

Charter Schools with Some Focus on South Carolina's Experience --A Working Paper--

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Introduction

On June 8, 2006, the South Carolina Charter School Act of 2006 (Act No. 274) was signed into law by the governor. Though charter schools had been enabled by legislation passed by the General Assembly in 1996, the Charter School Act arguably gave what has become to be known as “school choice” a significant boost in South Carolina.

School choice is a rubric that refers to an educational policy and practice reform movement. Many school choice reforms are controversial, especially such variations as voucher systems and tax credits for attending private or not-for-profit schools. Those supporting the traditional public educational model believe that school choice will benefit the privileged few and divert needed monies from public education. Those favoring school choice believe that school choice will improve student achievement and give parents and students pedagogical alternatives.

To some extent, charter schools have bridged the disagreement and debate surrounding school choice. Politically, most Republicans and Democrats have come to agreement that charter schools offer a sensible alternative to public schools and should be given the chance to improve the American educational system. Still, there are many ideological differences which persist and extend to educators, policy makers, and individuals who have an interest in or concern about school choice reforms, even those pertaining to charter schools.

In this working paper, charter schools will be examined in what is intended to be a succinct yet sufficiently explanatory manner. This will include probing the landscape of “charterdom” in education in the United States and South Carolina with the principal aim to give understanding and meaning to many of its facets.

The Scope of and Public Resources Available to Charter Schools

Today, there are 40 states, including the District of Columbia, with charter schools. In sheer numbers, approximately 4,000 charter schools are in operation with greater than one million students in attendance. This equates to about 2% of all elementary and secondary pupils in the United States.¹ Those states without charter schools include Alabama, Kentucky, Maine, Montana, Nebraska, North Dakota, South Dakota, Vermont, Washington, and West Virginia.²

Further, charter schools appear to be increasing with some momentum. According to the Center for Education Reform, 424 new charter schools in 31 states and District of

Columbia were opened during the 2005-2006 school year. This represents roughly a 13% annual increase.³

Charter schools are numerous among some large cities as well. Chester Finn, a professor of education and public policy at Vanderbilt University, states that more than a dozen cities, including Detroit, Cleveland, and Milwaukee, have charter school systems that serve a ratio of one in every six students.⁴

What other things are in the main distinguishable about charter schools? According to the U.S Charter Schools website, charter schools operate along these lines:

- Most charter schools are newly created, while some are converted from existing schools.
- Most charter schools are small schools (median enrollment is 242 students compared with 539 in traditional public schools).
- They serve many different communities with a wide variety of curriculum and instructional practices.
- They vary a lot from state to state and school to school.
- Many charter schools have atypical grade configurations (K-3, K-8).
- Most charter schools provide one or more non-instructional services, like health, social services, or extended day care.⁵

Of interest, since the mid-1990s, the U.S. Department of Education (USDOE) has been involved in the development of charter schools. Through the Public Charter Schools Program, the USDOE offers grants to states.⁶ The states in turn then award funding to individual schools to assist them in planning, design, and initial implementation of new charter schools. Further, dissemination grants are available to successful charter schools, with three or more years of operation. These grants provide for activities through which they help other groups open new or improve existing public schools. The USDOE states that charter schools are additionally eligible for funding under other federal programs.^{7 8}

In South Carolina, an office in the S.C. Department of Education assists in the implementation of the new Charter Schools Act. The office also provides data and information on charter schools and has a helpful website.⁹

What are Charter Schools?

Though charter schools were first advocated in the late 1980s, and the first charter school was established in St. Paul, Minnesota in 1992, many people are not exactly clear on what they are. The literature on charter schools provides great detail as to their definition and meaning.

Charter schools are in fact public schools created or constituted by a contract, i.e., a charter. Generally speaking, these charters are granted by a “sponsor” or an authority outlined in a state’s law such as public agency, usually a school district or board. The

other party to the charter can be one of several “applicants.” This might include, for example, a group of parents, teachers, school administrators, businesses, or nonprofit agencies.

Charter schools receive public monies and are non-discriminatory, nonsectarian entities that operate with freedom from many of the state regulations and laws that apply to traditional public schools. They are commonly referred to as “innovative” primary or secondary schools that are held accountable for producing results in student achievement or excellence. School charters or contracts typically cover a period of three to five years, at which point, with the benefit of usually some objective evaluation and subjective decision making, are renewable.

