup> -8 <sup>th</sup>	59.1 (94)	44.4 (8)	64.9 (37)	61.5 (40)	47.4 (9)
9 <sup>th</sup> -12 <sup>th</sup>	71.1 (113)	66.6 (12)	70.2 (40)	73.8 (48)	68.4 (13)
GED	4.4 (7)	11.1 (2)	5.3 (3)	0.0 (0)	10.5 (2)

<sup>a</sup> Twenty schools were given a charter in 1995. One school has never opened, 17 schools opened in 1996-97, and two schools opened in 1997-98. One of the nineteen opened schools has since closed and its charter has expired.

<sup>b</sup> Percentages do not add to 100 since some schools have multiple levels.

<sup>c</sup> Fifty-nine schools opened in 1998; two have since closed (one had its charter revoked; the other returned its charter).

<sup>d</sup> Eighty-two schools were given charters to open in 1999; three opened and have since closed, 14 never opened.

<sup>e</sup> Twenty-one schools opened in 2000-01; two have since closed (both have returned their charters).

Finally, charter schools are most likely to be high schools (71 percent) and middle schools (59 percent). A third of the schools offer pre-kindergarten classes (34 percent) and 4 percent allow students to earn a GED. Proportionally, the largest number of pre-kindergarten classes was added in 1998-99, and proportionally more GED programs were begun in 1996-98 and 2000-01 than in other years. None of the 65 schools opened in 1999-00 and only three of the 57 schools opened in 1998-99 offer a GED.

**Characteristics of school teachers.** Teachers in charter schools tend to not stay on the job nearly as long as their counterparts in non-charter public schools. The average teacher turnover rate in Texas non-charter public schools is just 15.8 percent, but it averages 47 percent in the charter schools. Some schools do quite well. In 14 percent of the charter schools, less than 25 percent of the teachers leave at the end of the year. Unfortunately, other schools have a much higher rate of departure. In 18 percent of the schools, over 75 percent of the teachers do not return the following year. (See Table 2.) Of course, charter schools are much smaller than non-charter public schools. Hence, the departure of just one or two teachers can raise the turnover rate substantially. Nonetheless, if one considers only those schools with at least 150 students, the average teacher turnover rate remains high at 48 percent. Even in the 21 schools with more than 500 students, the turnover rate of 45 percent is well above the state average.

**Table 2**  
**Teacher Characteristics of Charter Schools, Given by the Year Opened**

	<b>All Charter Schools, N=159 % (N)</b>	<b>1996-98 N=18 % (N)</b>	<b>1998-99 N=57 % (N)</b>	<b>1999-00 N=65 % (N)</b>	<b>2000-01 N=19 % (N)</b>
<b>Teacher Turnover Rate</b>					
Average (std. dev.)	47.0 (29.4)	41.3 (18.0)	54.4 (26.6)	54.8 (26.3)	NA
Percent 25% or fewer (N)	14.1 (19)	16.7 (3)	15.1 (8)	12.5 (8)	NA
Percent 26-50% (N)	36.3 (49)	50.0 (9)	39.6 (21)	29.7 (19)	NA
Percent 51-75% (N)	31.1 (42)	33.3 (6)	20.7 (11)	39.1 (25)	NA
Percent 76% or more (N)	18.5 (25)	0.0 (0)	24.6 (13)	18.7 (12)	NA
<b>Teachers with fewer than 5 years experience</b>					
Average (std. dev.)	69.6 (24.7)	73.7 (33.3)	68.1 (23.1)	72.1 (25.9)	61.2 (33.3)
Percent 25% or fewer (N)	6.4 (10)	0.0 (0)	3.6 (2)	6.2 (4)	23.5 (4)
Percent 26-50% (N)	14.2 (22)	5.6 (1)	21.4 (12)	12.5 (8)	5.9 (1)
Percent 51-75% (N)	34.2 (53)	50.0 (9)	33.9 (19)	31.2 (20)	29.4 (5)
Percent 76% or more (N)	45.2 (70)	44.4 (8)	41.1 (23)	50.1 (32)	41.2 (7)
<b>Teachers with advanced degrees</b>					
Average (std. dev.)	15.3 (18.8)	19.7 (15.4)	17.9 (19.7)	12.1 (17.5)	14.7 (22.4)
Percent 25% or fewer (N)	82.8 (130)	77.7 (14)	80.3 (45)	87.5 (56)	78.9 (15)
Percent 26-50% (N)	12.7 (20)	16.7 (3)	14.3 (8)	10.9 (7)	10.5 (2)
Percent 51-75% (N)	1.9 (3)	5.6 (1)	1.8 (1)	0.0 (0)	5.3 (1)
Percent 76% or more (N)	2.5 (4)	0.0 (0)	3.6 (2)	1.6 (1)	5.3 (1)
<b>Student-Teacher ratio</b>					
Average (std. dev.)	19.9 (9.7)	17.5 (4.3)	18.2 (8.9)	21.6 (11.3)	21.5 (9.9)
15:1 or lower	41.3 (62)	44.4 (8)	49.1 (27)	37.9 (22)	26.3 (5)
16:1 - 20:1	26.0 (39)	33.3 (6)	29.1 (16)	17.2 (10)	36.8 (7)
21:1 - 25:1	12.0 (18)	16.7 (3)	7.3 (4)	15.5 (9)	10.5 (2)
26:1 - 30:1	8.7 (13)	5.6 (1)	5.4 (3)	12.1 (7)	10.5 (2)
31:1 or higher	12.0 (18)	0.0 (0)	9.1 (5)	17.3 (10)	15.8 (3)

