

Time to Fix Idaho's Charter Schools

By Levi B Cavener

60 years ago this month, the U.S. Supreme Court issued a landmark decision in *Brown v. Board of Education*. On May 17, 1954, the High Court ruled unanimously that U.S. public schools must be desegregated, that separate school systems for blacks and whites are inherently unequal and a violation of the "equal protection clause" of the U.S. Constitution's Fourteenth Amendment.

It's now more than a half century later. Here, we have Idaho.

On April 29, 2015, the Idaho Public Charter School Commission released their first ever Annual Report. A damning self-indictment, it paints a painfully grim picture for minority student enrollment in Idaho's public charter schools. The Commission's comprehensive report was unequivocal in its findings: Idaho charter schools are consistently and disproportionately unreflective of their surrounding communities' demographics.

A few takeaways from the report: 55% of Idaho charters under enroll Special Education students; 77% of charters under enroll Free and Reduced Lunch students; 87% under enroll Limited English Proficiency students; and 90% under enroll non-white students. What does this mean? It means Idaho has reversed course and is heading back to 1955, back to the Civil Rights era, and back to schools that are both separate and unequal. It means, apparently, "white flight"?

Beyond a moral and legal argument to ensure equity in public charter schools, here's why every property owner in Idaho should care about the Commission's recent findings: When public charter schools fail to share an equitable burden for providing expensive minority student services -- such as special education and English Language Learner instruction -- local public schools end up enrolling a disproportionate number of these students. Local public schools are then forced to levy property owners to pay for expensive minority instruction and support.

While some may point to the current imbalance as merely a byproduct of so called "school choice," the Commission's findings should, at minimum, create pause to ensure that charter facilities are actually "a choice" for minority student populations. Remember, Jim Crow laws and segregated schools were also a product of active policy "choices" by lawmakers.

Remember, the bargain that charters made with Idaho is enhanced instructional freedom in order to experiment with new pedagogy and curriculum. However, that bargain also requires charters to provide equitable access and appropriate minority service instruction as required by civil rights law, the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

Terry Ryan, President of the Idaho Charter School Network (the lobbying arm of Idaho's charters), recently wrote an op-ed declaring that the solution to this inequity problem is...wait for it...to build more charters! Said Mr. Ryan, "The best way to help charter schools serve more diverse populations is to help them grow." Throw more money at the problem. Where have we

heard this before?

Idaho Ed News reported that Idaho Charter Commission Chairman Alan Reed said of the report's findings, "Before approving new charters, we ask petitioners, 'What are your strategies for reaching special and underserved populations?'"

Chairman Reed's question should be modified: Before approving any new charters we need to fix the imbalance that exists today. After all, shouldn't minority students be entitled to the same freedom and legal opportunity "to choose" charters as any other kiddo?

It's time for a moratorium on any new charters until we address this chronic imbalance. It's time we fully recognize that regular public schools are shouldering the heavy burden of educating special education, minority and low income student populations. And it's past time that funding for Idaho charter schools be withheld until they can demonstrate they are following the law.

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