More specifically, the National Education Association defines charter schools in the following way:

Charter schools are publicly funded elementary or secondary schools that have been freed from some of the rules, regulations, and statutes that apply to other public schools, in exchange for some type of accountability for producing certain results, which are set forth in each charter school's charter. NEA believes that charter schools and other nontraditional public school options have the potential to facilitate education reforms and develop new and creative teaching methods that can be replicated in traditional public schools for the benefit of all children.¹⁰

Under the S.C. Charter School Act, charter schools are technically defined in Section 59-40-40.

- 1) A 'charter school' means a public, nonreligious, nonhome-based, nonprofit corporation forming a school that operates within a public school district or the South Carolina Public Charter School District, but is accountable to the school board of trustees of that district which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools.
- (2) A charter school:
 - (a) is considered a public school and part of the South Carolina Public Charter School District or local school district in which it is located for the purposes of state law and the state constitution;
 - (b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
 - (c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor,

the governing body to be selected, as provided in Section 59-40-50(B)(9);

(d) may not charge tuition or other charges pursuant to Section 59-19-90(8) except as may be allowed by the sponsor and is comparable to the charges of the local school district in which the charter school is located.¹¹

Additionally, most charter schools' enabling legislation spells out specifically their intent. This includes generally six or seven factors that are remarkably similar from state to state. In South Carolina's charter school legislation these factors or aims are as follows:

- Improve student learning;
- Increase learning opportunities for students;
- Encourage the use of variety of productive teaching methods;
- Establish new forms of accountability for schools;
- Create professional opportunities for teachers, including the opportunity to be responsible for the learning program of at the school site; and,
- Assist South Carolina in reaching academic excellence.¹²

The Background of Charter Schooling

The point is that it's time to question or justify every assumption we have ever had about schooling for the past 150 years... This is... likely to produce some very new models.¹³

Albert Shanker, 1988

Albert Shanker is commonly credited with the initiation of the charter school movement in 1988. As the then President of the American Federation of Teachers, he advocated educational reform wherein a school should be able to be established as an autonomous entity, financed publicly, but freed from most state laws and regulations. Shanker's charter model would ideally be nonsectarian, without religious affiliation, and would operate akin to a nonprofit or private organization. Key to this model would be a deliberate and strict policy to produce positive educational outcomes and, therefore, ensure accountability for results.

In 1991, the first charter school statute was passed by Minnesota. The law was groundbreaking, but initially was limited to eight charter schools. Later the law was amended and, eventually, the limitation on numbers was lifted and more expansive provisions were added. Today, Minnesota has 102 charter schools in full operation.

California quickly followed with charter legislation in 1992. In 1993, Colorado and Massachusetts then came on board. Within three years, 19 states had enacted charter school laws.¹⁴ By the year 2000, 31 states and the District of Columbia had charter acts

with 1,682 schools open and running.¹⁵ Again, today 40 states have charter school legislation in place.

At the federal level, there has been strong support for charter schools since their inception in the early 1990s. President Clinton referenced charter schools on several occasions in his State of the Union Messages. Likewise, for instance, the U.S. Department of Education, starting with Secretary Richard Riley, has made million of dollars in grants available to states to support the initiation and development of hundreds of charter schools. Similarly, current President Bush is a fervent advocate of charter schools and supports ample federal funding and R&D efforts of school alternatives to traditional educational organizations and processes.^{16 17} It should be noted as well that the S.C. Department of Education has been awarded several million federal dollars in support of charter schools over recent years, starting in 1997 with a grant of \$4.1 million.¹⁸

Why is governmental intervention prevalent in school chartering, especially over the past decade and a half? One explanation is that these changes or transformations in education are part of *political* forces that have generally pushed for tax cuts, downsizing government, and offering more choices. There is a widespread ideology or perception that traditional governmental devices and institutions are ripe for improvement. This extends to public education and the chartering of schools as based on three basic principles: choice, accountability, and freedom.

Choice. Charter schools allow parents to choose which school is appropriate for their children—one which meets parental academic and personal desires and interests. Also, teachers choose to participate in an educational environment that allows them to experiment and innovate.

Accountability. Charter schools are responsible for achieving their mission, the provisions of their contract, and are answerable to their sponsors for results, especially with regard to student performance. Failure can ultimately mean that the charter is not renewed.