Charter school teachers tend to be less experienced and less educated than teachers in traditional public schools. While 35 percent of teachers in Texas non-charter public schools have fewer than five years of teaching experience, this proportion is substantially lower than for teachers in charter schools. Seventy percent of charter school teachers have taught for fewer than five years. Even more worrisome is that inexperienced teachers make up the majority of teachers in 79 percent of all charter schools. In 94 percent of the oldest charter schools (those opened in 1996-98), inexperienced teachers make up over half of all teachers. The proportion has improved over the years. But although nearly 25 percent of the newest schools (those opened in 2000-01) have fewer than 25 percent teachers with less than 5 years experience, 70 percent of these newest schools nonetheless have a majority of inexperienced teachers. Not only are charter school teachers less experienced than traditional public school teachers, they are also less likely to have completed an advanced level of education. Nearly a quarter (24 percent) of traditional public school teachers have an advanced degree as compared to only 15 percent of charter school teachers.

The student-teacher ratio across the 159 charter schools (19.9 percent) tends to be higher than in non-charter public schools (14.7 percent). Although the student-teacher ratio is lower in elementary-only charter schools (17.7 percent) as compared to junior-high and high-school-only charter schools (23.2 percent), it remains higher than the state non-charter average.

**Missions of open-enrollment schools.** In 1995, the state of Texas granted charters to 20 schools; 13 of these schools were newly designed schools and seven already existed as private schools. One of the original schools never opened, and one closed after two years of operation. From 1996 to 2001, 183 schools were granted charters, 9 (4.9 percent) of the schools have since closed and 15 (8.2 percent) never opened. The majority of the schools currently running are new schools (80 percent) - that is, schools that opened their doors for the first time as charter schools - but 20 percent of the current charter schools existed as private schools prior to being granted a public charter. Charter schools are predominately located in urban areas, but over the five years, the number opening in suburban and rural areas has increased. The number in rural areas remains small (just 16 percent of all schools), but that proportion has been increasing over the years. (See Table 3.)

No two charter schools are the same. They each have a unique set of goals and ways of going about achieving their goals. The mission statements of the schools suggest at least 11 relevant factors, although no school pursues all 11. The most common factor that schools hope to accomplish is to provide a safe and nurturing environment for students. This goal was listed by 42 percent of the schools and was more frequent among the recently opened schools than schools opening in earlier years. Just over one quarter of the first wave of schools (28 percent) explicitly mentioned providing a nurturing environment, while two-thirds (67 percent) of the most recent wave of schools mentioned the goal. (See Table 3.) Start-up schools were somewhat more likely (42 percent) than conversion schools (31 percent) to mention a nurturing environment, but the difference was not statistically significant. Urban schools (44 percent) were also more likely to suggest the goal of a safe environment than suburban (35 percent) and rural schools (33 percent), but again the differences were not statistically significant.

