BUILDING ON WHAT WORKS AT CHARTER SCHOOLS

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C O N T E N T S

BUILDING ON WHAT WORKS AT CHARTER SCHOOLS

Thursday, June 4, 2009
U.S. House of Representatives
Committee on Education and Labor
Washington, DC

The committee met, pursuant to call, at 10:04 a.m., in Room 2175, Rayburn House Office Building, Hon. George Miller [chairman of the committee] presiding.

Present: Representatives Miller, Kildee, Andrews, Woolsey, Hinojosa, McCarthy, Tierney, Kucinich, Davis, Bishop of New York, Loebsack, Hare, Courtney, Shea-Porter, Fudge, Polis, Titus, McKeon, Petri, Ehlers, Biggert, Platts, Hunter, and Roe.

Staff present: Tylease Alli, Hearing Clerk; Catherine Brown, Senior Education Policy Advisor (K–12); Alice Cain, Senior Education Policy Advisor (K-12); Fran-Victoria Cox, Staff Attorney; Adrienne Dunbar, Education Policy Advisor; Denise Forte, Director of Education Policy; David Hartzler, Systems Administrator; Fred Jones, Staff Assistant, Education; Ricardo Martinez, Policy Advisor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness; Stephanie Moore, General Counsel; Alex Nock, Deputy Staff Director; Joe Novotny, Chief Clerk; Rachel Racusen, Communications Director; Melissa Salmanowitz, Press Secretary; Daniel Weiss, Special Assistant to the Chairman; Margaret Young, Staff Assistant, Education; Mark Zuckerman, Staff Director; Stephanie Arras, Minority Legislative Assistant; James Bergeron, Minority Deputy Director of Education and Human Services Policy; Andrew Blasko, Minority Speech Writer and Communications Advisor; Robert Borden, Minority General Counsel; Cameron Coursen, Minority Assistant Communications Director; Alexa Marrero, Minority Communications Director; Chad Miller, Minority Professional Staff; Susan Ross, Minority Director of Education and Human Services Policy; Mandy Schaumberg, Minority Education Counsel; Linda Stevens, Minority Chief Clerk/Assistant to the General Counsel; and Sally Stroup, Minority Staff Director.

Chairman MILLER [presiding]. Good morning. A quorum being present, the committee will come to order. I am going to go ahead and start the hearing.

Mr. McKeon is on his way, but I am informed that we will be having votes at around 11:15, and I certainly want to make time for the panel and hopefully for some questions by the members of the committee, because I think it is going to be a series of votes and it may—well, we will see where we are at that time, whether we ask the panel to remain or not.

Anyway, welcome. Good morning. Today our committee meets to examine how we can build on what is working at outstanding charter schools as we continue our efforts to improve educational opportunities for all Americans. This hearing will explore the factors that contribute to successful charter schools as well as the barriers those schools face.

We will also take a look at how high-performing charter schools can help inform school reform efforts. Many exceptional charter schools have already blazed a trail for others to follow.

The first charter school opened its doors in 1992, and nearly two decades later there are 4,600 charter schools in 40 states serving over 1.4 million children. Their success stories are proof that charter schools are an integral part of building a world-class American education system.

Many of these high-performing charter schools are laboratories for innovation. Some of the most promising school reform strategies in recent years have been embraced by many leading charter schools.

This includes extending learning time, hiring excellent teachers, raising expectations, using data-driven research and focusing relentlessly on results and accountability.

They are proving that we can address disparities and close the achievement gap when we apply the right reforms and resources. They are proving that low-income and minority children, the exact populations that too often get left behind, are in fact able to succeed.

Take, for example, Roxbury Prep charter school in Boston, whose student body is composed almost entirely of minorities. Of the 230 students attending Roxbury Prep, nearly 70 percent qualify for free or reduced-price lunch.

I saw that in one of your testimonies. That is an R.F.—what is that? That is a FRL? Somebody is shaking their head yes. Okay. So they would be 70 percent FRLs. Okay. Never mind.

Roxbury Prep currently stands as one of the highest-performing middle schools in Massachusetts. On the 2008 state exam, students at Roxbury Prep outperformed nearly 80 percent of all middle schools statewide.

Another great example is the Knowledge Is Power Program, or KIPP. There are more than 16,000 students enrolled in 65 KIPP charter schools in 19 states and the District of Columbia.

Over 80 percent of the KIPP students qualify for free or reduced-price meals, 63 percent are African American, 33 percent are Hispanic. KIPP students start the fifth grade with average scores in the 41st percentile in math and the 31st percentile in language arts.

By the end of the eighth grade, their scores nearly doubled. More than 80 percent of the students who complete eighth grade at KIPP go on to college.

Or take the Harlem Children's Zone, whose mission is to do whatever it takes to help children succeed, combining charter schools with community services for children from birth to college graduation.

Their successes are off the chart. The program has effectively closed the achievement gap in mathematics between black and white students in New York City, which in turn will open new doors and create new opportunities. They have also nearly closed the gap in language arts.

For the sixth year in a row, 100 percent of the graduates of Harlem Children Zone's pre-K program are found to be school-ready. In April, three female middle school students from the program won the national chess championship for their age group.

These schools, and others like them, show an emergence of different educational culture. The students who are previously thought of as unable to benefit from public education are outperforming their peers.

They are going to college and they are getting the the jobs of the future. They are mastering the skills needed to succeed and thrive in a 21st century global economy.

These are models we can learn from to boost student achievement and improve accountability on a larger scale.

Both President Obama and Secretary Duncan are outspoken advocates of charter schools. They agree that many of the bold reforms that are fundamental to building world-class schools are already happening in charter schools.

The American Recovery and Reinvestment Act included an unprecedented $5 billion Race to the Top Fund that gives Secretary Duncan the tools to drive innovative reforms in schools.

Among other things, he could use these funds to ask state legislatures to allow more charter schools, while ensuring the state maintains rigorous accountability. I am confident he will keep charter schools in mind as he decides how to use these funds.

And that is why we are here today. We can no longer invest any more money in the status quo. Outstanding charter schools are helping millions of students learn, grow and thrive. The teachers in these schools are making strides we need every teacher in every classroom to make.

And I would like to thank our witnesses for being here today. Your expertise will be helpful as we work to reward and replicate your impressive work in classrooms across the country.

I would like now to recognize the senior Republican member of our committee, Congressman McKeon from California, for purpose of making an opening statement.

[The statement of Mr. Miller follows:]

Prepared Statement of Hon. George Miller, Chairman, Committee on Education and Labor

Today our committee meets to examine how we can build on what is working at outstanding charter schools as we continue our efforts to improve educational opportunities for all Americans.

This hearing will explore the factors that contribute to successful charter schools, as well as the barriers these schools face.

We'll also take a look at how high-performing charter schools can help inform school reform efforts. Many exceptional charter schools have already blazed a trail for others to follow.

The first charter school opened its doors in 1992. Nearly two decades later, there are 4,600 charter schools in 40 states, serving over 1.4 million children.

Their success stories are proof that charter schools are an integral part of building a world-class American education system.

Many of these high-performing charter schools are laboratories of innovation.

Some of the most promising school reform strategies in recent years have been embraced by many leading charter schools. This includes extending learning time, hiring excellent teachers, raising expectations, using data-driven research and focusing relentlessly on results.

They are proving that we can address disparities and close the achievement gap when we apply the right reforms and resources.

They are proving that low-income and minority students, the exact populations that too often get left behind, are in fact able to succeed.

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They're going to college and they're getting the jobs of the future.

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Among other things, he could use this fund to ask state legislatures to allow more charter schools, while ensuring that states maintain rigorous accountability.

I am confident he'll keep charter schools in mind as he decides how to use the fund.

We know that we can't invest any more money, time or energy in the status quo.

Significant changes are needed to truly improve our schools, to make sure students graduate with 21st century skills, and to cultivate a workforce that can compete globally.

That's why we're here today.

Outstanding charter schools are helping millions of students learn, grow and thrive. The teachers in these schools are making the strides we need every teacher, in every classroom to make.

I'd like to thank our witnesses for being here today. Your expertise will be very helpful as we work to reward and replicate your impressive work in classrooms across the country.

Mr. MCKEON. Thank you, Chairman Miller, and good morning. I want to thank you for holding this important hearing and thank our witnesses for being here to shed light on a key opportunity to improve educational options for students and families.

Republicans on this committee have been strongly committed to the charter school movement for quite some time, and we are pleased to see that the cause is now bipartisan.

Charter schools are essential to turning around our nation's ailing public school system. They offer choices to parents and children, many of whom would otherwise be trapped in chronically underperforming public schools, and they have made great strides in raising achievement and tackling unique educational challenges, from urban centers to rural outposts.

But despite their many successes, charter schools are not growing as they should. They face overwhelming barriers to expansion, from arbitrary state caps to hostile state legislators.

Forty states and the District of Columbia have charter schools. Of those, 26 states and the District have a cap or limit on charter school growth, be it the number of schools per state or the number of students per school.

These caps are often the consequence of legislative tradeoffs, representing political deal-making designed to appease special interests who prefer the status quo rather than reasoned education policy.

As a result of these caps, children across the country now languish on daunting wait lists just waiting to enroll in the public school of their choice, simply because it happens to operate as a charter.

An estimated 365,000 students are on charter school wait lists today. That is enough students to fully enroll 1,100 new average-sized charter schools. As I am sure our witnesses will tell us today, charter school advocates have always aspired to a rather humble goal.

They simply want access to the same equal playing field as traditional public schools, to receive equal funding, equal facilities and equal treatment, so that the commitment to innovation has a real chance to succeed.

And what makes these schools so innovative? While charter schools must adhere to the same guidelines and regulations as traditional public schools, they are freed from the red tape that often diverts a school's energy and resources away from educational experience—or excellence.

Instead of constantly jumping through procedural hoops, charter school leaders can focus on setting and reaching high academic standards for their students.

As we look to the future, our goal should not just be charter school expansion, but the expansion of charter school excellence. It is not enough to talk about the importance of charter schools. We have to take action.

Paying lip service to charters while failing to enact the right policies or, worse, expanding charters while eliminating the features that make them work would be unfair to these schools, the innovators behind them and the students that they serve.

Fortunately, these are steps that we can take to expand and replicate high-performing charter schools.

Last Congress, Representative Charles Boustany introduced the Charter School Program Enhancement Act, legislation that would have increased awareness of the best practices among successful charter schools, and incentivized their growth by focusing funding on states without restrictive caps.

It was our hope that this legislation would have made it into the reauthorization of No Child Left Behind. In fact, the renewal of the NCLB is a perfect opportunity to support high-performing charter schools.

We can promote reform at the state level through both funding and policy decisions. Under current law, chronically under-performing schools that face restructuring have the option of reopening as a charter school. I think this is an important option for local leaders.

Unfortunately, that option was watered down by the majority under the NCLB discussion draft developed in 2007.

Mr. Chairman, I think that would be a mistake. And given the obvious bipartisan support for charter schools that we are seeing here today, I hope we can revisit that issue when we reauthorize the Elementary and Secondary Education Act in the coming months.

I yield back.

[The statement of Mr. McKeon follows:]

Prepared Statement of Hon. Howard P. "Buck" McKeon, Senior Republican Member, Committee on Education and Labor

Thank you, Chairman Miller, and good morning.

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As we look to the future, our goal should not just be charter school expansion, but the expansion of charter school excellence. It is not enough to talk about the importance of charter schools; we have to take action. Paying lip-service to charters while failing to enact the right policies—or, worse, expanding charters while eliminating the features that make them work—would be unfair to these schools, the innovators behind them, and the students they serve.

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Mr. Chairman, I think that would be a mistake—and given the obvious bipartisan support for charter schools that we're seeing here today, I hope we can revisit that issue when we reauthorize NCLB in the coming months.

With that, I look forward to hearing from this excellent panel. Thank you, Chairman Miller. I yield back.

Chairman MILLER. Thank you very much.

I would like now to introduce our panel. Our first witness will be Jim Shelton, who is the Department of Education's assistant deputy secretary in charge of the Office of Innovation and Improvement.

Prior to becoming assistant deputy secretary, Mr. Shelton was program director for education division of the Bill and Melinda Gates Foundation. He has also worked at NewSchools Venture Fund as their East Coast partner, and as head of the consulting division of Edison Schools.

And I believe our colleague Jared is going to introduce the lieutenant governor.

Mr. POLIS. Thank you, Chairman Miller. And thank you so much for holding a hearing on such an important issue as charter schools, which I devoted a lot of my policy and philanthropic efforts towards.

It is my honor to introduce and welcome to our committee our lieutenant governor of Colorado, Barbara O'Brien, who we know is a passionate voice for Colorado's children and a tireless advocate of education reform, with whom I have had the pleasure to work with closely for many years.

Indeed, some might call Lieutenant Governor Barbara O'Brien the mother of charter schools in Colorado. Barbara O'Brien chairs Colorado's team for competing for the U.S. Department of Education Race to the Top funding.

She also serves as co-chair of Colorado's P-20 Education Committee, appointed by Governor Bill Ritter, to recommend changes in Colorado's preschool through post-secondary education system to position it for the 21st century.

Prior to becoming lieutenant governor, she served 16 years as president of Colorado Children's Campaign, a statewide public policy and advocacy nonprofit organization. In 1993, she led the successful effort to pass the Colorado Charter School Act signed by Governor Roy Romer.

Before I was elected to serve in Congress, I founded and was the superintendent of New America School, a charter school that helped serve 16-to 21-year-old new immigrants, to help them learn English and earn a high school diploma. I also co-founded the Academy of Urban Learning for homeless youth.

After meeting and talking to the kids being left behind, I focused my efforts as an innovator on creating a new format of school to catch these kids before they headed down the wrong path. These efforts were enabled by Lieutenant Governor Barbara O'Brien's policy leadership.

All children deserve to learn, and proven models exist today. That is why I will soon introduce the All Students Achieving Through Reform—ALL-STAR—Act, which will focus on replicating high quality public charter schools in areas that need them the most.

I would like to thank Lieutenant Governor O'Brien for being here today, and I look forward to her testimony.

[The statement of Mr. Polis follows:]

Prepared Statement of Hon. Jared Polis, a Representative in Congress From the State of Colorado

Thank you Chairman Miller and I applaud you holding a hearing on such an important issue as charter schools, to which I have devoted much of my policy and philanthropic efforts.

Before I was elected to serve in Congress, I founded and was the Superintendent of the New America School, a charter school that helps 16-21 year-old new immigrants learn English and earn a high school diploma. New America School now has four campuses in Colorado and will be opening one in New Mexico this coming fall. I also co-founded the Academy of Urban Learning for homeless youth.

As Chairman of the Colorado State Board of Education, I had seen firsthand the many problems facing our nation's public education system that forced many kids into lives of poverty and crime. After meeting and talking to the kids being left behind by our school system, I focused my efforts as an innovator and entrepreneur to creating a new format of school to catch these kids before they headed down that path. The beauty of a public charter school lies in its great autonomy and self-determination—this is what drew me to charter schools in the first place; strong site leadership can customize the educational experience to meet the real-life learning needs and unique situations of students.

I hope that this hearing helps to illuminate the great progress charters have made in closing the achievement gap—from schools that have found ways to dramatically improve the academic achievement of at-risk students, to schools that "should" fail according to statistical assumptions but continue to exceed expectations and provide students with the tools they need to stay in school and succeed.

That is why I will soon introduce the All Students Achieving through Reform (All–STAR) Act of 2009 that builds upon and expands educational opportunity and encourages innovation. All-STAR focuses on replicating high-quality public charter schools in areas that need them the most and is based on a simple premise: We must support and duplicate those public schools with a proven track record of results to educate additional children.

It is my honor to introduce and welcome to the Committee Lt. Gov. Barbara O'Brien, a passionate voice for Colorado's children and a tireless advocate of education reform, with whom I have had the pleasure to work with closely over the years. Indeed, some might call Lt. Governor Barbara O'Brien the mother of charter schools in Colorado.

Barbara O'Brien chairs Colorado's team for competing for the U.S. Department of Education Race to the Top funding for education reform. She also serves as co-chair of Colorado's P-20 Education Committee, appointed by Gov. Bill Ritter to recommend changes in Colorado's preschool through post-secondary education system in order to position it for the 21st Century. Since 2007, the committee has proposed numerous changes in state policy including creating a statewide educator identifier data system, revising all content standards, extending the student data system to include young children in publicly-funded early childhood education programs, and expanding full-day kindergarten and preschool for at-risk children, among others.

Prior to becoming lieutenant governor, she served 16 years as president of the Colorado's Children's Campaign, a statewide public policy and advocacy nonprofit organization. Her leadership led to major statewide policy initiatives such as the passage of a constitutional amendment to increase funding for schools, creation of the state's preschool program for low-income children, and legislation to allow school-based health clinics to receive funding through Medicaid and the Child Health Plan. In 1993, she led the successful effort to pass the Colorado Charter School Act.