Freedom. Charter schools are free from many restraints and pre-conditions of public school systems and their dictated regimens. Less red tape means more time is available to teach and allow children to explore new and exciting alternatives to learning and, hence, to achieve the familiar educational mantra “excellence.”¹⁹

Charter Schools and “New” Theoretical Suppositions

To explore more fully these principles outlined above, some discussion of contemporary axiomatic suppositions can be instructive. It is these suppositions upon which the rationale or “re-invention” of charter schools rest.²⁰

Axiom 1. Public schools need not be operated by the government.

The mainstay of charter schools is that they are not governed directly by the government. Families, teachers or nonprofit organizations direct and operate charter schools as

specified in contractual agreements. Hence, while a charter school may be open to the public, financed by taxes and other monies, it is essentially a non-governmental entity, organized by formal agreement and accountable for producing specified outcomes.

In some sense, this approach is not unlike most post-secondary schools, as in South Carolina's higher educational structure, that are run by individual institutional boards of trustees—a diverse confederation of governing authorities that are separate and distinct. Though held responsible to public authorities and performance criteria, such colleges and universities are free to exercise their academic systems with great flexibility and uniqueness which overrides any one bureaucratic or governmental edict.

Axiom 2. Public schools should not be “cookie cut,” one size fits all entities; but rather, vary and differ by offering families alternative choices.

As a prevailing idea and practice, America is a pluralistic society that embraces change, differences, and opportunities. Charter schools are indicative of this reality. They recognize a diversity of values, viewpoints and aspirations in learning approaches.

Charter schools are thus very much divergent in their methods and offerings. Some charter schools are “basic” in their approach—i.e., emphasis is placed on reading, writing, and arithmetic. Others aim towards literature, culture, and the arts. The Montessori or open, progressive model is the choice of some charter schools. Still, other variations exist that are known to educational experts and specialists as worthy choices in alternate schooling, including Waldorf schools, Comer schools, Core Knowledge schools, Hope Academies, and specialized schools for at-risk children.²¹

At the end of the day, charter schools recognize, more importantly, that children differ in their learning abilities. Different teaching approaches offer students with different abilities varying ways to acquire knowledge and skills. The object is to learn, to achieve efficacy and results. Charter schools set this as their greatest aim; many, not all, attain this end.

Axiom 3. While educational resources count, and rules and regulations can be of use, what really matters are consequences and outcomes.

In essence, charter schools are held strictly accountable for **results**. Though financial and other resources may be plentiful, inputs alone —argue some educational professionals— do not guarantee positive outcomes. The literature provides plentiful evidence and documentation that appear to verify these assertions. Thus, paying teachers good salaries does not make for better teaching and learning. Commitment and dedication to excellence does not have a price tag. According to many prominent individuals and groups, “success” in education can be found only in a tailored environment where teachers and students connect; parents care; and the community is involved.

In theory, and generally in practice, charter schools hold everyone responsible to accomplish results. The charter or contract terms specify what standards and assessments

are to be in place, and who is answerable for what. While charter schools benefit from freedom and choice in the means of providing education, they are held rigorously responsible for successful ends or performance; namely, reasonably learned and accomplished pupils.

Do Charter Schools Work?

The research on charter schools and their performance is mixed. Some charter schools obviously excel, others perform moderately, and a few are described in abysmal terms. Studies are plentiful with some being “objective,” and therefore relatively and presumably sound, while other examinations are questionable in their methodologies and prejudicial leanings. Additionally, comparisons are made difficult, particularly state-to-state analyses, because of varied demographics and differences in charter school purposes and approaches.^{22 23} Still, despite inconsistencies due to several variables, some examinations of charter schools and their performance are noteworthy. The following discussion touches on two prominent, often cited studies.

The GAO 2005 Report on Charter Schools

One of the latest and most comprehensive studies on charter schools comes from the U.S. Government Accountability Office, published in January 2005, entitled *Charter Schools: To Enhance Education’s Monitoring and Research, More Charter School Level Data Needed*. The report is 74 pages in length and recommends overall that the U.S. Department of Education “enhance its research of charter schools, help states track federal funds to charter schools, and include accountability in its planned charter school impact evaluations.”²⁴

The GAO findings and recommendations were based on a survey of selected charter schools in 39 states during the school year 2002-03 (2003-04 data were incomplete and as such were considered less accurate). Interviews were also conducted among leading experts in the field and various USDOE officials.