**Table 3**  
**Types of Charter Schools and their Mission Statements, Given by the Year Opened**

	<b>All Charter Schools, N=159</b>	<b>1996-98 N=18 % (N)</b>	<b>1998-99 N=57 % (N)</b>	<b>1999-00 N=65 % (N)</b>	<b>2000-01 N=19 % (N)</b>
<b>Enrollment Status</b>					
Closed	4.9 (9)	5.0 (1)	3.4 (2)	3.7 (3)	9.5 (2)
Never Opened	8.2 (15)	5.0 (1)	0.0 (0)	17.0 (14)	0.0 (0)
<b>Start-up or Conversion</b>					
Start-up	79.9 (115)	61.1 (11)	78.9 (45)	87.3 (48)	78.6 (11)
Conversion	20.1 (29)	38.9 (7)	21.1 (12)	12.7 (7)	21.4 (3)
<b>Kind of Community</b>					
Urban	70.2 (111)	72.2 (13)	68.4 (39)	73.4 (47)	63.2 (12)
Suburban	13.9 (22)	22.2 (4)	14.0 (8)	10.9 (7)	15.8 (3)
Rural	15.8 (25)	5.6 (1)	17.6 (10)	15.7 (10)	21.1 (4)
<b>Residential Facility</b>	5.7 (9)	0.0 (0)	7.0 (4)	7.7 (5)	0.0 (0)
<b>Takes Adjudicated Students</b>	20.1 (32)	11.1 (2)	10.5 (6)	36.9 (24)	0.0 (0)
<b>School Mission<sup>a</sup></b>					
Safe, nurturing environment	41.8 (61)	27.8 (5)	35.1 (20)	46.4 (26)	66.6 (10)
Drop-out/Expelled Recovery	39.7 (58)	38.9 (7)	28.1 (16)	46.4 (26)	60.0 (9)
Empower students, build self-	33.6 (49)	50.0 (9)	31.6 (18)	25.0 (14)	53.3 (8)
Mastery of subjects, rigorous core	28.8 (42)	11.1 (2)	35.1 (20)	25.0 (14)	40.0 (6)
Recognize/work with diverse	26.7 (39)	33.3 (6)	26.3 (15)	21.4 (12)	40.0 (6)
Provide counseling/support	19.2 (28)	33.3 (6)	14.0 (8)	17.8 (10)	26.7 (4)
Provide stimulating environment	13.7 (20)	11.1 (2)	15.8 (9)	14.3 (8)	6.7 (1)
Education of children with special	12.3 (18)	0.0 (0)	15.8 (9)	16.1 (9)	0.0 (0)
Provide a culturally-enriched	8.2 (12)	16.7 (3)	5.3 (3)	5.4 (3)	20.0 (3)
Year-round program	8.2 (12)	16.7 (3)	14.0 (8)	0.0 (0)	6.7 (1)
Help children of low-income	7.5 (11)	11.1 (2)	10.5 (6)	1.8 (1)	13.3 (2)

<sup>a</sup> Information about mission was unavailable for 9 schools opened during the 1999-00 academic year (making the N=56) and for 4 of the schools opened during the 2000-01 academic year (making the working N=15)

Also on the rise over the years were schools that had a stated mission to target students at risk of dropping out or that aimed their curriculum at providing an education to those who had already left school. Overall, 40 percent of the charter schools listed dropout recovery as a mission, but while 40 percent of the schools started in the first wave (1996-98) said they will target the at-risk population, 60 percent in the latest wave (2000-01) have that as a goal. There was little difference between newly designed schools and converted schools in their likelihood of targeting at-risk students (39 versus 46 percent), but rural schools (58 percent) were more likely than either urban (38 percent) or suburban (25 percent) schools to seek to help the would-be dropouts:  $\chi^2 = 5.3$ ,  $p = .07$ .