In addition, under her leadership the Colorado Children's Campaign participated in the Bill and Melinda Gates Small High School Project and helped create fourteen new, small high schools in Colorado, including the highly successful Denver School of Science and Technology.

She has also served as the Executive Director of the Institute for International Business at the University of Colorado Denver, Director of Campus Affairs at the University of Colorado Denver and was former Colorado Governor Dick Lamm's Senior Advisor for Education. Lt. Gov. O'Brien holds a Ph.D. in English from Columbia University in New York.

I would like to thank Lt. Gov. O'Brien for being here today and I look forward to her testimony.

Chairman MILLER. Thank you.

Mr. Steve Barr founded Green Dot Public Schools in 1999 with a vision of transforming secondary education in California by creating a number of high-performing publicly funded charter schools.

In addition to leading Green Dot, Mr. Barr is a state board of education appointee to the Advisory Commission on Charter Schools where he provides policy recommendations to the state board of education on charter school-related issues.

Dr. John King is the managing director of Excellence and Preparatory Networks of Uncommon Schools, a nonprofit charter management organization.

Dr. King is a co-founder and former co-director of curriculum and instruction of Roxbury Preparatory charter school, a nationally recognized urban college preparatory public school that closed the racial achievement gap in Massachusetts and was recognized by the U.S. Department of Education as one of the eight top charter schools in the country.

Mr. James Goenner is going to be acknowledged by Mr. Kildee and introduced by Mr. Ehlers. Mr. Ehlers—is he here?

Mr. KILDEE. We will share the honor. I will just——

Chairman MILLER. Yep, there you are.

Mr. KILDEE [continuing]. Say that I am very happy to have Mr. Goenner here today from Central Michigan University.

Most of the good things of charter schools in Michigan owe a great deal to you. And I really appreciate all you have done, but I will defer to Dr. Ehlers for the formal introduction. Thank you very much.

Mr. EHLERS. Thank you, Mr. Chairman. It is a pleasure to do that today. Michigan has long been a leader in the charter school movement from many different aspects.

But one of the major leaders has been Mr. James Goenner, working for the Center for Charter Schools at Central Michigan University, better known as CMU. It is the nation's largest university authorizer of charter public schools.

Jim has served as executive director since February 1998 and formerly served as the founding president of the Michigan Association of Public School Academies.

Jim has been instrumental in establishing the Michigan Council of Charter School Authorizers, which he chairs, and is a founding board member and chair of the National Association of Charter School Authorizers.

Under Jim's leadership, CMU has pioneered new initiatives for overseeing and supporting charter schools, leading Central Michigan University to be recognized as the gold standard of charter school authorizing.

CMU currently authorizes 58 of Michigan's 230 charter public schools and serves approximately 30,000 students. As a group, students in schools chartered by CMU outperformed their host district counterparts in all six core academic subjects of Michigan state assessment.

Ten schools chartered by CMU have attained the NCLB goal of 100 percent proficiency by 2014 in certain subjects. And in 2008, for the first time, Michigan's top performing district on the state assessment is a school chartered by CMU.

Thank you in advance for being here, Mr. Goenner, and welcome you. We look forward to your expert testimony.

Chairman MILLER. Thank you.

Welcome to the committee.

David Dunn is the executive director of the Texas Charter Schools Association. Most recently, Mr. Dunn was chief of staff to former U.S. Secretary of Education Margaret Spellings.

Mr. Dunn's experience also includes service as special assistant to the president for domestic policy in the last Bush administration, the associate executive director and chief lobbyist for the Texas Association of School Boards, and 15 years in education fiscal policy analysis for the state of Texas.

Welcome to all of you to the committee.

Mr. Shelton, we are going to begin with you. When you begin to testify, a green light will go on in front of you. We are going to allow you 5 minutes to give us all your wisdom and expertise in the history of charter schools.

And with 1 minute remaining, an orange light will go on. We would like you to think about wrapping up your testimony. And then a red light will go on, and you finish in a way that you consider appropriate, to make sure you have conveyed your—your thoughts to us.

But we obviously want to have time for questions, and we are going to be pressed a little bit today because of the floor schedule.

Welcome to the committee.

STATEMENT OF JIM SHELTON, ASSISTANT DEPUTY SECRETARY, OFFICE OF INNOVATION AND IMPROVEMENT, U.S. DEPARTMENT OF EDUCATION

Mr. SHELTON. Thank you, Chairman Miller. Good morning.

And good morning to you also, Ranking Member McKeon and other distinguished members of the committee.

Thank you for the opportunity to appear before you today to discuss the topic of "Building on What Works at Charter Schools." As you know, improving our education system is the—one of the administration's top priorities.

Our goal is to improve education at every level for each student. We believe that this must include improving the quality of traditional public schools and public charter schools, which I will discuss today.

I am pleased to provide an overview of the Department of Education policies on charter schools and to highlight successful charter programs across the nation.

Expanding high-quality charter schools is a central component of this administration's strategy to improve public education, both as a strategy for intervening in struggling schools and as a platform for driving innovation ultimately.

Charter schools continue to expand across the nation, bringing innovation and change to communities and helping to eliminate the achievement gap. They have inspired a new kind of entrepreneurial leadership to address some of our nation's most perplexing and historically impenetrable education problems.

Their flexible and results-based operations have demonstrated success in some of our most challenging and compromised school districts.

The best charter schools have proven, as you said, that regardless of race, native language, or socioeconomic status, children can achieve the highest levels of academic success.

As you noted also, over 4,600 schools today that serve 1.4 million students—60 percent of these students are minority. Fifty percent of these students fall into the category of qualifying for free and reduced lunch.

In some cases, these schools are offering the only high-quality option available to the low-income students in their communities. They serve 3 percent of all public school students nationally, with some schools—with some communities having over 20 percent of their students being served by public charter schools.

These communities have taught us under what conditions, circumstances, charters can flourish, but they have also taught us that having the authority to enforce accountability often is not the same as having the courage to use it.

Thus, charter school achievement in aggregate continues to be mixed, and we are starting to get—and because of this, we are starting to get results of the research, sufficiently rigorous, to answer the most important questions about charter performance and the drivers of it.

For example, a recent Rand study of both Florida and Chicago showed that the high schools there are not only outperforming the traditional public schools and the district schools around them in graduation rates but also enrollment in college.

A 2009 study on charter schools in Boston has actually shown that the charter schools in Boston are outperforming traditional public schools around them. This study is particularly important because it actually debunks the myth that creaming was the reason for this outperformance. It actually has the kind of controls that we actually need to show that, in fact, it is the school that made the difference.

It is important to note that we are no longer talking about just "one-of" schools anymore. There are high quality charter networks around the country that are hitting these outstanding high achievement goals for students, many of them represented here on this panel today. But there are many in other parts of the country as well as——

These networks of charter schools are succeeding in closing the achievement gap. They are preparing low-income students not only to attend college but to graduate from college. And they are doing it at scale.

Yet even with these clear examples of the possibilities, we continue to fail our students by not taking action and closing the worst-performing schools. States and charter authorizers must take up their role in accountability.

At the same time, though, this administration and our secretary are asking states to—they are calling upon states to remove the arbitrary caps and unfair funding and facilities practices that have limited the replication and expansion of our nation's highest-performing charter schools and charter school networks.

This is even more important as we collectively begin our Race to the Top. There is a growing entrepreneurial spirit that is leading the charge and meeting the challenge to making lasting changes in the classroom, and we want to enable that transformation.

Therefore, for 2010, the administration is requesting $268 million for the Charter Schools Program, an increase of $52 million over the 2009 level.

The request would provide increased support for planning and startup of new high-quality charter schools and address some of the barriers around facilities as well.

This will be the administration's first major step toward fulfilling its commitment to double support for charter schools over the next 4 years.

At the 2010 request level, the department will continue to provide grants to state education agencies.

And in order to supplement the efforts of states and local developers in creating charter schools, we are requesting appropriations language that would allow the secretary to make direct grants to charter management organizations and other entities for the replication of successful charter school models.

This policy would give us some needed additional authority to direct funds to organizations that are best equipped to bring about the expansion of the most effective schools.

The administration's fiscal year 2010 budget request would also continue support for evaluation, technical assistance, and dissemination of model charter programs and charter school laws.

In closing, once again let me thank the committee for inviting me to appear today. I look forward to continuing to work with the committee on this and other important issues.

[The statement of Mr. Shelton follows:]

Prepared Statement of James H. Shelton, III, Assistant Deputy Secretary for Innovation and Improvement, U.S. Department of Education

Good morning Chairman Miller, Ranking Member McKeon and distinguished members of the Committee. Thank you for the opportunity to appear before you today to discuss the topic of Building on What Works at Charter Schools. Improving our education system is one of this Administration's highest priorities. Our goal is to improve education at every level for all students. This must include improving the quality of traditional public schools and public charter schools, which I will discuss today. I am pleased to provide an overview of the Department of Education's policies on charter schools and to highlight successful charter programs across the nation.

Charter Schools: An Overview

Improving our education system by expanding high-quality public charter schools is one of this Administration's highest priorities. Charter schools continue to expand across the nation, bringing innovation and change to countless communities and helping to eliminate the achievement gap. Charter schools have inspired a new kind of entrepreneurial leadership to address some of our nation's most perplexing and historical educational failures. Their innovative, flexible, and results-based operations have demonstrated success in some of our most challenging and compromised school districts. The best charter schools have proven that regardless of race, native language, or socioeconomic status, children can achieve academic success when given a quality education.

Forty states, the District of Columbia, and Guam have enacted charter school laws, enabling the creation of over 4600 schools today that serve over 1.4 million students.[i] Over 60 percent of these students are minority and over 50 percent are eligible for free and reduced lunch. These schools are serving 3 percent of public school students nationally, with charter schools in New Orleans, Washington DC, Southfield MI, Dayton OH, and Kansas City MO serving over 20 percent of the public school students in their communities.[ii]

Baseline data, collected through the Department's EDFacts system, show that during the 2006-07 school years approximately 63 percent of fourth-grade charter school students were achieving at or above proficient on State assessments in reading/language arts and 62 percent at or above proficient on State assessments in mathematics. The percentage of eighth-grade students proficient in either subject was lower, with approximately 61 percent achieving at or above proficient on State assessments in reading/language arts and only 50 percent at or above proficient on State assessments in mathematics.[iii]

Charter Schools: Success and Barriers

Charter school achievement continues to be mixed but improving. Studies suggest that charter schools with more experience provide added value when compared to some traditional public schools and that charter schools serving at-risk students can be effective in improving academic achievement. Studies incorporating longitudinal student-level data and rigorous research methodology are increasing, and contributing to our understanding of the impact charter schools are making on student performance. Examples of significant results in key chartering states and cities are that:

- According to a recent evaluation conducted by the RAND Corporation, charter high schools in Florida and in Chicago have shown substantial positive effects on both high school completion and college attendance. Their students have higher graduation rates and their graduates have higher rates of college attendance as compared to their peers in traditional public schools.[iv]
- Similarly, a 2009 study by the Boston Foundation showed that when compared to students enrolled in traditional schools, charter school students in Boston are making significant gains.[v]
- 2009 data collected through the Department's EDFacts system reports proficiency rates on State assessments for students enrolled in charter schools in Idaho, Colorado and Tennessee that were higher than those for students in traditional schools in their respective states in reading and mathematics.[vi]

Charter school networks that are making significant gains in some of our nation's most educationally disadvantaged neighborhoods include Uncommon Schools (NJ and NY), Achievement First (CT and NY) and Harlem Village Academies (NY). These networks of charter schools are succeeding in narrowing the achievement gap and preparing low-income students not only to attend college, but to graduate from college. These charter networks, based on strong models of educational success and increased capacity for planning and implementing successful charter schools, are developing and managing systems of geographically linked schools that are held to high standards.

However, we have continued to fail our students by not taking action and closing the worst-performing schools. While it's estimated by the Center for Education Reform that nearly 14 percent of the 657 charter schools that have closed since the 1992 were closed because of poor academics, over 41 percent closed due to the lack of equitable financing.[vii] States and charter authorizers must take seriously their roles in approving, funding, rigorously reviewing, assessing, and revoking the charters of those schools that cannot demonstrate academic growth.

Charter Schools: A Critical Strategy

We believe charter schools will play two essential roles in the development and implementation of education reforms that address the widest points of the achievement gap: transforming persistently failing schools and leading our nation's thinking on education innovation and what works. Charter schools will be a critical strategy for transforming persistently failing schools. Examples such as Green Dot, KIPP and Mastery Charter Schools are nationally recognized and growing networks of college preparatory elementary, middle and high schools that are not only improving student academics and graduation rates from high school, but also increasing college enrollment.

A growing entrepreneurial spirit is leading the charge and meeting the challenge to make a lasting change in the classroom. States are being called upon to reduce the barriers to innovation that further inhibit a student from receiving a high-quality education. States must remove arbitrary caps that have limited the replication and expansion of some of our nation's highest-performing charter schools and charter school networks. They must also ensure accountability and make tough decisions to close charter schools that are not working.

Charter Schools: This Administration's Commitment

For 2010, the Administration requests $268.031 million for the Charter Schools Program, an increase of $52 million, over the 2009 level. The request would provide increased support for planning and start-up of new high-quality charter schools, a key element of the Administration's strategy to promote successful models of school reform. This sizeable increase is the Administration's first major step toward fulfilling its commitment to double support for charter schools over the next 4 years.

With support from the program, the number of charter schools nationally has increased dramatically from approximately 100 in operation in 1994 to over 4,600 today. Since 2001 over 2,400 charter schools have received assistance under this program.[viii] Funding for this program provides new schools with necessary, but often difficult to acquire, start-up funds and assists in making the most successful models for charter schools available for replication throughout the country.

At the 2010 request level, the Department would continue to provide grants to State Educational Agencies to support planning, development, and initial implementation activities for approximately 1,200 to 1,400 charter schools, as well as fund dissemination activities by schools with a demonstrated history of success. Further, in order to supplement the efforts of States and local developers in creating charter schools, we are requesting appropriations language that would allow the Secretary to make competitive grants to charter management organizations and other entities for the replication of successful charter school models. This policy would give us some needed additional authority to direct funds to organizations that are the best equipped to bring about the expansion of the most effective models.

The Department would also use the available waiver authority to strengthen the capacity of the program to support the growth of charter schools in a variety of situations and contexts. For example, current law limits a charter school to a single planning and implementation grant and a single dissemination grant. This limitation is generally appropriate, as Federal funding should not typically pay for multiple planning periods or provide long-term support of a charter school. However, this limitation can inhibit the growth of charter schools that need external assistance in order to expand (for example, a charter middle school that wants to extend to the high school grades).

Similarly, current law limits assistance to a charter school to not more than 18 months for planning and program design and not more than 2 years for implementation or dissemination. This prescribed planning period can, for some grantees, limit their ability to develop well-articulated, comprehensive program designs that help guide the successful implementation of a new school. The Department would address this limitation by waiving, in appropriate circumstances, the 18-month planning limitation and allowing grantees additional time within the 36-month grant period for planning and implementation.

The Administration's FY 2010 budget request would continue support for evaluation, technical assistance, and dissemination of model charter programs and charter school laws.

In closing, let me once again thank the Committee for inviting me to appear today. I look forward to continuing to work with the Committee on these and other important issues.

ENDNOTES

[i] 2009 National Charter School Data, Center for Education Reform, Washington, DC

[ii] 2008 Dashboard, National Alliance for Public Charter Schools, Washington, DC

[iii] Flaherty, John, Nakamoto, Jonathan, Salaam, Khadijah. (2008). Report on the Charter Schools Program (CSP) Data Collection Project: An Analysis of the CSP Grantee Award and Performance Data. WestED, Contract No. ED-04-CO-0060/0001 Task Order 3.

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[v] Abdulkadiroglu, Atila, Josh Angrist, Sarah Cohodes, Susan Dynarski, Jon Fullerton, Thomas Kane, and Parag Pathak. (2009). Informing the debate: Comparing Boston's charter, pilot and traditional schools. Boston, MA: The Boston Foundation

[vi] U.S. Department of Education EDFacts and 2007-08 CSP Data Collection Template

[vii] Allen, Jeanne, Consoletti, Allison, Kerwin, Kara. (2009). 2009 Accountability Report: Charter Schools. The Center for Education Reform, Washington, DC

[viii] U.S. Department of Education EDFacts and 2007-08 CSP Data Collection Template

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Chairman MILLER. Ms. O'Brien?

STATEMENT OF BARBARA O'BRIEN, LIEUTENANT GOVERNOR, STATE OF COLORADO

Ms. O'BRIEN. Thank you, Chairman Miller. Thank you, Chairman Miller, committee members and Congressman Polis for this opportunity and, Congressman Polis, especially for your leadership on education reform.

I was the president of the Colorado Children's Campaign, a statewide child advocacy organization, from 1990 to 2006. Our mission was to advocate for all Colorado kids, but particularly for children most at risk.