The GAO report provides data and information on several diverse aspects of charter schools. However, in terms of *performance*, its concentration—though limited—is on sponsors’ or “authorizers’ ” reviews with respect to adherence to the standards set by the No Child Left Behind Act.

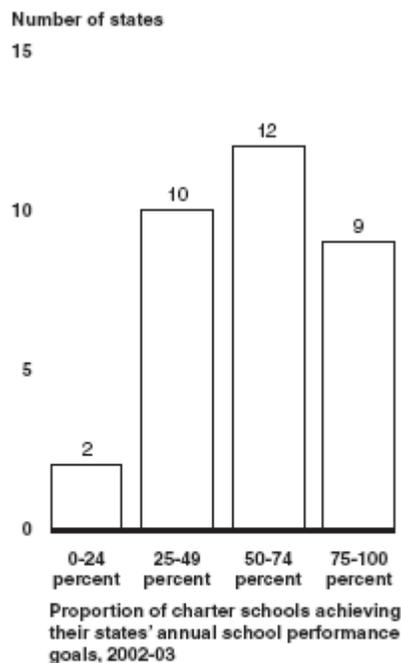
As with regular public schools, all charter schools in the nation are required to meet the performance requirements of the NCLBA. There are, however, some “flexibilities” permitted for charter schools by state law. Nevertheless, charter schools must be included under mandated statewide assessments as are conventional public school systems.

According to the report, it found that roughly half of the 39 states had primary responsibility for monitoring and enforcing school performance among charter schools with regard to the NCLBA. Also, 28 states reported collecting performance related specifically to charters and their academic achievement contractual provisions.

Interestingly, the USDOE was seldom found to distinguish charter schools from other public schools. The GAO recommended USDOE make such distinctions and identify performance criteria or indicators to evaluate specifically charter schools. The USDOE accepted this recommendation.

Generally, the GAO found that all 39 states administered charter schools tests to ascertain state performance in relation to the NCLBA. Of this total number of states, 33 provided data and information on state performance goals for school year 2002-03. Twenty-one states reported that at least half of their charter schools met these performance goals. More specifically, two states achieved 0-24% of their states' annual school performance goals; 10 states achieved 25-49%; 12 states realized 50-74%; and 9 states attained 75-100%.²⁵

Figure 1.
Number of States with Various Percentages of Charter Schools
Achieving Annual School Performance Goals



Source: GAO analysis of survey data.

Note: Because the school performance data reported were incomplete or not comparable with data reported by other states, this analysis excludes 5 states that reported their charter schools' performance in achieving annual school performance goals. Also, this analysis includes performance data reported for all charter schools in the District of Columbia. See appendix I for additional details, and appendix II, table 14, for state data.

Secondly, according to the GAO report, individual percentages, by state, of charter schools achieving annual performance goals ranged from 100% in Utah to 8% in

Missouri.²⁶ Figure 2 provides information on select states achievement for the school year 2002-03.

Figure 2.
Charter Schools Achieving Annual State Performance Goals
By Select States, School Year 2002-03

State	Operating charter schools	Charter schools achieving annual state performance goals	Percentage of charter schools achieving annual state performance goals
Florida	222	63	33
Georgia	36	21	78
Kansas	12	4	33
Mississippi	1	1	100
Missouri	25	2	8
North Carolina	93	49	54
Pennsylvania	91	12	16
South Carolina	13	3	38
Utah	13	13	100

Source: GAO survey data. Appendix II, Table 14. Retrieved November 2, 2006 from <http://www.gao.gov/new.items/d055.pdf>.

The NAEP 2003 and 2006 Reports on Charter Schools

In 2003, the National Assessment of Educational Progress conducted a pilot study of the nation’s charter schools as part of their overall NAEP assessments, also known as “The Nation’s Report Card.”²⁷ A final survey sample of 150 charter schools was used for study purposes. Interviews were additionally conducted among school administrators.

The NAEP found that charter school 4th grade students, on average, score lower (S=212) than students in traditional public schools (S=217). According to the NAEP, “while there was no measurable difference between charter school students and students in traditional public schools in the same racial/ethnic subgroup, charter school students who were eligible for free or reduced-price lunch scored lower than their peers in traditional public schools, and charter school students in central cities scored lower than their peers in math in 4th grade.”²⁸

Other findings included:

- Charter schools that were part of the local school district had significantly higher scores than charter schools that served as their own district.
- Students taught by certified teachers had roughly comparable scores whether they attended charter schools or traditional public schools, but the scores of students taught by uncertified teachers in charter schools were significantly lower than those of charter school students with certified teachers.