The third most frequently mentioned goal was to help empower students and build

their self-esteem. Thirty-four percent of the schools revealed this in their mission statement. When the school received its charter, whether it was a new school or a converted private school, and whether the school was located in an urban, suburban, or rural setting seemed to make little difference in its probability of mentioning building self-esteem.

A little over a quarter of the schools (28 percent) aimed to have students master each academic subject, and schools that sought such a rigorous core curriculum seem to have increased over the years. Only 11 percent of the original charter schools explicitly aimed for subject mastery, but 40 percent of the newest schools said this was a goal. This is not because new schools are more likely than conversion schools to have this goal; there is no difference. However, urban schools (24 percent) were somewhat less likely than suburban (35 percent) and rural (37 percent) to seek the goal, although the difference is not statistically significant.

The final goal mentioned by at least a quarter of the schools (27 percent) was to recognize diverse learning styles and provide an education that meets the needs of all types of learners. This goal appeared consistently across the five years, and did not differ between new schools and converted schools. Suburban schools (40 percent) were more likely to mention the goal than rural (25 percent) and urban (23 percent) schools, although not statistically significantly so.

Table 3 lists six other goals that were mentioned by at least 11 of the schools. Nineteen percent mentioned that they would provide counseling or support services for students, and the overwhelming majority of these 28 schools (77 percent) also intended to target at-risk students. Fourteen percent of the schools sought to provide a stimulating learning environment; 12 percent wanted to educate children with special needs; eight percent mentioned providing a culturally enriched environment for students; eight percent set having a year-round program as a goal (75 percent of which were targeting at-risk students), and seven percent wanted specifically to help children from low-income families.

**Summary of findings.** The currently operating open-enrollment charter schools in Texas are more racially and economically segregated than other public schools in the state. While a few of the charter schools specifically target African American or Latino students with the goal of providing a culturally enriched learning environment, most do not. In 63 percent of the charter schools, minority students make up the majority of the student population, and over half of all charter schools have more than 50 percent of their students listed as economically disadvantaged. Most troubling, though, is that 67 percent of the schools with a majority of minority students also have a majority of economically disadvantaged students, while just 36 percent of the non-majority-minority schools have such a high proportion of economically disadvantaged students.

The rate at which teachers leave the schools is astoundingly large. On average, 47 percent of the teachers will leave in any year, and only 14 percent of the schools have a teacher turnover rate of 25 percent or lower. Fortunately for the students, there doesn't seem to be a particularly strong relationship between a school's teacher turnover rate and its proportion of economically disadvantaged students ( $r=.05$ ), proportion of African American students ( $r=.05$ ), or proportion of Hispanic students ( $r=.09$ ). The teacher turnover rate is troubling, to be sure, but it does not appear to be a problem associated with schools that target particularly disadvantaged students. Nor is it the case that schools with higher numbers of minority or economically disadvantaged students have less experienced teachers. Once again, the problem of inexperienced teachers seems to be spread across the schools.

In their mission statements, open-enrollment charter schools include a number of innovative ideas for working with students. Most notably is that nearly half of the approved

schools state that they intend to help students who have or would drop out from traditional schools. These students are often neglected in regular public schools, so that the fact that a number of charter schools target them as potential students is an important contribution to public school education. A number of charter schools also offer in their mission statements intentions of providing nurturing learning environments, an intention that no doubt appeals to parents and students alike. All in all, the mission statements suggest that charter school administrators are thinking about innovative school environments, at least in the design of the school.

### **Innovative Curricula in Charter Schools**

**Legislative background.** Although charter schools are free from most state regulations, legislators were clearly interested in ensuring that this freedom does not impede charter schools' ability, as part of the state's public education system, to provide a quality education to all students who attend them. Therefore, in addition to statutory provisions with regard to establishing a criminal offense, health and safety, and criminal history records, Texas open-enrollment charter schools are also subject to the provisions regarding the Public Education Information Management System (PEIMS), high school graduation, special education programs, bilingual education, pre-kindergarten programs, extracurricular activities, and public school accountability (TEC § 12.104). In 1999, the statute was amended to make reading instruments and accelerated reading instruction programs applicable to open-enrollment charter schools and to require satisfactory student performance on the state's assessment instruments, as well as accelerated instruction. Legislation passed in 2001 added provisions making open-enrollment charter schools subject to use of discipline management practices and behavior management techniques (i.e., confinement, restraint, seclusion and timeout, TEC § 104(a)(2)(J)). It also entitled open-enrollment charter schools to "the same level of services provided to school districts by regional education service centers" as well as representation on the boards of directors of regional education service centers. By rule, the commissioner may "permit an open-enrollment charter school to voluntarily participate in any state program available to school districts, including a purchasing program, if the school complies with all terms of the program" (TEC § 12.104 (c) and (d)).