In the early 1990s there was little hard data on vulnerable children in the public school system, but all you had to do was walk into a fourth grade class in a poor neighborhood to see the faces of kids who had already mentally checked out.

In 1991 I began searching for ways to change the trajectory to success for vulnerable students. Charter schools offered a way to stimulate innovation within public education by giving educators greater autonomy in exchange for greater accountability.

After 2 years of research and coalition building, we succeeded in making Colorado the third state to enact such a law. This was still unchartered territory, but inaction was no longer an option in the face of failure.

Reformers began to use the autonomy of charter schools to schedule more time in school, form different educational missions from college prep to vocational education, use different instructional methods, and encourage increased engagement with parents.

In Colorado 97 percent of charters use models that are different from traditional schools, including Montessori, experiential learning and technology-based curricula.

Charter schools create opportunities and open doors for kids who would otherwise be left behind. They do it by using the best of the American spirit—entrepreneurship, innovation, and hard work. They are an asset, not a threat, to our public education system.

Some districts initially viewed their own public charter schools as competition, but most districts now celebrate the educational diversity they bring.

Charter schools are incubators of innovation that can be replicated and diffused throughout our public school system. I view charter schools as education laboratories—taking risks, trying new things, developing alternatives and pushing the reform envelope.

Districts are learning every day from successful models and can deploy them in other schools.

Since 1993 our state's charter schools have experienced both success and failure, just like any new venture, but their entrepreneurial risk-taking has clearly led to great rewards system-wide.

In Colorado, 78 percent of charters made adequate yearly progress last year, compared to 58 percent of traditional public schools, and 55 percent of charters were rated excellent or higher, compared to 43 percent of traditional public schools.

Charter schools now serve 7 percent of students, more than double the national average. And I would like to highlight one example. West Denver Preparatory Charter School has 90 percent of its students eligible for the free and reduced-price lunch, FRL.

On the new Colorado Growth Model, its students scored the highest average growth percentile of any school in Denver Public Schools. To prepare for college, students attend longer school days, receive extended class time, complete homework assignments daily, have access to tutoring and are held to high standards, all on a public school budget.

So what makes these schools effective in educating at-risk students when others have failed? Here are a couple of characteristics that I have identified. They welcome accountability. They found ways to have more hours per school day and more days per school year. They welcome data.

They foster a culture of achievement. They have demonstrated the importance of the leadership of a good principal. They welcome high performance standards. And they attract principals and teachers who want the challenge of overcoming great odds.

It is important to recognize that not all charter schools work out, and I do think federal policy creating incentives for closing failing charter schools and disincentives for keeping charter—charter schools going when they are not performing would be important and in keeping with the mission.

There is a caveat. Charter schools are the research and development arm of education. While our focus should be on replicating successful models, we should always leave room for further innovation. We owe it to students to give them the best we have.

Thank you very much, and I appreciate this opportunity.

[The statement of Ms. O'Brien follows:]

Prepared Statement of Hon. Barbara O'Brien, Lieutenant Governor, State of Colorado

Thank you Chairman Miller, Committee members and Congressman Polis for this opportunity to talk about charter schools.

I was the president of the Colorado Children's Campaign, a statewide child advocacy organization, from 1990 to 2006 when I ran for Lt. Governor. Our mission was to advocate for better health, safety and education for all Colorado kids, but particularly for children most at risk. In the early 1990s there was little hard data on vulnerable children in the public school system, but all you had to do was walk into a fourth grade class in a poor neighborhood and see the faces of the kids who had already mentally checked out to know that those eager young faces had stopped learning in school and that a lot of teens would be dropping out.

In 1991, I began searching for ways to change the trajectory to success for vulnerable students. Charter schools offered a way to stimulate innovation within public education by giving educators greater autonomy in exchange for greater accountability. After two years of research and coalition building, the Children's Campaign successfully passed the Colorado Charter School Act of 1993.

No Child Left Behind legislation in 2002 led to data showing that many low income, minority and rural students were indeed being left far behind. The traditional school, however, rarely closed the achievement gap. Reformers began to use the autonomy of charter schools to schedule more time in school, form different educational missions from college prep to vocational education, use different instructional methods, and encourage different engagement with parents. In Colorado, for example, ninety-seven percent of charters use models that are different from traditional schools.

Charter schools create opportunities and open doors for kids who would otherwise be left behind. They do it by using the best of the American spirit—entrepreneurship, innovation, and hard work.

Today, approximately 4,700 charter schools are educating almost one and a half million children in 40 states and the District of Columbia, engaging families and closing the achievement gap. In Colorado, 78% of charters made adequate yearly progress last year, compared to 58% of traditional public schools, and 55% of charters were rated excellent or high compared to 43% of traditional public schools. Charter schools have come a long way since 1993.

Here are a few things to know about successful charter schools:

• They welcome accountability.

• They have found ways to have more hours per school day and more days per school year—with the support of their teachers and parents—so that their students can catch up.

• They have demonstrated the importance of the leadership of a good principal.

• They welcome high performance standards.

• They support the closure of failing charters.

• Their experience tells them that it is easier to create excellence in an autonomous charter school than to turn around a failing traditional school.

While I've been addressing the issue of charters and at risk students, policy makers should also consider the role of charters in boosting the achievement of suburban students. We should not be complacent about our best schools as other developed countries accelerate the academic achievements of their students.

Congress needs to lead the country in putting a laser focus on student achievement. With that focus, charters can be an asset, not a threat. They attract principals and teachers who want the challenge of overcoming great odds to boost their students' achievement. They innovate broadly and deeply, from curriculum to assessment to schedule. Today there are many models of successful charters—from the national KIPP network to the unique West Denver Prep—and it is time for federal education policy to include incentives for replicating successful charters and disincentives for allowing unsuccessful charters to continue.

One caveat * * *

Charter schools are the research and development arm of education. While our focus should be on replicating successful models, we should always leave room for innovation.

We owe it to students to give them the best we have.

Thank you.

Chairman MILLER. Steve, welcome to the committee.

STATEMENT OF STEVE BARR, FOUNDER AND CHAIRMAN OF THE BOARD, GREEN DOT PUBLIC SCHOOLS

Mr. BARR. Honor to be here on behalf of the teachers and families we serve and those who support them. It is a great honor to come here and tell our story.

I started Green Dot Public Schools in the summer of 1999 mainly because, as some of the distinguished members from California can attest to, we used to have the best public schools in the world in California, and I was able to jump a class because of that lift.

And I am the class of 1977. After I graduated from high school, we had a tax revolt. In my adult lifetime, our schools went from the best to the worst in my adult lifetime.

And what passed as debate was the left, which I am a member of, saying, "We just need more money for a failed centralized system," and the right saying, "Scrap it," "Privatize it," or, "It is the teachers' union's fault." And there is got to be more to this debate and discussion than that, as we tackle this problem.

Green Dot Public Schools currently operates 18 small preparatory high schools in the highest need areas of Los Angeles, highest need meaning the most overcrowded and the biggest dropout rates; one school in the South Bronx; and a partnership with the United Federation of Teachers.

We go into areas where there is 60 to 70 percent dropout rates and we retain and graduate, with the same kids and the same money, over 80 percent of the kids, and 80 percent of those graduates go on to 4-year colleges.

The scale of that is important because in those same neighborhoods, maybe 4 percent of the kids in those neighborhoods will get a college degree.

And the most important part of the story is not charter. It is the vision of what those schools look like. Like KIPP and Uncommon Schools and the rest of the providers out there that are providing great R&D, our schools are small. We have high expectations for all the kids. The dollars get in the classroom. And we are accountable to the parents. I think that is a vision of public education that should be adopted across the board.

In addition to serving our families, our most important role, as the lieutenant governor mentioned, is to create R&D of what a school district can look like. And you can't do that just with a single charter school.

I think our back office efficiency of getting 94 cents of the taxpayers' dollar in the classroom is important, and also recognizing the fact that this is a 100 percent unionized industry. We have a collective bargaining agreement that is partnered with not only the California Teachers Association and the NEA, but as of 2 weeks from now when we ratify an AFT-UFT contract, a teachers' union contract that shares the same vision.

Our teachers' union contract has replaced tenure with just cause. We don't count minutes and hours in a workday. We have a professional workday. We agree to pay the teachers 15 to 20 percent more through our efficiency. And—accountability. So seniority is not always the rule of how we lay off and dismiss people.

Now, if the teachers' unions can come this far, and the reformers can come and meet them in the middle, that should unlock this idea that these tribes can't come together to solve this problem, which is essential if we are going to really attack this problem.

It is not just enough to create a charter school in a neighborhood, though. Two years ago we took one of the worst dropout factories in Los Angeles, Locke High School, a school that opened after the Watts riots in 1965, which was supposed to bring hope to that neighborhood. What ended up happening is that high school became the place where if you got in trouble you got sent to, not only for students but also for teachers.

Locke High School would have 1,200 freshmen every year, and by the end of the senior year they would dwindle down to 250 to 300 kids. Devastation—every year a repeat of that cycle and what that does to that neighborhood.

If you could imagine—and the reason why this is important and I think is the next part of our journey in charter schools and how we become relevant in big city urban districts—is we have got to take on these turnaround failing schools, and I think Locke has become a model, because if you can imagine—if you just took the basic stats that are available to the average person, and you said—you looked at the numbers, 60,000 people have gone to Locke High School since it opened, give or take 1,000.

If you got them all together in one stadium, all the people who went to Locke High School, and you got on the P.A. system and said, “Please step out of the stadium if you didn’t graduate from Locke High School,” 40,000 people would have to leave that stadium. So now you have got 20,000 people.

And if you can imagine a P.A. announcement, “Now, step out of that circle if you didn’t go to a 4-year college,” all but 8,000 people would have to be out of that stadium. So you have got 8,000 people where there once were 60 that got into a 4-year college.

And why is that important? They will make a million dollars more over their lifetime. They may have the minimum requirements to go into teaching.

And if you made the announcement to those 8,000 people, “Step out of the stadium if you didn’t graduate and get your degree, a B.A.,” All but 2,100 people would have to leave that stadium. Now you have got just one section of that stadium.

And if you made the announcement to those folks, “Please come—please tell me if you came back to this neighborhood to start a charter school, or get involved in politics or become a teacher,” well, none of them came back to that neighborhood.

And the reason why this is important—there is 30 or 40 Locke High Schools in Los Angeles. There are thousands of Locke High Schools in this country. Until we fix that issue and that problem, our economy, our way of living and our urban core will never be the same.

[The statement of Mr. Barr follows:]

Prepared Statement of Steve Barr, Founder and Chairman, Green Dot Public Schools

Green Dot Public Schools, which I founded in 1999, currently has 18 small preparatory high schools—17 serving the highest need areas in Los Angeles and 1 in the South Bronx. Currently we serve about 7500 students. We go into areas where there are 60 to 70 percent dropout rates and we retain and graduate over 80 percent of those same kids with the same dollars. And nearly 80 percent of our graduates are accepted right out of our schools to four year universities. And those are areas, I might add, where maybe 4% of the kids graduate from college.

Our role as a charter school organization is twofold—we serve our students and their families with everything we have. And secondly, we should be looked at as research and development. And the result of the R&D of Green Dot is clear-cut across the board—and that’s that African American kids and Latino kids can learn when they’re in a system of schools that are small, are college and work ready, where the dollars get in the classroom, where there’s support for our product (which is teaching), we’re accountable to parents and we ask parents to be involved. In that vision, we think it not only serves our ultimate stakeholders—which are the students—but also teachers. Green Dot has its own teachers union. We’re affiliated with the California Teachers Association and the NEA. We’re also in a unique partnership in New York with the UFT and AFT and Randi Weingarten.

Our union contract instead of tenure has “just-cause” so there are protections. We have no minutes and hours in a workday, but a professional workday. And there’s ultimate accountability; job stability is not just based on seniority but also on performance. We ask teachers to be more involved in decision-making and we pay more.

Our Green Dot/UFT School in New York has total alignment between the mayor, the chancellor, and the president of the teachers union. We receive $12,000 per pupil and a free facility from the school district. With this kind of political alignment, the success of that school should be guaranteed.

The ultimate mission of Green Dot is systemic change. Two years ago, we fulfilled the restructuring requirement of the No Child Left Behind by getting the majority of the tenured teachers at Alain Locke High School in Watts to agree to a charter transformation. Locke represents seven of our 18 schools in Los Angeles.

Locke High School was founded 40 years ago following the Watts Riots full of hope and promise. If you look at the statistics, roughly 60,000 people have attended that high school during this time. Imagine if you could get all those people together. It would fill a pretty nice-sized stadium. If you got on the public address system and you say to those 60,000 people, "please leave the stadium if you didn't graduate from Locke High School," about 40,000 people would have to leave the stadium. Now you have 20,000 people left. Now if you got on the P.A. system and said to those people, "now leave the stadium if you didn't get into a 4 year university." Why is that important? Because we know that those people will make over a million dollars more in a life-time and will have the minimal requirements to maybe even come back and teach at that school. So, from 20,000 we'd now be down to only 8,000 left in the stadium where there once stood 60,000. If you said to them, "now step out of the stadium if you didn't complete your bachelor's degree," all but 2100 people would have to leave. Now you only have 2100, maybe 2200 where there once stood 60,000 people. If you said, "Now please step out if you didn't come back to your neighborhood and become a teacher, become politically active, start a business or a charter school," Just a small handful of people would be left in the stadium. Taking into account the amazing work done by the clergy, gang intervention programs and non-profits, nothing will fix that neighborhood until you fix that school.

The problem with Los Angeles is that there are a lot of Locke High Schools and the problem with this country is that there are thousands of Locke High Schools. Until we collectively make this right, we will never heal our cities and right our economy.

Chairman MILLER. Thank you.

Dr. King?

STATEMENT OF JOHN KING, MANAGING DIRECTOR, EXCELLENCE PREPARATORY NETWORK, UNCOMMON SCHOOLS

Dr. KING. Thank you, Chairman Miller and members of the committee, for the opportunity to testify today.

I am here today to talk about my experiences as an educator and to ask the committee to support initiatives to increase the number of high performing charter schools serving low-income students.

I am convinced that the autonomy of charter schools with respect to budget, staffing, curriculum and instruction, and school culture in combination with greater accountability for performance can create the context for both innovation and excellence.

I grew up in Brooklyn, New York, the son of two New York City public school educators. My father, who grew up in Bed-Stuy, Brooklyn, in a family that was just a couple generations removed from slavery, served as a teacher, principal, and eventually deputy chancellor of schools in New York City.

My mother came to the Bronx as a small child and became a teacher and guidance counselor in New York City schools. They provided for me an extraordinary example of public service. However, I didn't get to know them well because both of them passed away while I was in elementary and middle school.

And during those years, during an incredibly difficult period of my life, it was fantastic teachers in New York City public schools who made a huge difference for me.

Those teachers at P.S. 276 and Mark Twain Junior High School led me to believe in the power of public education to transform lives and ultimately were the reason that I became a teacher and a principal.

In 1999, I co-founded the Roxbury Preparatory charter school in Boston, the highest performing urban middle school in Massachusetts for 5 years running and a school that has closed the racial achievement gap on state exams.

Roxbury Prep's student body is selected by random lottery. They look just like the students of the Boston public schools. Despite that fact, our students are dramatically outperforming not only other schools in Boston but students from the most affluent suburbs of Massachusetts.

And the value-added data that we have for Roxbury Prep shows that our results are not from creaming. It is from good education. Our students come to us behind grade level and they leave us outperforming their peers around the state.

And we keep careful track of our alums after they leave us in eighth grade. A hundred percent of them go on to college prep high schools, and we know that 80 percent of them are still on track to graduate from college on time, in comparison with the less than 10 percent of adults in their communities who graduate from college.

How are we getting these results? Using our autonomy to have a clear and compelling mission to prepare our students to enter, succeed in and graduate from college, having a small school community in which every adult knows every student, attracting and retaining outstanding teachers selected from among more than 80-100 candidates per opening, setting high standards for academics and character, extending our school day so that we can have double the amount of math and literacy as other schools, as well as enrichment for all of our students, and making substantial investments in teacher professional development.

However, autonomy alone does not guarantee success. Every trustee, administrator and teacher at Roxbury Prep understands that if we don't fulfill our mission to graduate our students from college that we will be closed. And ensuring that schools use their autonomy effectively requires a strong accountability system that ties schools' continued existence to results.

Since leaving Roxbury Prep, I have become part of an organization called Uncommon Schools which is seeking to replicate Roxbury Prep's success at scale in New York City, Newark, New Jersey and upstate New York.

Each of our schools is modeled on the best practices of a highly successful charter school founded more than 10 years ago, Boston Collegiate Charter School, North Star Academy Charter School in Newark, and Roxbury Prep.

Our students, again, look the same as the students in the districts where they are located, and yet our students are dramatically outperforming those districts. In 2007, one of our middle schools, Williamsburg Collegiate Charter School, was the number one ranked public middle school in New York City.

In 2008, Excellence Boys Charter School, an all-boys elementary school, was the number one ranked public elementary school on the chancellor's progress reports.