- Students taught by teachers with at least five years' experience outperformed students with less experienced teachers, regardless of the type of school attended, but charter school students with inexperienced teachers did significantly worse than students in traditional public schools with less experienced teachers. (The impact of this finding is compounded by the fact that charter schools are twice as likely as traditional public schools to employ inexperienced teachers.)²⁹

Released in August 2006, another pilot study of charter schools was conducted by the National Center for Education Statistics as requested by National Assessment of Educational Progress. The 2006 NAEP study, *A Closer Look at Charter Schools Using Hierarchical Linear Modeling*,³⁰ surveyed 150 charter schools and 6,764 traditional public, “noncharter” schools.

The report presents two separate analyses. The first is a combined analysis using linear modeling comparing charter schools to noncharter schools. The second analysis looks at charter schools alone. The main aim was to determine the student performance differences, in both analyses, for 4th grade reading and math achievement.

The results from the combined analysis showed that with regard to reading the average charter school mean was 5.2 points lower than the average public noncharter school mean. After adjusting for multiple student characteristics, the difference in means was 4.2 points. However, schools associated or affiliated with a public school district (PSD), on average, were not statistically different than traditional public schools. Also, comparisons among urban locations serving minority populations—charter vs. noncharter schools—indicated no significant differences in reading achievement.

With regard to math, findings using the combined analysis were similar. The average charter school mean was 5.8 points lower than the average public noncharter school mean. Again, after adjustments for multiple student characteristics, the difference was smaller or 4.7 points. Additionally, statistical differences were negligible for charter schools affiliated with PSDs and traditional public schools; the same is true for comparisons among urban and minority populations charter schools compared to noncharters.

The “charter school only” analysis found wide differences among student performance depending on variables among schools, including gender, race and disability. Other characteristics also influenced findings, including income, teacher experience, and region of the country.

Findings with regard to reading include the following:

- Nearly two-thirds of the variation among all students can be attributed to the variation between students within schools.

- Differences among schools on student variables (such as gender, race/ethnicity, disability status, status as an English language learner, and eligibility for free/reduced price lunch) accounted for 57% of the variance among school means.
- A reduced set of ten school characteristics (such as teacher experience, region of the country, areas in which charter schools are monitored, and whether or not a charter school was part of another public school district) accounted for a further 27% of the variance. Thus, overall, student and school characteristics accounted for about five-sixths of the variance among school means.
- Of the ten school characteristics, three were derived from the charter school survey (state monitoring of student achievement, monitoring for compliance with state/federal regulations, and charter school type), and one of the three (charter school type) was not statistically significant.³¹

Findings with regard to math include the following:

- Approximately two-thirds of the variance among all students can be attributed to the variation between students within schools. Differences among schools on student variables accounted for 55% of the variance among school means.
- A reduced set of seven school characteristics (such as waivers for certain requirements, areas monitored, and charter granting agency) accounted for a further 11% of the variance. Thus, overall, student and school characteristics accounted for about two-thirds of the variance among school means.
- All seven school characteristics were derived from the charter school survey, and three (waiver for curriculum requirements, waiver for assessment requirements, and state agency granted charter) were statistically significant.³²

Charter Schools in South Carolina

As of September 18, 2006, there were 29 charter schools in South Carolina with more than 5,200 students enrolled. This enrollment number is quite small in comparison to total public school enrollment in South Carolina which is in excess of 670,000 pupils.

Nevertheless, charter schools have been on the increase over the past few years, and are likely to increase given the new S.C. Charter Schools Act. In 2006 alone, four charter schools came onboard and became operational. And since 2004, a total of 14 new charter schools have been authorized, accounting for nearly half of all existing charters in South Carolina and representing nearly a 100% increase over a three-year period.

The largest charter school, in terms of numbers, is the James Island Charter High School located in Charleston with almost 1,600 students, grades 9-12. Converted in 2003 from a

traditional public school, James Island Charter is supported by teachers, parents and the community. Another conversion in Charleston (2006), the Orange Grove Elementary Charter School, has 759 pupils in grades K-5. Three charter schools have less than 20 students enrolled per school—i.e., Charles Aiken Academy (Belton), the Children’s Attention Home (Rock Hill), and the Youth Academy Charter School (Kingstree). The average number of students per school for all charter schools in South Carolina is approximately 180 pupils.