**Teaching methods in charter schools.** The most often mentioned teaching style across all the schools was self-paced, individualized instruction: 54 percent of the schools mentioned this teaching method, and its frequency increased over the years (See Table 4 for specific statistics). Not surprisingly, schools having a mission to educate the potential dropout were more likely to use this method than other schools (67 versus 39 percent,  $\chi^2 = 10.6$ ,  $p < .01$ ).

Over a third of the schools (35 percent) sought parent and community involvement as part of the instruction. Only 24 percent of these schools were targeting at-risk students ( $\chi^2 = 8.4$ ,  $p < .05$ ). A third of the schools used computer-assisted learning. These were primarily not the same schools that involved parents and community (only 9 percent of schools did both), but they were the same schools that used individualized instruction (24 percent of schools used both techniques). Finally, a third of the schools used project-based teaching methods.

Schools that designed a curriculum to provide students with practical skills or that offered a school-to-work experience (28 percent of schools), also tended to be those schools that had a mission to help the at-risk student (61 and 39 percent, at-risk and not at-risk, respectively) ( $\chi^2 = 10.2$ ,  $p < .001$ ). Schools that created a school-to-work transition also tended

to be in rural areas (46 percent) as opposed to urban (26 percent) or suburban (20 percent) areas:  $\chi^2 = 4.6$ ,  $p=.10$ .

**Table 4**  
**Teaching Methods Used in Charter Schools, Given by the Year Opened**

	<b>All Charter Schools, N=159</b>	<b>1996-98 N=18 % (N)</b>	<b>1998-99 N=57 % (N)</b>	<b>1999-00 N=65 % (N)</b>	<b>2000-01 N=19 % (N)</b>
<b>Teaching Methods<sup>a</sup></b>					
Individualized instruction, self-paced	54.1 (79)	33.3 (6)	52.6 (30)	58.9 (33)	66.6 (10)
Parent & community involvement	34.9 (51)	44.4 (8)	42.1 (24)	25.0 (14)	33.3 (5)
Computer assisted learning	34.2 (50)	16.7 (3)	21.0 (12)	50.0 (28)	46.7 (7)
Practical skills, school-to-work	28.1 (41)	16.7 (3)	26.3 (15)	26.8 (15)	53.3 (8)
Emphasis on fine arts, languages	22.6 (33)	22.2 (4)	24.6 (14)	16.1 (9)	40.0 (6)
Core knowledge	18.5 (27)	16.7 (3)	21.0 (12)	10.7 (6)	40.0 (6)
Integrated curriculum	17.8 (26)	38.9 (7)	17.5 (10)	8.9 (5)	26.7 (4)
Leadership classes, group problem	17.8 (26)	22.2 (4)	22.8 (13)	7.1 (4)	33.3 (5)
Grouped by achievement, not age	16.4 (24)	33.3 (6)	15.8 (9)	5.4 (3)	40.0 (6)
Short day, flexible hours	13.0 (19)	0.6 (1)	15.8 (9)	8.9 (5)	26.7 (4)
Community service	10.9 (16)	16.7 (3)	12.3 (7)	7.1 (4)	13.3 (2)
Business-oriented education	6.8 (10)	0.0 (0)	12.3 (7)	5.4 (3)	0.0 (0)
College-Prep education	4.8 (7)	0.6 (1)	1.7 (1)	3.6 (2)	20.0 (3)
Montessori	2.0 (3)	0.6 (1)	3.5 (2)	0.0 (0)	0.0 (0)
Waldorf approach	1.4 (2)	0.6 (1)	0.0 (0)	0.0 (0)	6.7 (1)
Emphasis on sciences & math	1.4 (2)	0.6 (1)	0.0 (0)	0.0 (0)	6.7 (1)

<sup>a</sup> Information about curriculum was unavailable for 9 schools opened during the 1999-00 academic year (making the N=56) and for 4 of the schools opened during the 2000-01 academic year (making the working N=15).