And just recently, in the 2009 state exam data, our students again closed the achievement gap. They are outperforming white students statewide, despite a 30-to 40-point achievement gap on all of those state tests.

We are proving at Uncommon Schools that this success is not only replicable but scalable. We are growing from 11 schools to what will be 33 schools by 2014, and we are building, we believe, a model for what a highly effective urban school system should look like.

In a nation where only about 50 percent of the students in large urban districts graduate from high school, and where only 9 percent of our country's lowest-income students are graduating from college compared to 75 percent of the highest-income students, there can be little question that education is the civil rights issue of our time.

Uncommon Schools—we know we are not going to be the whole answer. We know charter schools are not the whole answer. But we believe that charter schools can be an essential part of dramatically reforming public education and changing our country.

Thank you for your time today.

[The statement of Dr. King follows:]

Prepared Statement of Dr. John B. King, Jr., Managing Director, Excellence Preparatory Network, Uncommon Schools

Thank you Chairman Miller and members of the Committee for the opportunity to testify today. My name is John King and I am a Managing Director with Uncommon Schools, a non-profit charter management organization. I am here today to talk about my experiences as an educator and to ask the Committee to support initiatives to increase the number of high performing charter schools serving low-income students. I am convinced that the autonomy of charter schools with respect to budget, staffing, curriculum and instruction, and school culture in combination with greater accountability for performance can create the context for both innovation and excellence.

I grew up in Brooklyn, New York—the son of two career New York City public school educators. My father, who grew up in the Bedford Stuyvesant section of Brooklyn in a family just a couple of generations removed from slavery, served as a teacher, principal, and eventually Deputy Chancellor over the course of a nearly forty year career with the New York City schools. My mother came to the Bronx from Puerto Rico as a small child with her single mother and was a teacher and guidance counselor in some of the most challenging schools in New York City. My parents provided an extraordinary example for me of dedication to public service. However, I did not get to know them well because they passed away when I was in elementary and middle school. During that difficult period, fantastic teachers in New York City public schools made a huge difference my life. My experiences at P.S. 276 and Mark Twain J.H.S. led me to believe deeply in the power of public education to transform lives.

As a result of the difference schools made in my life, I became a teacher and then a principal. In 1999, I co-founded Roxbury Preparatory Charter School in Boston, the highest performing urban middle school in Massachusetts for five years running and a school that has closed the racial achievement gap on state exams. Roxbury Prep's student body—selected by random lottery—is 100% African-American and Latino; over 70% of the students qualify for free and reduced price lunch, and the school is dramatically outperforming not only the Boston Public Schools, but many of the most affluent suburban districts around the state. Value-added data shows that the key to success at Roxbury Prep is not creaming: students generally come in significantly behind grade level, but make huge gains. One hundred percent of Roxbury Prep's 8th grade graduates go on to attend college prep high schools, including Boston's prestigious public exam schools and elite New England independent schools. We keep careful track of our alumni and know that about 80% of Roxbury Prep's college-age alums are on track to graduate from college compared with fewer than 10% of adults in Roxbury who hold Bachelor's degrees.

How is Roxbury Prep achieving these exceptional results? The autonomy we have as a charter school in making decisions about budget, staffing, curriculum and instruction, and school culture has allowed us to:

- Establish a compelling mission to prepare our students to enter, succeed in, and graduate from college
- Create a small school community in which every adult knows every student

• Attract and retain outstanding teachers selected from among more than 80-100 candidates for every opening

• Set high standards for academics and character

• Extend our school day to incorporate double periods of literacy and math, science and social studies every day, and enrichment for all students

• Make substantial investments in professional development for teachers including more than three weeks of curriculum development each summer and dedicated time each week for teachers to analyze student performance data and plan collaboratively

However, autonomy alone does not guarantee success. Every trustee, administrator, and teacher at Roxbury Prep understands that the school's bottom line is student achievement and that the school's charter will only continue to be renewed if the school fulfills its academic mission. Ensuring that schools use their autonomy effectively requires a strong system of accountability that ties schools' continued existence to results.

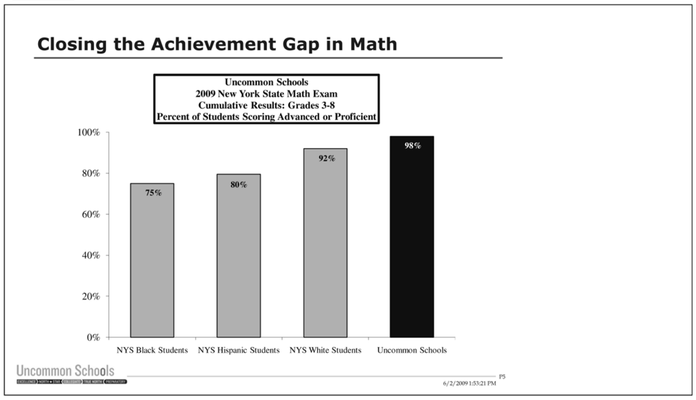
Given the success of Roxbury Prep, I wanted to figure out how such results could be replicated on a larger scale. I moved back to New York City—both because of the opportunity to create better educational opportunities for students in the community where I grew up and because the New York State charter law, New York's rigorous authorizing process, Mayor Bloomberg, and Chancellor Klein had created an educational environment that fosters innovation. Uncommon Schools, where I now serve as a superintendent of a small network of charter schools, has as its mission starting and managing urban charter public schools that aim specifically to close the achievement gap and prepare low-income students to graduate from college. Each of the Uncommon Schools is modeled on the best practices of three of the highest performing urban schools in the country: Boston Collegiate Charter School, North Star Academy Charter School, and Roxbury Prep. Uncommon Schools' student demographics reflect the student populations of the communities where they are located. Our schools have similar percentages of students who require Special Education services, and even higher percentages of African American and Latino students than other schools in their districts. The average percentage of students in our schools qualifying for Free and Reduced Price Lunch mirrors the average for their school districts.

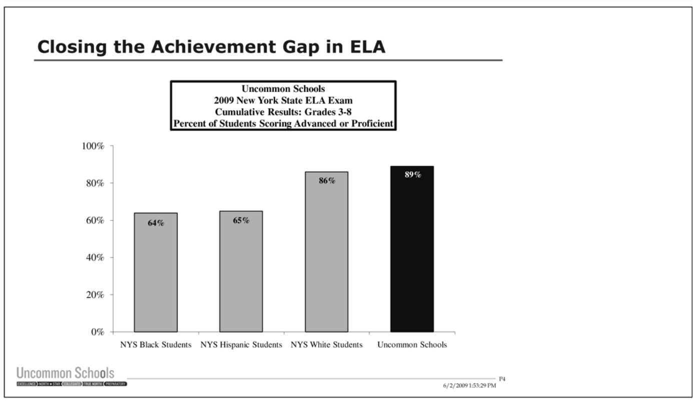
Uncommon Schools is proving that success is replicable. Across our 11 schools in New York City, Newark, New Jersey and upstate New York, our students—all selected by random lottery and most entering our schools well below grade level—are thriving. In 2007, one of our middle schools, Williamsburg Collegiate Charter School, was the #1 ranked public middle school on the Chancellor's progress reports. In 2008, Excellence Boys Charter School, was the #1 ranked public elementary school on the Chancellor's progress reports. We just recently received the 2009 state exam scores and I am pleased to report that our students again closed the racial achievement gap (see Exhibit A, next page).

Across all of Uncommon's New York schools, 98% of students scored Advanced or Proficient on the 2009 state Math exams, compared with 92% of White students statewide, 80% of Hispanic students statewide, and 75% of Black students statewide. On the English Language Arts exams, 89% of Uncommon's students scored Advanced or Proficient, compared with 86% of White students statewide, 65% of Latino students statewide, and 64% of Black students statewide.

Uncommon Schools is proving that success is scalable. As we grow Uncommon Schools, we are trying to build systems that will allow us to achieve in 33 schools, serving over 8,000 students by 2014, what we are now achieving in 11 schools. We are in essence trying to build a model of what a highly effective urban school system should look like by leveraging the freedom we have as charter schools. We are particularly focused on building excellent systems for training and supporting outstanding school leaders and teachers. Recently, we launched a teacher education program at Hunter College in partnership with two other high performing charter networks, KIPP and Achievement First. Over time, that teacher education program, called Teacher U at UKA (Uncommon Knowledge and Achievement), will train over 1,000 teachers each year, most of whom will be working in traditional New York City district schools as Teach for America corps members or New York City Teaching Fellows.

Exhibit A





In a nation where only about 50% of the students in large urban districts graduate from high school and where only 9% of our country's lowest income students are graduating from college compared to 75% of the highest income students, there can be little question that education is the civil rights issue of our time. I recognize that the work we are doing at Uncommon Schools is only one part of what must be a multi-pronged national strategy to dramatically reform public education, particularly schools that serve low-income students. However, the evidence is clear that the success of Roxbury Prep, Williamsburg Collegiate, and Excellence Boys is both replicable and scalable when school leaders are given autonomy with respect to budget, staffing, curriculum and instruction, and school culture and held strictly accountable for their results.

Again, thank you for your time today.

Chairman MILLER. Mr. Goenner?

STATEMENT OF JIM GOENNER, BOARD CHAIR, NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS, LEAD AUTHORIZER, THE CENTER FOR CHARTER SCHOOLS AT CENTRAL MICHIGAN UNIVERSITY

Mr. GOENNER. Chairman Miller, committee members, thank you for allowing me to be here with you today, and a special thank you to Mr. Kildee and Dr. Ehlers for that kind introduction.

My name is Jim Goenner and I serve as the executive director for the Center for Charter Schools at Central Michigan University.

I also wear the hat of board chair of the National Association of Charter School Authorizers.

Rather than focus on some of the political and policy arguments around charter schools, I am here as someone in the trenches working every day to help make things happen for kids.

I have been involved with charter since 1995 and in some ways, with this thing called charters, that makes me somewhere near the third generation. As you know, our home state, Michigan, is being forced to rethink how it does business every day. It is also painfully clear that refusing to change is no longer an option.

But there is one thing that brings us all together, and that is kids and education. It is universal common ground that kinds and access to quality education, especially those most in need, bind us together. And to be part of this distinguished group of advocates for kids is also an honor.

You have asked today to focus on what works, and I am here to share both what works and also what we can learn from what hasn't worked. At Central Michigan University—we were founded in 1892 to prepare teachers and school leaders. We have a rich tradition of doing that.

But we, too, have been troubled by the achievement gap, like you. In 1994 our board of trustees decided to get actively involved by becoming the first university in the country to charter a school.

Today, we are the largest university authorizer, chartering 30 schools—or 58 schools with 30,000 students across the state of Michigan. Two-thirds of those students are minority. Two-thirds of those students are poor. They range from schools we charter in rural areas to suburban areas. The vast majority are in our urban areas where the need is the greatest.

When we talk about charter schools, we are really talking about a performance contract. This is an example. When Central Michigan University issues a charter, this is the performance contract between the university board and the charter school board. I am responsible for making sure that that happens effectively.

The charter contract is key because in order to have the accountability that is been talked about, there has to be clear expectations. We know that is true. It is one of the things that, as the National Association of Charter School Authorizers, we are advocating across the country and before Congress through our principles and standards.

And also, in Michigan we are taking those and customizing to our own state with what we call our own oversight and accountability standards.

While we are all creating new innovative schools, they have something in common, and that is they are public schools, and they need to be accountable to the kids, and they need to be accountable to the taxpayers.

We think the power of charter schools is that they are dually accountable, meaning they are accountable to a public authority but they are also accountable to the parents who can vote with their feet.

Michigan's law requires charters to be granted on a competitive basis. When we—because of our state cap we can only charter a school if we close an existing one. When we closed the last school for non-performance we had 41 groups apply for the new charter.

We had many, many, many of those groups that could have done great things for kids. But again, because of the cap, we could only pick one. And I am proud to say we picked one of the best, and it will open this fall.

But there is more that can be done for kids, and there is more need than we have capacity to handle. Our goal is that if you come to this new school this fall, you will walk in, you will look around and you will say, "Wow, this is a great school. You must be in about your third year of operation."

And everybody will quietly smile and say, "Actually, we just opened," because we were so prepared to hit the ground running and that we knew our kids were going to be counting on us from day one.

Closing schools is something that is very real. We want every school we charter to be successful. But we also know that if you don't deliver academic results and good stewardship for the taxpayers, you can't continue. That tough love rhetoric sounds good. It is a challenge to carry out.

School closures impact people in real ways. They impact teachers. They impact students. They impact families. They impact pocketbooks, people that have mortgages and car payments to make.

And we know that it is often embarrassing for boards and management of schools that they are the stewards of to have them close. And they often try and go on attack and even get people like yourselves involved in that process.

But it is important that we uphold the integrity of the charter idea, that we uphold the academic accountability and the fiscal stewardship.

And as Americans, we believe in due process. We believe in fairness. And having been involved in closing a dozen schools since 1995, and with some of the battle scars to show, I can tell you these are decisions not to be taken lightly.

But we have to do what is best for students, and that is, again, what brings us all together today. Even though chartering is hard work, we know that there is tremendous opportunity. We have demonstrated the achievement gap can be closed.

Minority students and even homeless students in the schools we charter are now on par with their peers statewide. We, as Congressman Ehlers said, can brag that the number one performing school in the state of Michigan is a school we charter. We are proud to have three high schools that were named among America's best on U.S. News & World Report.

And yet with all of that said and done, we are only getting started. The work is real. The work is hard. And the work must continue, because there is more to do for kids and for our future of our country and our state and our families.

Thank you.

[The statement of Mr. Goenner follows:]

Prepared Statement of James N. Goenner, Executive Director, the Center for Charter Schools, Central Michigan University

Mr. Chairman and members of the Committee, thank you for inviting me to testify this morning. My name is Jim Goenner and I'm wearing two hats today. The first hat is chairman of the Board of Directors of the National Association of Charter School Authorizers. The second hat is my day job, where I serve as the Executive Director of The Center for Charter Schools at Central Michigan University.

With these two hats, I can offer both a national perspective and a hands-on perspective from someone working in the trenches each day. I'm also considered a veteran, meaning I've been involved with charter schooling almost since its inception. And I can attest, I've seen the good, the bad, and the ugly.

CMU's Leadership

Founded in 1892, Central Michigan University has a proud heritage of preparing teachers and school leaders. Like Congress, CMU has been deeply troubled by the achievement gap between minority and white students.

In 1994, our Board of Trustees took a leadership role and became the first university in the country to charter a school. Today, 58 schools are chartered by CMU, serving 30,000 Michigan students, making us the largest university authorizer in the nation. CMU is also home of the National Charter Schools Institute. We are not a school district—each charter school is an independent, autonomous public body with its own governing board. However, if we were, we'd be the second largest district in Michigan.

Fundamentally, we believe all students deserve quality educational options, especially those most in need. In fact, two-thirds of the students enrolled in the schools we charter are children of color, and two-thirds are eligible for free or reduced price lunch. We charter schools located in rural and suburban areas, but the vast majority serve our urban communities—particularly Detroit.

Closing the Achievement Gap

Promising practices at the schools we charter show that the achievement gap can be closed. Based on the results of our state assessment—the Michigan Educational Assessment Program (MEAP)—minority and homeless students in third through eighth grades performed better that their peers statewide.

Of the nearly 800 school districts in Michigan, 7 charters' MEAP scores placed in the top 25. Four of those schools are chartered by CMU. In fact, the number one performing public school district in the state, Canton Charter Academy, is a school we charter. It is governed by an outstanding board and is managed by National Heritage Academies. The school leader and teachers have created a winning formula as demonstrated by their test scores, but also by the fact that they have over 1,500 students on their waiting list.

We also received a letter from the Michigan Department of Education commending CMU for 18 of the schools we charter that are "beating the odds," meaning schools that achieved over 60% academic proficiency where over 50% of their students qualify for free or reduced price lunch.

Chartering Change

At its core, "charter schools" is a strategy—a legislative strategy to transform public education by harnessing the powers of choice, innovation and accountability. We are at work every day to put this strategy into action. We are creating hope and opportunity. In short, we are serving as a catalyst to help transform and revitalize public education.

Michigan's charter school law, which is considered to be one of the nation's strongest, requires charters to be granted on a competitive basis. At CMU, we look for applicants—we call them development teams—that have a promising vision for kids, the ability to develop a quality educational program, a sound business plan and the ability to implement. We look for people that have a track record of success. People that will put kids first. People that are passionate about pursuing excellence. People that know how to build teams and deliver results.

Charter Application Process

We run a multi-phased application process for new charters. Our review team is composed of subject matter experts from The Center at CMU, along with experts from around the country. Because of Michigan's cap on the number of the charters that can be granted by state universities, we can only charter a new school if we close an existing school—hindering our ability to charter new schools for students in areas where school districts fail to provide quality options.