The oldest charter school still operating in the Palmetto State was founded in 1998. Charles Aiken Academy is located in Belton, and serves only around 14 students, grades 1-8. This low enrollment is due to the fact that it is a specialty school, one that provides acutely at-risk boys with a unique learning environment. The academy’s aim, according to its charter, is to provide a comprehensive program “for learning and personal/social development that will improve chances for entry into mainstream educational programs.”³³

Several other South Carolina charter schools provide unique learning environments for children at risk. These include, for example, the Children’s Attention Home (chartered in 2004) located in Rock Hill, CHOICES (2002) in Florence, Fuller Normal Technology Charter School (2006) in Greenville, the Palmetto Youth Academy (2005) in Florence, Phoenix Charter High School (1999) in Alcolu (Clarendon 2), and Lloyd Kennedy Charter School (2002) in Aiken.

Of these specialty schools, Fuller Normal Technology Charter School located in the heart of the City of Greenville is the largest. It has an enrollment of 230 students in grades K-5. Its mission is to educate urban students, particularly those at risk, with knowledge and skills compatible with the emerging needs of the 21st century. This includes basic literacy and technology skills.

Technology and preparation for jobs in the global market place is a theme of other charter schools, specifically for grades 9-12. For example, Greenville Technical Charter School, established in 1999, has 400 high school students. The focus of its mission is to prepare students for the technical and vocational challenges of emerging businesses and industries. Likewise, technological and marketable skill development is the focal point for Richland One Middle College located in Columbia, Brashier Middle College in Greenville, and Youth Academy Charter School in Kingstree.

The arts and culture are also emphasized among some charter schools in the state. Two schools chartered in 2006 are representatives of this subject matter and approach. One is the Aiken Performing Arts Academy comprised of 50 enrollees, grades 9-12. In addition to traditional academic topics, the Aiken Academy stresses “artistic growth with an education in the performing arts.”³⁴ The other charter school with artistic instructional leanings is the Carolina School for Inquiry which has 90 students, grades K-5. This charter school offers, according to its mission, “an alternative educational setting for a culturally diverse population of parents, students, and teachers who will embrace a multi-

age, inquiry-based approach to a basic education that is academically and artistically appropriate for each learner.”³⁵

Operation of Charter Schools in South Carolina

A charter school in South Carolina is operated initially by a charter school committee. Charter school committees are the governing bodies of charter schools until the election of a “board of directors” takes place, at which time, they are dissolved.³⁶ The charter committees, and then afterwards, the elected boards are responsible for hiring personnel, adopting a budget, contracting for services, approving curricula, developing performance criteria, and other operational actions for the sustainability of charter schools. A charter school is ultimately accountable, however, to its respective district local school board.

Local school boards are required to provide assistance to applicants desiring to form charter schools. Further, the district board distributes all funds—local, state and federal—to charter schools.³⁷ In 2006, the South Carolina Department of Education received a three-year \$13 million federal grant to support the development and implementation of charter schools.³⁸

As pointed out in the previous section of this working paper, charter schools can be established to serve specific student populations. Charter schools must nonetheless comply with all laws and other requirements pertaining to health, safety, civil rights, and disability prerequisites. Additionally, charter schools must admit all children entitled to attend public schools in their respective school districts with the only exceptions due to space limitations and the racial composition reflective of the particular school district. Charter schools must also comply with the federal Disabilities Education Act.³⁹

Existing public schools may be converted into charter schools. By state law, two-thirds of faculty or instructional staff of a school and two-thirds of all voting parents of students enrolled in a public school may agree to file an application to convert to a charter school. A converted school must offer at least the same grades, yet is permitted to provide additional grades and educational offerings.

Charter schools in South Carolina must be approved or renewed for a period of five school years. However, a charter must be revoked or not renewed by the sponsor if it is determined that 1) a material violation of the charter agreement occurred, 2) reasonable student achievement is not met, 3) evidence supports fiscal mismanagement, or 4) indication of other failure to meet applicable laws exist. An appeal process exists for charters that are terminated.

Finally, charter schools may hire non-certified teachers (see [59-40-40 \(6\)](#)). A new charter may hire up to 25% non-certified teachers. A conversion charter school may hire up to 10% non-certified teachers. Technically, “non-certified” means anyone considered appropriately qualified for the subject matter taught, has completed at least one year of study at an accredited college or university, and meets the criteria spelled out in Section [59-25-115](#).