Table 4 lists 12 other teaching methods that were mentioned by the schools. Interestingly given the concern by some charter school observers that charter schools would take the best and brightest from traditional public schools, only seven schools (4.8 percent) mentioned specifically a college-preparatory program, and only two (1.4 percent) emphasized mathematics and science in their curriculum. In fact, more schools mentioned having an entrepreneurial or business orientation (N=10, 6.8 percent) than mentioned college preparation specifically. Nonetheless, key words for those seeking a college preparatory education were brought up: 18 percent offered a core knowledge curriculum, 18 percent offered an integrated curriculum, and 18 percent taught group problem solving and leadership skills. Despite current trends in many schools - both private and public - only 11 percent of the charter schools required their students to participate in community service. Finally, the non-mainstream teaching methods of Waldorf and Montessori were being incorporated into only five schools (three Montessori, two Waldorf).

**Summary of Findings.** Charter schools that targeted students most at risk for dropping out of school (and returning students who had previously dropped out) differ from

other schools in their stated teaching methods. The drop-out recovery schools promote the use of innovative teaching techniques such as self-paced learning or flexible schedules, many with a focus on school-to-work training. On the other hand, schools targeting the regular student are less likely than at-risk targeted schools to utilize curricula different from traditional public schools. In a recent study of charter school students, Barrett (2003) found that students in at-risk targeted schools tend to be more satisfied with their school and least likely to return to traditional public schools as compared to students in other charter schools. In fact, Barrett found that regular students are more likely than “at-risk” students to be frustrated that their charter school doesn’t differ from public schools they had previously attended. One of the cornerstones of the charter school legislation was the freedom for schools to be innovative in teaching methods, yet 20 percent of the schools list no unique teaching method in their promotional literature.

### **Concluding Remarks**

The creation of charter schools must be studied from their place in public school reform and the political and social shifts that created the specific political environments in state legislatures. Charter schools came about as part of the education choice movement both nationally and in Texas. Complex political and social systems in flux around the country allowed for decisions to be made in legislatures that 40 years ago would have been unacceptable. The rise of entrepreneurial activities in government, public/private partnerships and an increase in conservative social attitudes, with an emphasis on the individual, made charter schools seem like a good compromise to fix the public school system. Political realities in the change of the role of education experts and governors, moving populations and voter strengths, and the increase in interest group power shifted decision making into new arenas allowing the development of charter school legislation.

Fuller (2000) describes a few lessons learned from the relationship between community organizations and political institutions. First, the spread and quality of alternative organizations - from charter schools to day-care centers - is shaped only in part by policy. The economic dynamics of communities, as well as their cultural norms, exert far more telling forces. This is why information about charter school student populations and communities is so critical. The legislation does not dictate the logistics of how schools should be run. Instead, it establishes the framework. Yet, what emerged from the political, economic and social context through the implementation of the Texas charter school statute were charter schools designed to address specific student populations, and racial and economic clustering forming distinctive educational communities within and across existing school districts. Thus, despite the way the law is written, the educational choices that parents have made for their children have significantly contributed to the clustering effect described in this paper. The clustering could be because the focus of charter schools’ missions attract certain types of parents to seek to enroll their children. Perhaps it is because charter schools target specific student groups. The law is silent as to the type of school parents should choose. However, the law does require that charter schools include a description of their educational program, the acceptable level of student performance, and the geographic area the school will serve (Tex. Educ. Code § 12.111 (a)). In addition, charter schools may target certain student populations, such as students who are at risk of dropping out of school, or who have other needs. Therefore, it is not surprising that parents make choices they believe are best for their children.