For example, after we closed a school for poor performance, we publicly announced the opening of our application process. We received 41 Phase I applications. Phase I consists of a high level overview of the proposed school—essentially, an executive summary. We invited nine of the 41 to continue into the next phase. Phase II is very rigorous and requires significantly more work and detail than Phase I. It ranges from detailed demographic data about the student population to be served, to the curriculum to be used, to the facility, its location and its suitability as a learning environment, to the budget and business plan that will make it all happen.

Even though there were several highly qualified development teams that could have done great things for kids, because of our state cap, we were only able to invite one of the nine Phase II applicants to continue on and begin preparing the legal documents necessary for the University Board to approve and issue the charter. This is an intensive time. We perform significant due diligence to ensure that everything is legally structured, arms-length and free from conflicts of interest.

Our goal is that if you visited the new school after only a few weeks of operation, you'd say, "Wow! This is a great school. Is this your third year of operation? "And we'd be able to smile and say, "No, we just opened, but we were prepared to hit the ground running, because we knew our students would be counting on us day one."

Charter = Performance Contract

Each charter issued by the University Board is a performance contract. We believe that a contract that clearly establishes performance goals, as well as defines roles and responsibilities, is an essential quality control needed to create a successful school. The charter contract is between the University Board and the Charter School Board and is filed with the Michigan Department of Education.

Each charter is incorporated as a Michigan nonprofit corporation, is a body corporate, and a governmental entity under Michigan law. Unique to Michigan, a charter school's governing board members swear a constitutional oath of office, serve as public officials, and have the primary responsibility for ensuring the school complies with its charter contract and applicable law.

Oversight and Accountability

As a performance contract, each charter issued by CMU contains numerous provisions. However, it really all just all boils down to two main questions. Are the kids learning? And is the public's money being cared for?

Michigan's charter schools are required to comply with essentially the same requirements as all school districts are subject to, and authorizers are held to a high standard by law to oversee the schools they charter. This oversight must be sufficient to be able to certify that each charter is in compliance with "statute, rules, and the terms of the contract" (MCL 380.504).

CMU was audited against this standard in 1997 by Michigan's Auditor General. At that point in time, no one knew what this standard meant, much less how to operationalize it. Needless to say the audit report was not favorable.

CMU Recognized as "Gold Standard"

But the rest of the story goes like this. With a focus on quality, we went to work on upgrading our systems. When the follow-up audit was released in 2002, our oversight was found to be first rate, and the Michigan Department of Education and the media began publicly referring to CMU as "the gold standard of charter public school accountability."

Our operations were also inspected by the Michigan Department of Education in 2005. We received a perfect score on the 18 critical oversight processes they examined. Their letter to me concluded, "What we (MDE) came to understand about your systems will help us reassure Michigan citizens who express concern about public accountability for public school academy boards with regard to their operations and policies."

State and National Impact

The success resulted in our systems, policies, and procedures becoming national models for other authorizers. While we are proud of what has been accomplished to date, we know there is much more to do to continuously improve our own performance at CMU and raise the standards for authorizing across the country.

Beyond hosting policymakers, researchers and charter school leaders from around the country, and speaking at state and national conferences, one of our more significant contributions to advancing quality is our participation in the development of NACSA's Principles & Standards for Quality Charter School Authorizing, and the Michigan Council of Charter School Authorizers' Oversight and Accountability Standards. Further, we served on the National Consensus Panels for Academic and Operational Quality.

Perhaps even more importantly, we took it upon ourselves at CMU to design and build a software system to streamline and automate the regulatory reporting process. Our goal was to streamline compliance, allowing school leaders to spend more of their time on their primary mission of educating students.

Today, I'm proud to say that this software system called AOIS is being used by 14 organizations in 8 states (Arizona, Colorado, Florida, Indiana, Illinois, Michigan, Missouri and Ohio) along with the District of Columbia Charter Public School Board, to oversee schools.

Reauthorization

In his book, The Seven Habits of Highly Effective People, author Stephen Covey reminds us to begin with the end in mind. This is sage advice for charter school authorizers as well.

Reauthorization is a significant milestone for authorizers and schools. Reauthorization means the charter contract will soon expire and a determination must be made if the school has delivered on its promises.

At CMU, the reauthorization process is guided by three core questions:

1. Is the school's academic program successful?
2. Is the school's organization viable?
3. Is the school demonstrating good faith in following it charter contract and applicable law?

If the answers to these core questions are affirmative, the University Board issues the school a new charter contract.

Differentiating Performance

One way CMU differentiates the performance of the schools it charters is based on the length of the charter contract. Schools that exceed their goals are reauthorized for seven years. Schools that meet their goals are reauthorized for five years. Schools that have not met all their goals, but are demonstrating solid progress are reauthorized for three years. Schools not delivering, but that are committed to turning things around, are issued a one-year probationary contract. Schools that are unwilling or unable to deliver results are not renewed.

Closing Schools

While we want every school we charter to succeed, realistically we know that will not always be the case. In fact, this is a critical element of the charter strategy. Schools that deliver results continue; those that do not go away. This type of performance-based accountability is what is necessary to improve all public schools.

This tough love rhetoric sounds good. In reality, it is a challenge to carry out. But for those schools that fail to deliver academic results or properly care for the public dollar, the must be held accountable to protect kids and the public, and to ensure the integrity of the charter promise is upheld.

Being on the front lines and being intimately involved in these difficult decisions, I can assure you that closing a school is not something anyone should take lightly. School closures impact real people in real ways. Students and parents are forced to find another school. Teachers and support staff have to find other jobs. The board and management often feel embarrassed and try to go on the "attack." Needless to say, emotions run high. And as you know, some try to get their elected officials involved in the hopes that you will take their side in advocating for the school to stay open.

While I'd like to believe that all authorizers want their charter schools to succeed and operate in a professional manner, providing their schools with regular feedback and reports regarding their performance or lack thereof, we all know that it not uniformly true. Yet, I would contend that schools who consistently deliver academic results for kids, and are good stewards of the public dollar, are not in danger of being closed.

As Americans, we believe in due process and fair treatment. Charters deserve this as well. But it is absolutely essential that authorizers have the tools they need to close schools that fail to deliver or have the ability to sanction activity that would lead to closure if corrective action is not taken.

Having closed or not renewed about a dozen schools over 15 years of authorizing—and having the battle scars to prove it—I'm confident that each decision was made by focusing on what's best for students and ensuring the public dollar is cared for. In conjunction with the Michigan Departments of Education and Treasury, we and our authorizer colleagues through the Michigan Council of Charter School Authorizers have developed Wind-Up and Dissolution Procedures. These procedures ensure that there is as smooth a transition as possible for students and their families, while safeguarding public records and public assets. Upon dissolution, any remaining assets are returned to the state Treasury.

Conclusion

The charter schools strategy is helping transform public education in America. Yet the demand for more great schools, along with President Obama's call to close failing schools and replace them with schools that deliver results for kids and taxpayers, seems almost overwhelming. Fortunately, there are successful school models and successful authorizing models that we can nurture, grow and replicate. CMU and NACSA stand ready to work with President Obama, Secretary Duncan, the United States Congress and all those who are committed to passionately pursuing excellence for all students—especially those in greatest need.

Chairman MILLER. Mr. Dunn?

STATEMENT OF DAVID DUNN, DIRECTOR, TEXAS CHARTER SCHOOL ASSOCIATION

Mr. DUNN. Thank you, Chairman Miller and committee members. It is an honor be here this morning.

Both at the White House in the Domestic Policy Council and as chief of staff at the Department of Education, it was my privilege to work alongside Secretary Spellings with the Congress and this committee in support of education reform.

Now I have moved closer to the front lines of public education and innovation as the executive director of the newly formed Texas Charter Schools Association. We represent more than 56,000 students in 316 public charter schools across the state.

Texas charter schools fall into three broad groups—those schools that are focused on preparing students for college, schools that are serving students who have either dropped out or are on the verge of dropping out of the traditional public school system, and then schools created to meet unique academic, social or community needs.

As different as these schools may be, there is one thing they all have in common, and that is uniform support for President Obama's call to double the funding for the federal charter school program, or CSP.

The program is critical to the startup of new public charter schools, and I encourage the committee to work with the administration so the growing demand for public charter schools can be met.

Some 17,000 Texas students are currently waiting to attend a quality public charter school, and doubling the funding for this program will certainly help them achieve that goal.

Texas is one of just three states that have the ability to use the CSP funds to open new schools under an existing charter.

This means charters like IDEA Public Schools, in your district, Congressman Hinojosa, can use these funds to open new campuses, but they cannot use them to expand already open and growing campuses or to align grades among campuses.

The committee should consider, in our opinion, changing the law to provide states greater flexibility in the use of CSP dollars. Federal flexibility is important, but states, as you know, have the primary responsibility to improve public charters.

The Texas legislature just completed its work Monday and failed to pass key reforms that would promote growth of quality public charter schools. These reforms were scuttled in the final hours of session—literally, the last hour—after having broad bipartisan support in both chambers.

Our charter law is now 14 years old, and in the past 12 months Texas hit the statutory cap on the number of charters allowed.

This bill would have allowed the state board of education to grant an additional 12 charters a year, enabling managed growth of high-quality charter schools.

With strong support during the Bush administration, and even stronger support now under President Obama and Secretary Duncan, it is disappointing that some state legislatures still don't understand the benefits of public charter schools and remain obstacles toward reforming public education in this country.

On Sunday of this week, Texas Representative Lon Burnam from Fort Worth said on the record, regarding our charter bill, "This is a massive charter school expansion bill. I hate charter schools. I am going to kill the bill." He did.

As the executive director of a state organization, it is very frustrating that elected officials continue to see charter schools as competition for the traditional—or for the public school system. We, in fact, are a part of that system, a very crucial part that reaches kids who need education to transform their lives.

The Texas legislature also failed to give the commissioner of education additional authority to close charter schools that are not meeting academic or financial standards.

President Obama and Secretary Duncan have said setting artificial caps on the number of quality charter schools in a state traps thousands of students in schools that don't work. In our state, that is 17,000 kids.

Our dropout recovery charter schools are educating a population of students that have already failed in the traditional system and come to public charter schools, in many cases, years behind. The progress of these schools should be measured with care. Sometimes we are too quick to label some of these schools as underperforming.

Equitable funding for our schools and the ability to fairly access the array of state and federal funds that are available to our traditional schools is the most important challenge we face. And yet amazing work is still being done despite the financial disadvantages.

Just recently, TCSA member Tom Torkelson—again, CEO of IDEA Public Schools, serving the predominately Hispanic Rio Grande Valley—was nominated as one of Time Magazine's 100 most influential people in the world. This is no small achievement.

Public charter schools in Texas directly impact our country's future. The association opened its doors less than a year ago with the goal of unifying Texas charter schools and developing a quality framework for effective public charters of all types.

Working with the University of Texas system, the Walton Family Foundation, Michael and Susan Dell Foundation and the Bill and Melinda Gates Foundation, TCSA member schools are building a quality framework that will both define and measure the academic and financial success of public charter schools.

We are building a robust and transparent structure that our school leaders will use in real time to improve performance. Every TCSA member will go through this quality framework and must sign a quality pledge, giving the public and policy makers greater confidence.

Thank you, Mr. Chairman. I would be happy to respond to questions.

[The statement of Mr. Dunn follows:]

Prepared Statement of David Dunn, Executive Director, Texas Charter Schools Association

Thank you Chairman Miller and Mr. McKeon, it is an honor to appear before the committee today. Both at the White House in the Domestic Policy Council and as chief of staff at the Department of Education it was my privilege to work alongside Secretary Spellings with the Congress and this committee in support of education reform. I appear before you as someone who has returned to the front lines of public education innovation as the Executive Director of the newly formed Texas Charter Schools Association (TCSA). We represent more than 56,000 students in 316 public charter schools in Texas.

Texas charter schools fall into three broad groups: schools preparing their students for college, schools serving students who have already dropped out or have not succeeded in traditional settings, and schools created to meet unique academic, social, or community needs.

As different as these schools may be, there is one thing they all have in common: and that is uniform support for President Obama's call to double the funding for the federal charter school program or CSP. The program is critical to the start-up of new public charter schools and I encourage the committee to work with the administration so the growing demand for public charter schools can be met. Some 17,000 Texas students are currently waiting to attend a quality public charter school, and doubling the CSP funding will help new charters to open.

Texas is one of just three states that have the ability to use the CSP funds to open new schools under an existing charter. This means charters like IDEA Public Schools, in your district Congressman Hinojosa, can use CSP funds to open new campuses—but they cannot use them to expand already open and growing campuses or to align grades. The committee should consider changing the law to provide states greater flexibility in the use of CSP dollars.

Federal flexibility is important, but states have the primary responsibility to improve public charters. The Texas Legislature just completed its work Monday and failed to pass key reforms that would promote growth of quality public charter schools. These reforms were scuttled in the final hours of session after having bipartisan support in both chambers. Our charter law is now 14 years old and in the past twelve months our state hit the statutory cap on the number of charters allowed. A bill that would have allowed the State Board of Education to grant an additional 12 charters a year, enabling managed growth of high quality charter schools, failed to pass.

With strong support during the Bush Administration, and now even more so with President Obama and Secretary Duncan—it's disappointing that some state legislators still don't understand the benefits of public charter schools and remain obstacles toward reforming public education in this country. On Sunday of this week, Texas Representative Lon Burnam from Fort Worth said ON THE RECORD regarding our charter bill, "This is a massive charter school expansion bill. I hate charter schools. I'm going to kill this bill." And he did. As the Executive Director of a state organization—it's very frustrating that elected officials see us as competition to the public school system, when we're part of it—a very crucial part that reaches kids who need education to transform their lives.

The Texas Legislature also failed to give the Commissioner of Education additional authority to close charter schools that are not meeting academic or financial standards. President Obama and Secretary Duncan have said setting artificial caps on the number of quality charter schools in a state traps thousands of students in schools that don't work. In our state that's 17,000 kids. Our drop-out recovery charter schools are educating a population of students that have already failed in the traditional system and come to public charter schools in many cases years behind. The progress of these schools should be measured with care. Sometimes we are too quick to label these schools as underperforming.

Equitable funding for our schools and the ability to fairly access the array of state and federal funds that are available to our traditional schools is the most important challenge we face. Amazing work is still being done despite the financial disadvantages. Just recently, TCSA member Tom Torkelson, CEO of IDEA Public Schools serving the predominately Hispanic Rio Grande Valley, was nominated for Time Magazine's 100 most influential people in the world. This is no small achievement; public charter schools in Texas directly impact our country's future.

The association opened its doors less than a year ago with the goal of unifying Texas charter schools and developing a quality framework for effective public charters of all types. Working with the University of Texas System with the support of the Walton Family Foundation, The Michael and Susan Dell Foundation, and the Bill and Melinda Gates Foundation, TCSA member schools are building a quality framework that will both define and measure the academic and financial success of public charter schools.

We are building a robust and transparent structure that our school leaders will use in real time to measure how well they are performing across a broad range of indicators. Our members know how important it is to develop a system that works for a multitude of school types. Every TCSA school will complete the quality framework process and sign a quality pledge, giving the public and policy makers greater confidence.

Thank you for the opportunity to appear before you. I'll be pleased to answer any questions you may have.

Chairman MILLER. Thank you. Thank you very much.

Lieutenant Governor O'Brien, you state in your testimony that NCLB produced additional data confirming that low-income, minority and rural students are, indeed—were being left behind. That was the intent of that legislation, holding people responsible for each and every child in the schools.

It was information that was only kept from the public. Everybody else in the system knew what was happening at that time. And charter schools, I think, in—to some extent have been a response to that, recognizing that it wasn't the children that perhaps were failing, it was perhaps the system.

In my 35 years in the Congress, the most difficult thing to do in education is replication of excellence or of success.

Very often, what we do is we take something that was successful in School A or District A and we impose it on District W, and we don't ask any questions about whether District W has the capacity, the talent, the skills, the experience to deal with it.

We just impose upon them and then we wait to see if they have the same success that District A had. And when they don't, we say, "Well, get rid of that model. Let's try District D's model and see if we can get District D to participate." Thirty-five years we have been doing this, and we are where we are today.

I would like to ask you and Mr. Barr and Dr. King, because the tragedy of what No Child Left Behind has demonstrated to the public in terms of where these children are is what Steve just told us about, if you fill the stadium with the Locke school attendees.

And the question is we are now in the discussions of how do we expand and replicate the successes of charter schools, but I don't think it is by the way we have tried to replicate in the past, and we had an earlier hearing a week ago, and one of the—a charter school from Philadelphia described putting together the team in a capacity to deal with the vision or the end result that you want.

And I just wondered if you might address this, because this is the topic that Mr. McKeon referred to, and Mr. Polis is working, and the administration is discussing about how do we expand this but maintain the quality, accountability and the rest of it.

Ms. O'BRIEN. Thank you, Mr. Chairman. We have so much more data now than we had 35 years ago or even 15 years ago that I think higher-quality decision-making is possible. That is a new factor that we have to work with.