The S.C. Charter School Act

A few words—a summary—on the new S.C. Charter School Act may be informative and useful.

The General Assembly approved H. 3010 (Act 274 of 2006), legislation establishing a statewide Charter School District. Act 274 revises oversight for South Carolina's charter schools, which are freed from certain statewide regulations to provide specialized or innovative educational approaches. Under current law, charter schools are sponsored by local school districts. This new statute allows the option of statewide, rather than local, sponsorship by creating the South Carolina Public Charter School District (PCSD), which is authorized to sponsor and oversee a charter school.

This newly created statewide public body, the PCSD, must be considered a local education agency and is eligible to receive state and federal funds and grants available for public charter and other schools to the same degree as other local education agencies. The PCSD may not have a local tax base and may not receive local property taxes. The PCSD is required by law to distribute state funds to the charter schools it sponsors under a formula provided in the legislation. The office of the new district is located in the S.C. Department of Education.

The new S.C. Charter Act provides for the membership and terms of an eleven-member board of trustees to govern the PCSD. Under the new statute, a charter school may terminate its contract with a sponsor before the five-year term of contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor without review from the Charter School Advisory Committee.

The new law provides that within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, must complete successfully an orientation program in the powers, duties, and responsibilities of a board member that includes such topics as policy development, personnel, instructional programs, school finance, school law, ethics, and community relations.

Additionally, the S.C. Charter Act also provides that within 90 days of employment, an administrator employed by a charter school, who is not certified, shall complete successfully an orientation program in the powers, duties, and responsibilities of a school administrator that includes such topics as personnel, instructional programs, school finance, school law, ethics, and community relations. These orientation programs must be provided at no charge by the State Department of Education or an association approved by the department.⁴⁰

Conclusion

Charter schools provide alternatives to customary or “regular” public schools. They can and often do provide teachers, parents and students with choices that provide pioneering or inventive learning and behavioral experiences.

Charter schools cater to many different pupils, offering different thematic approaches and academic challenges. Charter schools are not substitutes for public schools, but are rather enhancements, experiments in a sense, that presumably contribute to everyone concerned—to a community and ultimately to society at-large.

Further, the world and its socio-economic composition are changing due to expanding markets and technological change. This world of rapid change requires a knowledge-based and technically savvy workforce. As many observers and experts note, charter schools can provide specialized educational environments that offer the skills and knowledge that drive the emerging global economy.

South Carolina’s new law creating a statewide charter school district provides an alternate route for getting permission to operate charter schools. This avenue for expanding educational choice is, for many South Carolinians, overdue and promising. According to Governor Mark Sanford, "This bill has been a long time in coming... For years, legislators have tried to pass a variety of changes to the state's existing charter school legislation.”

According to Section [59-40-30](#) of the South Carolina Code of Laws, as amended:

In authorizing charter schools, it is the intent of the General Assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The General Assembly seeks to create an atmosphere in South Carolina's public school systems where research and development in producing different learning opportunities are actively pursued and where classroom teachers are given the flexibility to innovate and the responsibility to be accountable. As such, the provisions of this chapter should be interpreted liberally to support the findings and goals of this chapter and to advance a renewed commitment by the State of South Carolina to the mission, goals, and diversity of public education.⁴¹