Second, moving power and responsibility down the governance chain often has little substantive effect on what frontline workers really do with students or clients. The institutionalized forms of action that guide what teachers do continue, regardless of the leadership of the organization. Texas legislators exerted great efforts during the most recent legislative session to include statutory provisions that require that open-enrollment charter schools not only identify the governance structure, but also include a listing of officer positions, how individuals for these positions are selected and removed, and specify the power and duties that the governing body may delegate to these individuals (Tex. Educ. Code § 12.111 (a) (7)). Texas charter school law does not require that certified teachers be employed in charter schools. It does, however, stipulate that open-enrollment charter schools inform parents of all enrolled students in writing of the qualifications of every teacher employed by the school (Tex. Educ. Code § 12.130). The law is designed to ensure the existence of a structure, and through its requirement that open-enrollment charter schools include the state curriculum as part of their curricular offerings (Tex. Educ. Code § 12.111(a) (1)), it ensures consistency of educational content in the state's public schools. However, how the curriculum is actually implemented will likely vary. Although our findings do not indicate a strong relationship between open-enrollment charter school teacher turnover and the proportion of minority or economically disadvantaged students, these factors may very well affect parents' school selections. Moreover, teacher experience, coupled with teacher turnover, may impact curriculum delivery and ultimately student achievement. Future research is needed to explore these linkages.

Third, the distribution of policy power is not a zero-sum game (Fuller, 2000). The paradox is pushed further. Peter Beinart, senior editor of the *New Republic*, noted, "When it comes to education, nearly all the prominent Republican governors have forsaken small-government orthodoxy." Instead, previously moderate Republicans pursue strong restructuring strategies that reap the political benefits of boosting children's achievements and parents' renewed faith in public institutions (Fuller, 2000). Within this context, the mini-institution of charter schools becomes emblematic of centrist political strategy by retaining some public oversight while advancing the symbols of innovation and democratic choice. Nonetheless, as the results presented in this paper demonstrate, there are few charter schools in Texas that are truly creating innovative teaching environments.

Some argue that charter school legislation and the striving for choice in public schools is less about education and more about social change. The deregulation of public education stirs deep passions often fueled by data analyses that more resemble manifestos than policy memoranda or research papers (Powers, et. al, 1999). Within this context, school choice is possibly best understood as a social movement (Cookson, 1994; Henig, 1994) led by politicians, policy advocates, and public personalities rather than educators and the traditional allies of public education. Brouillette (2002) cautions us not to forget that the organizational patterns that shape instruction are not historical creations etched in stone. "They are the historical product of particular groups with particular interests and values at particular times - hence political in nature" (Cuban & Tyack, 1994, p. 476).

Texas is poised to continue along the public education choice model and exhibits a charter-school-friendly environment at the state level (Charter School Resource Center of Texas, 2001). Governor Rick Perry is a strong supporter of charter schools. Texas legislators, both in the Senate and in the House, have hosted numerous negotiation meetings with charter school leaders and charter school advocates. The Texas Education Commissioner's Charter Cabinet, comprising 17 charter directors, meets regularly with the Commissioner of Education,

Deputy Commissioner, and key Texas Education Agency (TEA) staff. The Commissioner is a keynote speaker each year at the Charter School Resource Center's annual charter school conference. The TEA conducts new charter orientations, provides an operational handbook and guidelines, provides vital information on a regular basis, and conducts charter stakeholder meetings across the state during the summer months to provide charter school information and solicit public comments about specific legislation. Twenty Regional Education Service Centers (ESCs) provide technical assistance. And lastly, of the \$70 million that Texas will receive from the Federal School Repair and Renovation grant funds, \$26 million will be granted on a competitive basis to charter schools.

More than a decade after the first major effort toward education reform in Texas began, it is not clear what the changes accomplished (Clark, T., 1997). Charter school legislation provides a framework upon which charter schools may build to meet the educational needs of the students who choose to attend them. Outside of the requirements that ensure that all of the state's public school students are receiving a comparable education, charter schools are free to be creative in meeting students' unique needs. Part of the state's responsibility in providing public education for all children is to ensure that education is adequately financed (Tex. Educ. Code § 4.003(a)). Open-enrollment charter schools are funded as though they are independent public school districts. They cannot charge tuition and must provide student transportation to the same extent as other public school districts in the state. As such, the state provides them with "the distribution from the available school fund for a student attending the open-enrollment charter school to which the district in which the student resides would be entitled." As with other independent school districts, they are also entitled to receive the transportation allotment, less an amount equal to the sum of the school's tuition receipts, plus its distribution from the available school fund (Tex. Educ. Code §§ 12.106, 42.003). For open-enrollment charter schools, state funding constitutes the majority of their revenue. Since they are not authorized to levy taxes, they receive no local revenue, and start-up funding continues to be a major challenge.