And I think what we are seeing with a lot of charter schools is that they take a year to open up, so they get a principal in place, they get training, they select a team of teachers that understand the mission of the school. They get training as a team.

A lot of these charter schools have figured out how to have more planning during the day and by being flexible with the teachers' schedules, and they, you know, bought—they buy into it because that is why they are at that school.

They are able to have more time on task for the kids, but the teachers have more time to think and plan and collaborate, because they are flexible with how they cover time.

So I think that we are at a place where we know a whole lot more. We now have seen how we replicate successful schools. We have networks that are expanding. Right in Denver we have one really good charter school that is going to turn into five in the next 4 or 5 years.

So I just think we know a whole lot more now than we knew before, and we can be smarter about how we replicate and expand. And kids are responding. They are studying harder. They are doing homework. I really think that replication and expansion—but based on really good data—is the formula for going forward.

Chairman MILLER. Steve, you went through an extended period of trying to assemble the team at Locke. What is your sense about replication?

Mr. BARR. Well, the good news is we know it works. I mean, that is the good news. And then how do you create political will and actually move this through?

I mean, we know small schools work. We know that high expectations work. We know that dollars following reform works. We know that you can involve parents. This is at least our experience.

And so the real question is how do you—if you want to replicate that, you have got to create the political will and leadership. I mean, the first thing you guys could do, if you are asking for recommendations on how to scale a Green Dot, is—you know, and I don't know if there is going to be any takers on this, but make private schools illegal and it will scale real fast.

If all of the richest people and affluent people, and the most politically connected people in this country had to send their kids to Locke High School, you know, you would hire McKinsey, and they would go and find out who does it really well, and you would say, "Okay, that is our model. Let's scale it real fast." It would happen, you know, in a blink of an eye. So that is the good news.

What is missing is leadership. I mean, you know, I think the Green Dot model is—and I think you see even pieces of it in the committee here—is immediately when we talk about public education we all resort to our tribes. There is the charter school tribe. There is the union tribe. There is the status quo, the school district tribe. There is the—and everybody kind of points fingers at each other.

You know, the point of it is whether or not in every community in this country—I think Michelle Obama said it best during the campaign one night falling asleep watching C-SPAN. She said that every neighborhood in this country, whether it be in the urban core or the suburbs, they—every parent knows there is that one school in their neighborhood that is the school.

It is the school that parents in the middle of the night go and wait in line for. They get in a lottery. They try to borrow somebody's address to send their kid to that school. The question is why don't all schools look like that school. You know, is it some unique group of people, or is it that school?

And so really, the question is how do we get to scale. I mean, at Locke High School we enacted a part of No Child Left Behind. The majority of the tenured teachers in a failed school did the impossible. They were so fed up with the lack of support from the school district and their teachers' union that they, knowing they weren't going to be asked back, liberated the school out of total frustration.

And what that told me is that teachers share the same frustration as parents, because in a failed centralized system those are the two tribes that are affected most by that failure. If they can figure out a way to find a model that fits both their needs, we can move this fast. And that includes parents and teachers.

Chairman MILLER. I want to give Dr. King an opportunity just to respond quickly. I am borrowing my colleagues' time up here. That is the polite way of saying it.

Yes.

Dr. KING. Sure. I think the two biggest constraints on replication are facilities and people. Facilities is in some ways easier to deal with. In New York City the mayor and the chancellor have committed to give high-performing schools space in district buildings, and so that has removed facilities largely as an obstacle.

People is much more challenging. I think that the real underlying challenge is that the programs that train teachers and principals aren't accountable for the performance of their graduates.

And so we are trying in New York City, in partnership with KIPP and Achievement First, two other charter management organizations, to build a new teacher ed program at Hunter College where not only will we train teachers in the practices that are working in our schools, both for our own schools and for the district, but then we will also require them to demonstrate results in the classroom before they earn a degree or certification.

Chairman MILLER. Thank you.

Congressman Ehlers?

Mr. EHLERS. Thank you, Mr. Chairman.

First of all, Mr. Goenner, as you know, Michigan has had caps for a number of years, and the issue of caps is often debated. I am—I wonder if you can tell me just how that is affecting things in Michigan.

Secretary Duncan was recently in Michigan discussing the caps issue in which he explained that caps will make it more difficult for the state to receive stimulus funds. So can you discuss that, what the impact is and what you see as a solution?

Mr. GOENNER. Yes. Michigan's law has a cap on the number of schools that state universities collectively can charter of 150. We have eight state universities that have chartered schools. We have been at this cap for nearly a decade.

And what it is done is it has stymied the ability to create new hope and opportunity for kids. It has also had an impact which has helped us tighten up on quality for schools that weren't performing.

The reality is this question really connects very close to Chairman Miller's question, because the question we are all looking at across the country is how do we get more great schools for kids. And that means we need growth, and it also means we need quality.

We believe that authorizers play a critical role that is at the epicenter of that question, because we are the quality control front on chartering new schools, and once they are operating we are the quality control on their operations, along with parents, who can vote with their feet.

So when you put this all together, that is where we think it is a very powerful thing to not only create more choices for kids by eliminating the caps, like President Obama and Secretary Duncan are advocating, but also to make sure that they are good choices for kids and families.

Mr. EHLERS. And do you see anything in the works to change the cap in Michigan? And what——

Mr. GOENNER. I——

Mr. EHLERS. And why hasn't it been changed?

Mr. GOENNER. Yeah, quite frankly, I think this committee's work and the leadership of Chairman Miller and all of you goes a long way, along with President Obama's advocacy, and Secretary Duncan with his advocacy in the Race for the Top (sic), because the reality is what is good for kids.

And the cap debates often get into political debates rather than what is good for kids. And so with this growing consensus around what is good for kids and charters is a strategy to help make that happen, we think that there is more and more coalescing around the idea and away from the politics. We think that will help immensely.

Mr. EHLERS. Thank you.

Mr. Shelton, a question for you. Can you detail for the committee the role that the administration sees charter schools playing in this overall nation's public school system?

What has Secretary Duncan been talking about in the past few weeks? I notice he gave a speech at the National Press Club on the structure—on this issue.

What are your plans? How do you expect to deal with issues like the caps in the states or other particular problems that are hindering the formation of charter schools?

And the final specific question. Is the administration helping to maintain or develop a charter school system in the city of Washington, in our nation's capital?

Mr. SHELTON. So as I said during my testimony, there are two major problems that charters play in the overall strategy. One is, as the secretary has talked a lot about, we are going to be focusing on addressing the chronically failing schools and persistent failures.

One of the core strategies for being able to do that is our charter schools. And what we found is in the worst-performing schools through many of our best and failed efforts that actually replacement in some form or fashion is actually the best remedy.

Charters provide not only a mechanism for replacement but provide the kind of autonomy and flexibility that are needed to actually address the student populations and get the kind of flexibility and resources to actually turn around those situations. So that is the first prong.

And that is why it has become so important in the context of the secretary's speeches in the country around the Race to the Top. As you know, in the stimulus package one of the primary levers that is focused on is this notion of intervening in failing schools.

The burden of proof on states that actually are not allowing for charter growth, that are not providing a level playing field, is on them, that they have a very significant other mechanism for actually providing the kind of reform that charters can provide.

The second point is that as the lieutenant governor said so very clearly, charters play a very important role in actually driving the front of R&D and innovation in the education sector.

What they have provided is an opportunity for us to see and to make very clear that actually you can achieve in the environments where people have said that it is the environments, the conditions, it is the student population, it is the parents—that in fact, these very same students and the very same conditions can achieve at the highest levels, and they are doing it in very unique ways.

It has been said in some circles, "Oh, the charter schools aren't actually that innovative." Well, the reality is that if you actually are taking the same inputs and you are actually producing a very different kind of outcome, then you are actually doing something very different, and we need to figure out exactly what that is.

So they are going to play a role not only in actually demonstrating it, but what we have to do is get a very clear R&D agenda around it, so we not only know that they work but how much they work, in what context, and what drivers are there.

That gets to this point around Chairman Miller about how you then replicate.

Chairman MILLER. Mr. Kildee?

Mr. KILDEE. Thank you, Mr. Chairman.

Mr. Goenner, in the early days of charter schools in Michigan—I served first in the state legislature, then here—there were situations where we had uncertified teachers, not uncommonly in some substandard buildings right in Genesee County where I live.

What has been done to change that situation? And has that situation been radically changed, where—the standards for certification and safe buildings? And what is the role of Central Michigan as the chartering agency?

And what is the role of the state of Michigan as the funding agency in making sure that certification and safety for the children are maintained?

Mr. GOENNER. Terrific question. First, charter schools in Michigan are public schools, and so they have to give the state "meet" test. They have to have certified teachers. They have to have highly-qualified teachers under the federal law.

They cannot discriminate in their admissions. They have open enrollment. They serve special needs children. They cannot teach religion in violation of the establishment clause. So all those things that we think about as public schools are required of charter public schools as well.

There were challenges in the early years. We aggressively addressed them. And one of the ways we did it across the state is we created the Michigan Council of Charter School Authorizers. And the universities and the other authorizers got together and said, "We are going to establish common standards."

And one of those keys is these charter contracts. Each contract between the authorizing body and the school gets filed with the state of Michigan, and so the state has its check on it.

More importantly, at Central Michigan University, we actually go out on site and we look to see if the teachers are certified, if they have had their criminal records checks, and what Michigan requires is an unprofessional disclosure.

We also make sure that the kids are learning in the classroom, and so we have gotten very involved into growth modeling to see that—how the kids come in on day one and how they leave at the end of the year, and that growth over time.

So those are really critical, that the authorizer plays an active role. We don't run schools, but we need to ensure that they are accountable, most importantly for the academic results and for the taxpayers.

We work with the state of Michigan. As public schools, the charters are subject to the general supervision and leadership of the state board of education. But we as the authorizer issue the contract that makes them a public school and allows them to get state school aid.

So there is what we call a continuum of accountability from the authorizing level of the state department of education to the federal law. And we think that we have got a pretty good formula of working together to make sure that at the end of the day kids are being served well.

Mr. KILDEE. Does the National Association of Charter School Authorities (sic) have any concern about any charter schools in Michigan on the cusp of meeting or not meeting the standards?

Mr. GOENNER. When you look at charter schools, they are not a monolith, so each school is different, and while we can brag about the ones that are at the top of the charts, we do have some that are not performing to standard.

And those are typically placed on a 1-year probationary contract, which is essentially saying, "Get it turned around or you are going to be out of business, and we are going to give somebody else the opportunity to take that."

We also try and provide some intervention and some support at different levels, whether it is board management, programming. But the key is these schools are held accountable.

Mr. KILDEE. Have you ever withdrawn a charter from a school that was not performing?

Mr. GOENNER. Yes, we have, and I have the battle scars to prove it. I ended up on "Nightline." And to be honest, that is one of the most difficult things in my position or any other authorizer position, is closing a school.

And, Congressman, I had a little girl, probably 6 years old, with tears in her eyes, saying, "Mr. Goenner, why are you taking my school away?" And trying to look her and her parents—and say, "Well, it is because these adults didn't do what they were supposed to," is very challenging.

So it breaks our heart, but yes, we have closed schools, because fundamentally that is the—it upholds the integrity of the idea that schools that work will continue, schools that don't will be sanctioned. And closure is the last resort.

One of the things that we are developing is what we call surgical tools, so that rather than dropping the bomb of closing a school, we can go in—if there is an adult that is not doing things right, that the school can address that, get the bad actor out of there and continue on.

So there is a lot to be learned in this area, and it is one of the reasons—as President Obama and Secretary Duncan are talking about turning around schools that aren't performing, there is a lot to be learned from the charter sector, because we have some success doing that.

Mr. KILDEE. Thank you very much, Mr. Goenner.

Chairman MILLER. Mrs. Biggert?

Mrs. BIGGERT. Thank you, Mr. Chairman.

Following up on that, Mr. Goenner, could you—do you have any anecdotal thoughts on the—if you were—on the adoption of stronger quality controls within the CSP to allow, you know, greater accountability and transparency in the system?

Mr. GOENNER. Absolutely. I think there are four fundamental things that you could do. This is something that, as the chair of the National Association of Authorizers, we have been advocating through our principles and standards. But it is also what I would say is the Central Michigan University model.

First is you have got to have a performance contract. That needs to be an absolute essential. It lays out expectations.

Number two is academic results. That has to be a requirement. That is what we are in this for, is kids. How is that going to be measured?

Three is fiscal. The taxpayers, the stewardship—so annual financial audit must be required.

And four is ongoing monitoring. It can't be, "Here is your charter. We will see you in 5 years." There needs to be a continuous communication between the authorizing body and the school that is measuring progress and saying, "Yes, you are on the right track," or, "No, you are not. We have got to get this turned around."

And so we think that the contract, the academics, the fiscal and that ongoing monitoring communication are essential.

Mrs. BIGGERT. Thank you. Thank you very much.

And then, Mr. Barr, I have two grandchildren that are in a charter school in California, in Pacific Palisades, and they are—this is an elementary school, and they are very concerned about the fact that then they are going to go to the regular school, because they have had such positive outcome.

But one of the problems—and obviously, in California, they are under real budget constraints, and there has been a lot of budget cutting within the schools, and that is happened to—their loss of teachers as well as other schools.

And my daughter happens to be the president of the booster club there, so a lot of that has fallen on them, really, to—you know, to make up the shortfalls as much as possible, and they have big fundraisers that really—to do that.

How is the funding there for the charter schools versus—they get public school money, but is there a shortfall versus, you know, the regular public schools?

Mr. BARR. Well, the shortfall is usually in facilities. The schools that your grandchildren go to are—were conversion schools where they got the property in the Palisades.

The funding in California is really a reflection of people's lost confidence in the public education system. You know, I had a school board member on my staff, and he was passing a parcel tax, and my wife and I had just bought a house—age 45, I finally bought a house.

And I am a liberal Democrat, so I don't think I am taxed enough, so—so the board member came to me. I said, "So explain to me where this parcel tax—and what is it about?" "Well, everybody who owns a home pays 100 bucks and it goes to support public education.

I go, "That is great, but where does the money go?" "It goes into the general fund of LAUSD." I said, "Wait a second. You guys are drunken pirates. You guys spent almost $1 billion and can't open a high school. Now, if I knew the money went like charter school funding is in California, in blocks to the school in my neighborhood, that got into teacher pay and development for teachers, into the middle and high school in my neighborhood, and you can take 20 percent off the top for equity issues, 100 bucks—I would give you 500 bucks. I would give you 1,000 bucks. I would pay 5,000 bucks if I knew the money was spent well in the public school system, and I could send my kid to that system."

That is really the R&D lesson of charters, is you at least know those dollars are getting to the school site, not going to a school district where they carve out half of their vigorish and then send the rest down.

Mrs. BIGGERT. Thank you.

Then, Mr. Dunn, in Illinois we have had a shortfall of the students that are waiting for—to be included in the charter schools, and Illinois just last week passed a—Illinois lawmakers passed a bill—finally they have done something—that will allow more charter schools to be built. And some of them are reserved for enrolling high school dropouts and various—various other matters.

But what has Texas done to ameliorate the problem of not having enough charter schools for those that want them?

Mr. DUNN. Yeah, thank you, Mrs. Biggert. As I mentioned in my testimony, unfortunately the Texas legislature failed to pass a bill just this past legislative session that would have allowed the state board of education to do—to expand charter schools and schools with charters in a managed way, 12 additional charters a year, but—and——

Mrs. BIGGERT. So what is the next step that—can they just bring it up again, or how do you——

Mr. DUNN. Well——

Mrs. BIGGERT [continuing]. How do you address that?

Mr. DUNN [continuing]. We have a biannual legislative session in Texas which certainly has its advantages from our perspective, but it does mean that you have got to wait 2 years to come back and try again.

What schools have been able to do, however—we have 215 charters in Texas operating 460 campuses, so going to the—Chairman Miller's question on replication, in Texas we have found ways, creative ways, to replicate campuses.

Each year, the state board of education also considers amendments to the charter and can allow successful charters like KIPP Academy or IDEA Public Schools to replicate. So there are other ways around it. We are certainly going to be exploring with the Texas education agency additional administrative avenues that we may have.

But as of now, they do not have the authority to grant any more charters.

Chairman MILLER. Mr. Andrews?

Mr. ANDREWS. Thank you, Mr. Chairman, for having the hearing.

And thank you, ladies and gentlemen, for your presentations this morning. They are really very thorough and engaging. We appreciate your contribution.

I think it is fair to say there is a consensus on the committee that we want to use the vehicle of No Child Left Behind to enhance the growth and quality of charter schools throughout the country. I think that is a fair assessment.

And I was interested in what the panelists think are the most effective ways we could do that. Some obvious options would be to increase the money that is available under the incentive program, the regular program, the financing for capital.

But you know, I think the balance that we want to strike is that we do want the decision as to how many charters and what they should look like to be made by states and localities.

But we certainly want to provide incentive and support for those states and localities—would make the decision to pursue the charter option at a high degree of quality.