ENDNOTES

- ¹ Finn, C. (2006, October 9). All aboard for the charters. *National Review*, pp. 54-55.
- ² The Center for Education Reform. Retrieved October 19, 2006 from <http://www.edreform.com/index.cfm?fuseAction=stateStats&pSectionID=15&cSectionID=44>.
- ³ Ibid.
- ⁴ Op. Cit. Finn, C. (2006, October 9).
- ⁵ U.S. Charter Schools. Retrieved October 20, 2006 from http://www.uscharterschools.org/pub/uscs_docs/o/faq.html.
- ⁶ To date, over \$1 billion in federal grants have been distributed to the states.
- ⁷ Ibid.
- ⁸ See <http://www.ed.gov/programs/charter/index.html>.
- ⁹ See http://ed.sc.gov/agency/offices/ssys/alternative_education/charter_schools/.
- ¹⁰ National Education Association. Retrieved October 20, 2006 from <http://www.nea.org/charter/index.html>.
- ¹¹ S.C. Code of Laws, as amended, Section 59-40-40.
- ¹² S.C. Code of Laws, as amended, Section 59-40-20.
- ¹³ Finn, C., Manno, B., and Vanourek, G. (2000). *Charter schools in action*. Princeton NJ: Princeton University Press, p. 3.
- ¹⁴ Charter Schools. Retrieved October 24, 2006 from http://en.wikipedia.org/wiki/Charter_school.
- ¹⁵ Weil, D. (2000). *Charter schools: a reference handbook*. Denver, CO: ABC-CLIO, Inc., pp. 36-37.
- ¹⁶ See <http://www.ed.gov/programs/charter/index.html>.
- ¹⁷ The Federal Elementary and Secondary Act, Part B, Sections 502-51, is the principal authorizing funding mechanism. The No Child Left Behind Act also promotes charter schools.
- ¹⁸ Report. (2002, July 1). *South Carolina charter schools: five-year evaluation report*. Submitted by W. Rogers and Associates to the S.C. Department of Education, pp. 2-3.
- ¹⁹ Op. Cit. The Center for Education Reform. Retrieved October 27, 2006 from <http://www.edreform.com/index.cfm?fuseAction=document&documentID=60§ionID=67&NEWSYE AR=2006>.
- ²⁰ Op. Cit. Finn, C., Manno, B., and Vanourek, G. (2000), pp. 70-72.
- ²¹ Ibid.
- ²² Good, L. and Braden, J. (2000). *The great school debate: choice, vouchers, and charters*. Mahwah, NJ: Lawrence Erlbaum Associates, pp. 97-100.
- ²³ See <http://www.edreform.com/upload/research.pdf> for numerous studies and assessments of charter schools through calendar year 2003.
- ²⁴ U.S. Government Accountability Office. (2005, January). *Charter schools: to enhance education's (USDOE) monitoring and research, more charter school-level data needed*. Executive Summary. Washington, DC: Author. Retrieved October 30, 2006 from <http://www.gao.gov/new.items/d055.pdf>.
- ²⁵ Because the school performance data reported were incomplete or not comparable with data reported by other states, this analysis excludes five states that reported their charter schools' performance in achieving annual school performance goals. Also, this analysis includes performance data reported for all charter schools in the District of Columbia.
- ²⁶ Op. Cit. U.S. Government Accountability Office. (2005, January), pp. 23-24.
- ²⁷ See <http://nces.ed.gov/nationsreportcard/pdf/main2003/2005453.pdf> and <http://nces.ed.gov/nationsreportcard/pdf/main2003/2005451.pdf>.
- ²⁸ National Educational Association. 2003 National Assessment of Educational Progress. Retrieved November 1, 2006 from <http://www.nea.org/charter/index.html>.
- ²⁹ Ibid.
- ³⁰ Braun, H., Jenkins, F. and Grigg, W. (2006, August). *A closer look at charter schools using hierarchical linear modeling*. National Center for Education Statistics. Requested by the National Assessment of Educational Progress. Washington, DC: U.S. Department of Education. Retrieved October 30, 2006 from <http://nces.ed.gov/nationsreportcard/pdf/studies/2006460.pdf>.
- ³¹ Ibid., Executive Summary.
- ³² Ibid.

³³ S.C. Department of Education. Retrieved November 2, 2006 from http://ed.sc.gov/agency/offices/ssys/documents/CharterList2006-07COMPOSITE_000.doc.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Boards of directors are elected annually. All employees of a charter school and all parents (one vote per family) of enrolled students of a charter school may vote in the election.

³⁷ Charter schools may also receive gifts and donations but are precluded from charging tuition.

³⁸ S.C. Department of Education. Retrieved November 3, 2006 from <http://ed.sc.gov/agency/offices/ssys/planimplementgrantprogram.html>.

³⁹ S.C. Department of Education. Retrieved November 3, 2006 from http://ed.sc.gov/agency/offices/ssys/alternative_education/charter_schools/Operationcharterschool.html.

⁴⁰ This section's narrative is based heavily on an outline prepared by staff of the S.C. General Assembly. Retrieved November 6, 2006 from <http://www.scstatehouse.net/reports/hupdate/lu2323.htm#p33>.

⁴¹ S.C. Code of Laws, as amended. Retrieved November 6, 2006 from http://www.scstatehouse.net/sess116_2005-2006/bills/3010.htm.