Statutory provisions governing Texas charter school finance were significantly revised in 2001 to increase liability and accountability of charter school holders for state funds they receive. The statute makes it clear that by accepting state funding, charter holders agree to be subject to statutory provisions and accept liability for the funds they receive. The education commissioner is authorized to adopt rules to "provide and account for state funding of open-enrollment charter schools" as necessary (Tex. Educ. Code §§ 12.106 – 12.1071, 45.201, 2001).

Regardless of the substantive outcomes of the reform efforts undertaken during the last decade, the way Texans view public education has changed forever. Prior to the 1980s, education was not a priority and now it is a constant campaign issue and important piece of the legislative session. The struggle will most likely continue between the education establishment and the forces of the religious right and free-market interests intent on furthering their social movement through school choice and the charter school issue. Of course, the pressing question of educators remains regardless of relevancy; that is, whether charters are making a difference in what and how much children are learning.

In light of the increasing numbers of charter school start-ups and President Bush's education agenda that no child will be left behind, this paper provides educational leaders, policymakers and legislators with useful information as they struggle to equalize educational opportunity for all children through school choice methods. Charter school legislation has changed in response to the concerns of all involved, and focuses on the need for balance between choice, innovation, and public accountability. The reasons for starting charter schools often differ, thus the discussions about how and why charter schools exist and the

contributions they make to the overall system of public schools must remain open. Armed with accurate information about communities that exist within the public school arena, educators, legislators and policy makers can make more informed decisions about forming and sustaining educational partnerships in realization of American democratic goals for the greater good of all.

## Notes

<sup>1</sup> <http://www.tea.state.tx.us/>

<sup>2</sup> <http://www.charterstexas.org/>

<sup>3</sup> <http://www.uscharterschools.org/>

<sup>4</sup> School of Urban and Public Affairs (University of Texas at Arlington), Center for the Study of Education Reform (University of North Texas), Center for Public Policy (University of Houston), and Texas Center for Education Research. (2002, July). *Texas Open-Enrollment Charter Schools: Fifth Year Evaluation*. Austin, TX; School of Urban and Public Affairs (University of Texas at Arlington), Center for the Study of Education Reform (University of North Texas), Center for Public Policy (University of Houston), and Texas Center for Education Research. (2001, September). *Texas Open-Enrollment Charter Schools: Fourth Year Evaluation*. Austin, TX; School of Urban and Public Affairs (University of Texas at Arlington), Center for the Study of Education Reform (University of North Texas), Center for Public Policy (University of Houston), and Texas Center for Education Research. (2000, July). *Texas Open-Enrollment Charter Schools: Third Year Evaluation*. Austin, TX; School of Urban and Public Affairs (University of Texas at Arlington), Center for the Study of Education Reform (University of North Texas), Texas Center for Education Research, Texas Justice Foundation, and Center for Public Policy (University of Houston). (1998, July). *Texas Open-Enrollment Charter Schools: Second Year Evaluation*. Austin, TX; School of Urban and Public Affairs (University of Texas at Arlington), Center for the Study of Education Reform (University of North Texas), Texas Center for Education Research, Texas Justice Foundation, and Center for Public Policy (University of Houston). (1997, December). *Texas Open-Enrollment Charter Schools: Year One Evaluation*. Austin, TX.

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Carrie and Edith, who authored the legislation and school sections, respectively, are two of the original members of the evaluation team of researchers that conducted the study documenting the evolution of Texas open-enrollment charter schools for the first five years. Theresa, the author of the political information, joined the team after the third year. A version of this paper was presented at the Annual Meeting of the Southwest Educational Research Association in San Antonio, Texas, February 2003.

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