So what suggestions do the panelists have for us as to how we might implement that? And any of you that would like to jump in would be welcome to.

Mr. Barr?

Mr. BARR. Well, you know, currently on the old legislation, my interpretation is that the state superintendent of public instruction in California—the responsibility falls upon him or her if a failed district continues to fail and doesn't come up with a reform plan. Well, we have 90 failed school districts in the state of California, and Los Angeles Unified is the biggest.

And so what I would like to see is, you know, when I push the superintendent on this issue, "Oh, well, there is no capacity." But really, it is—you can always see past that in the politics that plays out in California.

There should be an alternative person who can be where the buck stops to just the superintendent. Either grant a governor, mayor, legislature—somebody else should be able to step in so it is not just one person who says, "Enough is enough with the bait and switch reform, and let's really dig down. This is killing our state."

Mr. ANDREWS. So you would suggest that we vest an official other than the chief state school officer with the authority to determine what to do with a district that is chronically failed AYP? That is what you would like us to do?

Mr. BARR. I would say keep the state superintendent——

Mr. ANDREWS. Yes.

Mr. BARR [continuing]. But also create alternatives, because what happens——

Mr. ANDREWS. But if there is—which of the alternatives gets the final say?

Mr. BARR. Well, if a state superintendent won't fix the problem, a governor—another alternative to just the state superintendent should be able to step in——

Mr. ANDREWS. Yes.

Mr. BARR [continuing]. And have the authority in a continually failing school district to do something about it.

Mr. ANDREWS. Okay.

Lieutenant Governor?

Ms. O'BRIEN. Mr. Andrews, I think that is a very important question, and I think one of the limitations on charter schools you have heard is facilities, and Congress has been very helpful in addressing facilities.

Another limitation is the number of really strong principals that are moving through the system. And help creating principal academies, principal leadership development—there are a variety of ways right now that—every district is reinventing the wheel.

But finding out best practices and making it possible, state by state, to start increasing the flow of strong principals into the school districts is going to help a lot open up the schools, because we need to work on the schools of education for teachers.

There is very little for principals, and we have learned from charter schools that very strong leadership is absolutely essential.

Mr. ANDREWS. So you would like to see us subsidize and/or create learning institutions where strong principals could be——

Ms. O'BRIEN. Or seed money to get something going——

Mr. ANDREWS. Right.

Ms. O'BRIEN [continuing]. And then let the state with the districts take it on long term for themselves.

Mr. ANDREWS. I appreciate that suggestion.

Dr. King?

Dr. KING. Just a couple things on the facilities point. You know, there are—in a lot of cities around the country, there are under-capacity district buildings, whole floors, numbers of classrooms that are empty.

So creating incentives that would incentivize districts to give that space to high-performing charter schools—so have it linked to performance, but allow that space to be used by charters. I think that would be incredibly helpful.

There is also state and federal money that is supporting school construction that charters don't always have access to, so making sure that there are incentives in place to give, again, high-performing charters access to those funds.

Mr. ANDREWS. I know that this committee's bill that the chairman introduced does address that problem. It passed the floor a few weeks ago. Okay.

Mr. Goenner?

Mr. GOENNER. Yes. I think first, recognize all charter school laws aren't the same, so while 40 states and the district have laws, some of them produce high-quality charters; some don't. Some hardly produce any charters.

Number two, multiple authorizers is critical, so that schools and groups that want to start have different places they can go, some based on match, some based on quality, but that there is more than one, because there is not one best system.

And so having a group of authorizers that are committed—they have the will and the capacity, we call it—is essential——

Mr. ANDREWS. Do you think that is something——

Mr. GOENNER [continuing]. That they want the schools.

Mr. ANDREWS [continuing]. That we should require under federal law or incentivize? I see my time is up. If you could just briefly answer.

Mr. GOENNER. I think you can incentivize it, absolutely.

Mr. ANDREWS. Okay. All right.

Thank you, Mr. Chairman.

Thank the ladies and gentlemen of the panel.

Chairman MILLER. Thank you.

Mr. Roe?

Mr. ROE. Thank you, Mr. Chairman.

And thank you all for being here. I have finally become encouraged after months of being discouraged about how the public school system is going in this country. I think one of the major crisis in America is education, not health care, because——

Chairman MILLER. That is why they put you on this committee, to get your encouragement.

Mr. ROE. That is right.

If you get a good job, as Mr. Barr pointed out, you are going to make enough money to buy your health care. And so I think education is where the real challenge is in this nation going forward. And listening to all of you all, I heard a common theme.

And, Dr. King, I will just sort of paraphrase you a little bit, that it looks to me like what you are all agreed on was a longer school day, more time in school, smaller schools—and I am not sure how big the classrooms are. In Tennessee, the average classroom size is 20.

And what I also heard was—I read in your testimony, Dr. King—was you selected one teacher out of 80 to 100 that applied, so you got quality teachers, no question about it.

And I also heard Mr. Barr—it was a—15 or 20 percent more money is paid to the teachers there, which you all have selected—and good educators. And all of us know it is difficult. It is like a beautiful painting. What is a good teacher? We all know what they are, but it is hard to describe what they are.

And then I heard accountability both from the students, and from the educators and the teachers, and it actually as—a building has not been your hindrance. A big, beautiful building doesn't educate anybody. Teachers do and parents do.

And then what I also heard—a common theme was a will to do better, to be better.

And I think, Mr. Barr, I look at Detroit school system where I heard the secretary say the other day that 75 percent of those students dropped out. I mean, that is a city that is going to fail, that cannot succeed with that, and we cannot—failure is not acceptable.

We cannot fail, because we are failing our future if we do. And I thank you all for what you are trying to do.

What sizes are the charter schools? When you mention—as we say—smaller, what does that mean?

Dr. King?

Dr. KING. For us, it is about 200 to 350 students in each school, and class size—the average is somewhere between 25 and 30.

Mr. BARR. Yes, the emphasis on class size is not as important as the size of the school, because I have some—all of our schools are around 500 kids.

And when we make site-based decisions collectively with the teachers, some schools think that in higher—in high school you can have 70 kids in a class, or you can have 20. When I ended up going to college, I had terrific professors where I had 1,000 people in the class and really bad professors that had 10.

So in the earlier stages, I think that is as important. But the culture of a school—I don't think any public school in America should exceed 500, because at—500 is really that point break where every kid gets the need and nourishment of an adult who knows something special about them. And I think as you get past that, you lose that ability.

If you had $25,000 to send your kid to a private school, and you were lucky enough to have that kind of lifestyle, you would never send your kid to a private school that has 1,000 or 2,000 or 3,000 kids. That is just a natural parental instinct that smaller is better.

It is not the only answer, but it creates the opportunity for those teachers to apply their craft in a very accountable way.

Mr. ROE. Well, we discussed this forever as the mayor of our city before I came here, and we tried to keep elementary schools at 500, so it looks like we were on task there, but our high school has 2,200 students. It is a real challenge.

And I just see it as an opportunity. With what you all are passed, only 3 percent of the children in America are going to charter schools. And we have got, what, nationwide a 40 percent dropout rate. Is that somewhere about right? And the charter schools do much better.

Why don't we move more toward that? And I have never been to a private school in my life. I have said this in this committee before. I overdosed on education. I have been to school 24 years.

So the thing that bothers me is that we are not doing that, and it sounds like we have a mechanism in the public system to do that.

Mr. BARR. Well, I would say that——

Chairman MILLER. Let the record show that heads were nodding horizontally and vertically. [Laughter.]

Mr. BARR. Well, I have a 3-year-old and a 1-year-old, and I live in a neighborhood in Los Angeles that the elementary schools—there is not a charter school in that city that is as good as that

LAUSD elementary school. But it is 300. Parents are heavily involved. There is high expectations.

I feel like I would have failed if I can't convince the school district to take the middle and high school and have their schools look like a Green Dot school or the Roxbury Prep or Uncommon Schools or a KIPP school—and has the same characteristics, because ultimately, you want to organize yourself out of a job.

I will build a charter school for my kids if I have to, but I would rather change the public schools in my neighborhood to look exactly like our schools and create the best public school system.

Mr. ROE. Thank you.

Thank you, Mr. Chairman.

Chairman MILLER. Congresswoman Fudge?

Ms. FUDGE. Thank you, Mr. Chairman.

And thank you all of you for being here today.

I am from the state of Ohio, so I think I look at things a little differently because most of our charter schools are not public charter schools, so you may hear me coming from a very different vantage point.

But I do want to just go a little further with the discussions that we have been having about replication and what we do about public education. I listened to you talk about how successful these charters are, and I think almost every one of you except maybe one used the word "failure" for traditional public schools.

If, indeed, we are here today to ask for more money for charters—and we are talking about serving somewhere between 10 and maybe 15 percent of all the children that go to school—should we not be talking about the other 85? Should we not be talking about putting more money into traditional public schools to make them successful schools?

Because if you know what works, which you have said you do—if you know what works, why can we not then take those models and make traditional public schools what they ought to be?

Because I am sitting here thinking to myself, "Eighty-five to 90 percent of the kids in public schools today are languishing in failing schools—" is what basically you have said. I would think that it would be a better use of money to try to help the majority of the kids instead of just the 6 to 10 percent that you are talking about today.

Help me think through that and—anyone?

Lieutenant Governor?

Ms. O'BRIEN. Thank you very much. I don't think we meant that all the other kids are in failing schools, because there are fabulous public schools all over the country.

We are really focusing on what can we do about the kids who are against great odds to get a good education and go on, so—the kids in struggling schools, the kids from low-income and minority communities in particular. So I think we have been rather focused on that.

And I would say there is absolutely nothing stopping any public school from doing the exact same things you have been hearing here. But you have to have a will to change.

And I think what we are seeing is that when you have a will to turn around the life chances of a group of kids and you are willing to work in different ways and try out different models, you can achieve wonderful things.

But if you don't have that will, just telling a school, "You have to be like Green Dot, and you have to do what they do." I mean, there is nothing stopping them. So I think what we are trying to say is we can show that there is not only hope but the possibility of great outcomes and performance, but you have to want to do it.

And we are trying to create opportunities for the people who want to make that happen, and not force it on people who don't.

Ms. FUDGE. No, no, no, I am not—I certainly agree with you. I think you do have to have the will. But what I am asking—I guess my real question is there are many public school systems across this country who really do have a desire to change.

But if we start to put all of our resources into doing something that keeps taking five kids from here, five kids from here, five kids from here, then what we have, in effect, done is said to those people who are left, "You know what? Figure it out."

But if we have already paid for you to figure it out, why would we not say to these schools look, we have put all of this money, taxpayers' money—into creating what you are calling innovative schools and all of these other terms you have used.

Now it is time for the federal government, who you are here asking for money today, to say we need to impose some of these things on public education, because what you are asking us to do is take federal dollars and do what you want us to do.

Mr. DUNN. If I might, Ms. Fudge, I am—I think you are asking exactly the right question, and one of the things that the charter movement envisioned 15 years ago when it first got started is that charter schools would be laboratories of innovation——

Ms. FUDGE. Exactly.

Mr. DUNN [continuing]. As you have heard many say, and that those things that work would transfer over to the traditional public school system.

And it is that second stage of that process that I think we have not done as good a job as a system, and from both the traditional side and the charter side to date.

One thing that I think that from our perspective, one thing that, you know, we think that would help that a lot—and it goes to a suggestion Dr. King made to a previous question, and that is this notion of co-location.

We have got urban school districts all over this country with empty space. What is the biggest challenge for charter schools? Finding facilities.

So if we can find a better way to encourage those traditional school districts to invite charter schools onto their campus, it will better utilize space, will provide a charter school access to one of the—their bigger problems and, I think more importantly, will better allow that sort of transfer of successful innovation from charters and among charters to the traditional schools, because the faculties will be on the same campus.

I think there is just much more room for collaboration. So the colocation notion we think is very——

Chairman MILLER. Mr. Polis?

Mr. DUNN [continuing]. Critical.

Mr. POLIS. Thank you so much, Mr. Chairman. You know, I think all of us on this committee, regardless of ideology, wish that there was a single silver bullet that would make sure that every child in America had a great school and opportunity to succeed.

Some on this committee might wish that it was as simple as spending more money. Some might wish it was as simple as saying, "We are going to have vouchers." Some might wish it was having all big schools or all small schools.

But as we all know, the data does not indicate that there is one simple solution that would help every kid in this country succeed. But there is also a ray of hope.

There are instances and examples of success with what some of you have done and others have done, a ray of hope for kids that otherwise would become merely another statistic and instead can go on to graduate high school and college.

And where we have these institutes of success, let's expand them. Let's provide more seats. Let's expand the models. Let's replicate. Because we do know some examples of what works, and we do know also that there is no one single model, no one curriculum, that can instantly solve all our woes.

My first question is for Mr. Shelton. First I would like to compliment him and the administration on their strong support of public charter schools.

Both President Obama and Secretary Duncan have repeatedly called for federal investment in innovative programs with a proven track record of helping schools meet high standards and close the achievement gap. It is really exciting to see such strong leadership from the administration on this issue.

I understand the department is seeking flexibility for more effective use of current program funding to better meet the charter sector's growth needs. In many ways, we have a dual mission. We have innovation. We talked about that, one value charter schools bring. And the other one is replicating and expanding successful models, growth.

I would like to know your thoughts on how you envision more broadly the role of charter schools in ESEA—specifically, what charter schools policies we might look at in terms of expanding and replicating top-performing schools as a separate and distinct goal of kind of promoting innovation and new models.

Mr. SHELTON. Mr. Polis, I think you hit the point right on the head, just as Chairman Miller called out. The big challenge today in innovation is actually the innovation of how we actually scale success. That is the code we have to crack.

What we have the opportunity to do is to actually take these high performers—we are pushing for greater evidence through data systems to figure out which ones are high performing—and then to make it easier for them to actually replicate.

There are three different ways that we actually—making sure we do that. One is by leveraging the programmatic questions, really, that we are talking about to actually allow some direct grant-making to charter networks and other high-performing schools that actually are at the top ends of performance in order to allow them to replicate without having to go back to normal pathways for accessing the startup grants.

The second is that they ought to be first in line for the kinds of facilities allotments and other credit enhancement opportunities we create to reduce the burden on facilities which, as has been noted earlier, is one of the critical barriers to facilities.

The third thing that actually needs to happen is that we actually need to get much more clear about what the pathway is for taking what their practices are and learning about them and then allowing them to expand to other schools.

And so while there are some dollars dedicated to evaluation of the charter school program, we specifically need a program around the highest performers to understand exactly how we take lessons learned and apply them to the broader field.

Mr. POLIS. Thank you.

The next question is for Lieutenant Governor O'Brien.

You mentioned how charter schools were initially sometimes viewed with suspicion by many districts.

Can you expand on how some of those difficult relationships have been addressed in Colorado and how we have overcome these misperceptions and suspicions to the point where you actually have school districts that want to seek more innovation and more charter schools in their district?

Ms. O'BRIEN. Thank you, Mr. Polis. What we have seen is that as charter schools are able to demonstrate that they are actually succeeding in educating kids that otherwise would be falling further behind, the public has gotten more comfortable with them. They are attracting more parents.

And in fact, in Denver public schools, which had been losing enrollment, they have been gaining enrollment over the last couple of years, and it is attributed almost entirely to parents coming back into the district because there is a nearby charter school that is doing well.

So I think there is nothing quite like success, and I think as people have realized that they are public schools with the same controls and, you know, protection of kids, and that you can match up a child's interest in math or science or art and have a good, solid, basic academic program to go with that, you are matching up kids with schools in a better way than just going to what is geographically close.

And the public is very comfortable with that now, and the budget for Denver public schools as a whole is better because they have added 1,000 school kids to the district. Thank you.

Chairman MILLER. Thank you.

Mrs. Davis?

Mrs. DAVIS. Thank you, Mr. Chairman. And I am sorry that I am running in between committees here today.

Could you try and—I don't know. It is difficult sometimes to give a percentage, but obviously there is a self-selection process in charter schools, as there were in magnet programs and other programs that school districts have engaged in over the years.

And I wonder if you could just—perhaps just go down the line. I mean, in terms of the success of charter schools and in—you know, the flip side of that is those that aren't successful—Mr. Chairman, yes? Did——

Chairman MILLER. [Off mike.]

Mrs. DAVIS. Oh, okay.

What part of that do you think is due to the self-selection process, and—be that of parents, teachers, administrators, kids, that make the decision that that is a program that attracts them?

What percentage of it is the fact that, in most charter schools, teachers can be hired, fired—you know, there is a component of control there that is different, perhaps, from other public schools?

And finally, just the fact that there is a different kind of curriculum that perhaps is part of selection but may be different as well. I mean, what part of that self-selection process do you think is inherent in the fact that these are schools that kids are choosing, parents are choosing?

Mr. BARR. Yes, I would say that—and it has been the biggest learning curve for me—was at age 40 when I started this, I had to challenge my own preconditioning of people who don't look like me and how their motivation and—you know, we serve a population in Los Angeles where 85 percent of the kids we serve are new immigrants or new Americans.

And if you look at it—so sometimes people will try to explain away our results and—by saying we get selective parents, and the—if you actually peel back and you look at it, well, all those people just risked everything to come to this country, and they have challenged their comfort zones in ways that I and you and most of us can't even imagine.

And what do they do it for, for the hero's welcoming and the high-end jobs? No. They did it for their kids. So they take jobs under the poverty level. They are uninsured. They are the political problem, fingers pointed at them all the time. And their one chance at the American dream is these public schools.

So what happens when they come over to America? After 2 or 3 years, or 10 years, do they forget because they are treated so well about why they came here? They are all motivated. They don't know how to approach the system. It is not a very democratic system.

Our African American families whose families are pieced together like mine were—you know, their—they have generations of failure in the public schools. They don't really know how to advocate and be part of that.

Yes, in that group there are some that do find some charter schools. I would tell you that the second five schools that we opened around Jefferson High School in South Central Los Angeles, one of the worst schools in Los Angeles, 80 percent of the attendance area applied to go to those five schools rather than go to Jefferson High School. Now, I got a "C" in stats, but that is a pretty good sample set.

Locke High School is a total—we have taken everybody, you know, the 200 special day care kids in that school, the 200 kids who come in and out of juvenile camps. So hopefully it proves that model—you kind of—we are trying to get to the point where you can't explain away the results. And I share the same concern there.

Mrs. DAVIS. Anybody else want to comment quickly?

Mr. GOENNER. I talk to a lot of parents and schools, and almost to a person what they say they love about the charter schools is that they are small; they are safe; they are family-friendly; their students, their children, get individualized instruction; and most importantly, they can talk to who is in charge.

And that ability to talk to the school leader who has got decision-making authority is critical to parents, because they feel like their voice is heard and that they are empowered.

Dr. KING. I just wanted to cite to the study that Mr. Shelton mentioned earlier. The Boston Foundation did this really interesting study looking at the high-performing charters in Boston and tracking the performance of students who got into the lottery versus students who applied for the lottery but didn't get in—so it was sort of eliminating the issue of selection bias, since everyone had applied to the lottery—and found that the high-performing charters were making a difference of upwards of 20 or 30 percent in terms of students' achievement.

And so I think there is a lot of evidence that although there may certainly be some selection bias just in that exercise of having a lottery, our kids are coming to us looking very much like the students in the district in terms of free and reduced-price lunch, special ed, et cetera.

They are coming to us dramatically behind academically, and they are making tremendous progress. I think the more charters there are in a community, the less selection bias you have, because it becomes sort of understood by families as one of the options that are available to them.

Chairman MILLER. On the questioning list—and we have begun the vote—I have Mrs. McCarthy, Mr. Hinojosa, Ms. Titus, Ms. Shea-Porter, Mr. Tierney, and I—unless there is serious objection, I would ask you each to limit your time to 3 minutes, and I think that will—everybody will have a chance to ask questions before we have to dash to the floor.

Mrs. McCarthy?

Mrs. MCCARTHY. Thank you.

My questions will be very rapid so I can hear from everybody. I believe in charter schools, but the more I am actually listening to this panel, I am getting really frustrated.

And I will go with Ms. Fudge and Mrs. Davis. Why can't we do this to all our public schools? I mean, we just basically closed down General Motors because they didn't do a good job.

If that is the case, then putting all our money into the charter schools, which would still be a smaller percentage of students, you know, excelling—what are we supposed to do with all the other children?

So you have got to convince me here that we should be taking all this and somehow make all our public schools that way.

Chairman MILLER. Anybody? Anybody?

Mr. BARR. I would say, you know, I have offered now three superintendents, "Take me out of the charter school business, please. You know, let's take this model of small schools, decentralizing, putting dollars in the classroom, high expectations and involving the parents, but let's really do it. Let's not talk around it and then keep the 60,000 out of the 100,000 people that work at LAUSD employed that aren't teachers. You have got to be more efficient but not talk around it."

And so I agree with you. I think about this every day. I don't want to build charter schools anymore. I want our public schools in Los Angeles to look like that R&D that is working, that we all know works, as a parent and as an advocate for charter schools. I totally agree with you.

Dr. KING. And I would say that urban districts that are making the most progress are trying to make the district schools more like charters—that is, that they are giving principals the ability to extend their school day, greater flexibility around hire/fire power. They are making changes that allow those schools to make decisions that look more like the decisions charters are making.

The other point I would make is that in cities where there are schools that have been chronically failing—that is, that there are schools that for 30 years—schools like Locke—30 years failing the community generation after generation, I think those schools ought to be closed.

And they should be replaced with high-performing schools, and that could be high-performing charters. If high-performing district schools have a portion of their staff that is interested in trying to take over that failing school and make a difference, we should do that.

But I agree with you, we should hold schools accountable for their performance the same way we should hold companies accountable for their performance.

Mrs. MCCARTHY. Finishing that up, though, unfortunately—and you mentioned about that, but the parents that fight to get their children into charter schools are pushing to get their child to have the best education.

The second point is we are the federal government. We can't take over, unfortunately, and say what we want to say to all the public schools.

Third point, and the most important—the superintendent and the principal—they set the tone. They hire the teachers, basically. And they are the ones that are overseeing all of our children.

Thank you, Mr. Chairman.

Chairman MILLER. Where were we here?

Mr. Hinojosa? Oh, he left. Voted with his feet.

Ms. Titus?

Ms. TITUS. Thank you very much, Mr. Chairman.

Nevada has charter schools that are limited for non-at-risk students but not limited for at-risk students in terms of the number—excuse me. We were recently ranked number 22nd out of 41 states by the Center for Education Reform, and we got a grade of "B" for the strength of our charter law.

We have one of the best in the country, Andre Agassi Academy, but we have also had lots of problems. I don't know what we could do to get an "A," if that would make a difference, if there is some federal standards we ought to try to look at imposing on all schools or not.

But I was going to ask you what we could do to get an "A," but I would like to go back to the previous question. I think the thing that we are overlooking are state dollars for education. We could do all these wonderful things if states could afford it.

Nevada had to cut education funding last cycle, which is a terrible thing to do. It should have been last and not first. But you are talking about building more schools because they are going to be smaller. You are talking about longer days, longer terms, more cost.

You know, how do we get over that if we are going to spread this out to public schools?

Mr. GOENNER. I would like to try and answer that. One of the key lessons is that we have to fund students rather than institutions. And when you fund students, it empowers parents in a key way because now they have some say.

When they are not happy and they vote with their feet, the money follows the students, and that creates a real incentive to schools to be responsive, to change what—the environments, and to deliver results.

And so I think that is absolutely one of the key things that you can do through the incentives, is make sure that we are funding students and quality education rather than institutions.

Dr. KING. I think this is a unique moment where, as you say, states are really eager to have access to federal dollars because of the financial straits that they are in, and so there is an opportunity to leverage that eagerness to incentivize states to do the kinds of things that have been described and to make better decisions about how they spend the money that they do have, both state money and federal money.

And there are resources that are going into programs that haven't been demonstrated to work. There are resources that are going towards salaries of employees whose work has been of low quality and who aren't demonstrating results.

And those resources would be better invested in high-performing schools, whether that is district schools or charter schools that are high-performing, and helping those schools create more schools like them, build teacher training programs, build leadership training programs, that try and take those best practices to scale.

Mr. SHELTON. It is certainly important to also point out—Steve talked about how in California the major differential is actually facilities. In most places, charter schools actually operate at a lower funding level than their traditional public schools in the same places—significantly less in some places.

So in fact, it is not clear that the assumption that it has to cost more is true.

Mr. GOENNER. If I could just add, in Michigan the schools we charter on average, according to our state department of education, are receiving over $2,000 less per student. But again, we don't want to look at this as an us-versus-them.

This is about kids and about great education, whether they are in a traditional district, in a charter public school, private school or parochial school. What we want to do is what works, and we want to share that with everybody so we can learn from each other, because kids are the key.

Mr. BARR. I will tell you the same thing I told Andre Agassi when I went to see his school.

Chairman MILLER. You have got to do it very quickly.

Mr. BARR. Really quickly, is don't come to Los Angeles and look at a Green Dot school. Come to New York, where you have total alignment with the mayor, the chancellor and the president of the teachers' union, with a free facility and $12,000 per pupil. How successful is that school going to be?

When you have that kind of political alignment, that is—you are never going to get to an "A" until——

Chairman MILLER. Ms. Shea-Porter?

Mr. BARR [continuing]. You have that kind of alignment.

Ms. SHEA-PORTER. Thank you. I appreciate this.

And I listened to this with great interest. Just last week I was with the principal in my own community, with about 25 percent dropout.

And Lieutenant Governor, the words that you had used in your testimony was accountability, welcoming data, culture of achievement, high performance standards, leadership of a good principal and innovation.

And you also used the words, Dr. King, talking about high standards, academics, autonomy. Well, you know, that is what I heard from the principal when I spoke, and I know I have heard that from many other teachers.

So can't and shouldn't you be in the public schools, the other ones, providing the great talent that you have and sharing this? I mean, is it just so impossible for you to go into a regular public school?

Clearly, you have a vision, a mission. You understand what needs to be done. Don't they need you there?

Dr. KING [continuing]. So, you know, my family spent over 70 years collectively working for—just my parents, for the New York City public school district.

But one of the things that I saw happening to the folks I know who are principals in district schools is that they are facing tremendous constraints on their ability to do the things that I believe are critical to the success of my students.

And honestly, for me, the draw of starting a charter school was having that freedom around budget, around staffing, around curriculum instruction, around school culture, to do the things that were necessary to get great results for kids.

Ms. SHEA-PORTER. But, interrupting, can you slice through that? Is it that impossible to work through that, when I know that there are principals in other schools who would like exactly what you have? Is it really that impossible a mission?

Dr. KING. I don't think it is impossible from a policy standpoint. There is very clear policy things we could change. There are certainly people who are able to do it, and I—you know, as was mentioned before, in every city there are those examples of the incredibly high-performing schools.

But we shouldn't build a system where it takes extraordinary heroism to deliver quality education to low-income kids. And so, you know, to me the question that is before you, before all of us, is how do we build a system that allows there to be lots of schools that are excellent, not just islands of excellence.

Ms. O'BRIEN. And thank you for that question. I just want to say we are in a really unique point in history. I mean, we haven't had this understanding of where we are with kids and what it is possible to do before.

So could we have done this before? Yes, but I don't think we knew. I mean, right now we have the information we need. We have the experience of this R&D effort. And you all have the chance to capture this moment in history and say, "We can fulfill this American dream of an equal education for everyone."

And part of it is we need to get a system that is used to operating a slightly different way to change, and part of it is we have to remove—I just love that comment. You know, you shouldn't have to be a hero to have the courage to open up one of these schools. It ought to be the way we just do all of education.

And I think we are here to say we believe you can move the country forward.

Chairman MILLER. Mr. Tierney?

Ms. SHEA-PORTER. Thank you.

Mr. TIERNEY. Thank you.

Look, I have a problem with some of the things that are going on here. I think we are talking around and around here. Some charter schools succeed. Some don't. Some public schools work. Some don't.

And, Lieutenant Governor, you just said it, all right? Now we know what to do. We have the research. We have the idea of what we want to do. And the problem is that you didn't try to do that in existing schools, all right? That would have been heroic, you know, and we should have to be heroic for our schools like that.

You sort of went around it. You sort of took a bypass on the system and said, "We will set up a parallel system, and we will do what we now have the research to do over here for 2.6 percent of the kids, and the other can all go fish."

So that is an incredible duplicate cost. Now you want money for duplicate buildings. You want to get your principals special select money to make them better when we should be doing it for all principals. You want to do the same thing for highly qualified teachers.

So I mean, I have a little bit of a problem with why we didn't have the heroic nature of just doing it for the schools now that we know what can be done, and instead we said, "You know? It is much easier to go out and set up a special school with a small number of kids. I can highly qualify those teachers. I can get a principal there. I can do all that, but I am not going to take on the problem of doing it for all the schools that are having difficulty."

Essentially, we are giving up on the other students and pulled out. You know, we have that research. And I think, you know, we ought to apply it to the existing schools. Now, what we lack is the political will to do that, all right? All of us—you, us.

We are setting up these alternative schools over here because we don't have the wherewithal to put it in place where it should be. We know exactly what should be done and we don't do it.

Instead, we are taking large amounts of money, separating it out for small amounts of kids, having some good public schools going on, and not focusing on those that are not so successful, and putting it in place all of these things.

Now, we say we are going to do it. That is No Child Left Behind. It is all the things we are looking at on the new bill coming along. But will we put the resources there? Will we really have the political will? That should be the question.

When you take out those 2.6 percent of the kids and all of their parents, you have basically taken out a lot of people who would be agitating to get that done in the larger system, including yourselves at this table here.

So you know, shouldn't we support existing successful schools and then apply all of the things we now know should work and would work, put in those new things, and put the resources towards that and getting it done?

That, in my estimation, would be heroic, because everything you have said here is essentially things that we know should be in our public schools—extended learning time where it is necessary, principal autonomy, excellent teachers—it means we have to pay them, and you are able to do that in your schools; we haven't done that—high expectations, data-driven decisions—all these things we are putting in place—high levels of parental involvement—you know, it is always going to be a struggle.

You managed to get people who say—have enough wherewithal and political pull and say I want to go to that school because they are getting specific money. The ones left behind may not have that quotient of high-level parental involvement.

So I think that it always comes back—it looks to me like we are setting up a duplicate system with duplicate costs for facilities, for training, for all of these things, and we are just sort of working around the problem. I wish we had the political will to hit it right on the head and get it done.

I yield back, Mr. Chairman.

Chairman MILLER. Thank you very much to all of you for spending time with us this morning.

I think, in fact, that the charter school movement, after some fits and starts over the last decade, is rolling out as we had hoped it might, and that is that it would be on the cutting edge, that it would provide innovation, that it would give us an alternative model to look at, and hopefully it would give us the results that would encourage us to move in that direction in the district schools.

In some places that has happened. Other places it hasn't. But the fact of the matter, I think, is that the—both in some district schools and in the charter school movement the most important piece of information for me is exactly the population that we have wrung our hands over for 30 years—or 50 years in this country about whether or not they can succeed, whether or not they can learn.

I mean, imagine asking questions like this about a newborn baby—will this baby be able to learn? Can they really—will they really have the gumption to do it? If they are offered the opportunity, will they take advantage of it?

I think charter schools and a number of district schools have proven the fact that this exact population can excel. It can succeed at high levels of performance. And it can enter 4-year colleges. It they can graduate from 4-year colleges. And they can succeed in the rest of American society and the economy.

And the idea, with all due respect to my colleagues, that you can simply walk into the public school system, the district school system, and say, “We would like to do it this way,” in most districts that would be years of debate and waiting for a whole series of events to take place, so you didn’t interrupt anything that was already in place.

And you know what? One of the things that I worry all of the time—I came here when I redid the foster care system, when we had 6-month reviews for children placed in foster care.

And it dawned on me at one point—I was a little slow—that if a child had a 6-month review at 6 months, it was their entire life. If they had one at 1 year, it was half of their life. And we were still wondering what to do with the children.

For people to suggest that somehow we can wait with these children who are entering school or in pre-K, and we can wait for a decade of change or two decades of change is to sentence those 60,000 students who entered that stadium to failure.

Now, some of them magically will figure it out and navigate the existing system. But we ought to use this as a beacon and a lantern to show us the way on what we ought to expect and have a right to expect, and what parents, more importantly, have a right to expect.

These parents may be poor, but the waiting list suggests that they are not stupid. They know what they want. They have the same instincts for their children as anybody, whether they live in the Palisades or they live in East L.A. The fact of the matter is that is what they want for their kids.

They are lining up in the District of Columbia. They are lining up all over the country to ask for a better educational opportunity.

I think the trick is to integrate this into the models in the district schools and get rid of the impediments that stand in place and have stood in place for 30 years, to apply the best resources to the most difficult cases, to try to achieve the best outcomes for those children.

We know all of the politics—everyone sitting here know all of the politics that keep those schools failing for 30 and 40 years in plain sight. You can drive by them on your way to work. You can drive by them on your way to shopping. And they continue to fail.

And it is not an accident. It is not an accident any longer. And I think now we have the emergence of success for these young children, for these middle school children, for these high school students that now we ought to just crave as a nation to replicate.

So thank you so much for the contributions that you have made to this effort, to the success and the growing success of the charter school movement, and hopefully for the policy of this committee to be able to see how we have to integrate this into the education policy of this nation.

And again, I want to thank the leadership of the president and the secretary of education for making this a public discussion. Thank you very much for your participation.

Mr. EHLERS. Amen, brother.

Chairman MILLER. Amen. There you go.

See, and now I have got to only beat 91 of my colleagues to the floor to vote, so hopefully somebody is slower than me.

[Whereupon, at 12:00 p.m., the committee was adjourned.]