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THE CHARTER SCHOOL MOVEMENT AS A FORM OF WHITE SUPREMACY: A  
DISCOURSE ANALYSIS OF STATE AND FEDERAL EDUCATIONAL POLICIES  
AND HOW THEY FURTHER SEGREGATION

by

Bobby L. White Jr.

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the degree of

Doctor of Education

Major: Instruction and Curriculum Leadership

The University of Memphis

May 2018

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## **Dedication**

To My Brother, Micheal Deangelo Thompson. The memories of your enormous smile and positivity on everything kept me uplifted. I thank you for being my biggest cheerleader even when I didn't believe in myself. I miss you. Unconditional Love, forever my Brother.

## Acknowledgements

To Dr. Cross my committee chair, I would like to express the deepest appreciation. You have undoubtedly had the greatest impact on me more than anyone in my academic career. You have opened my mind to what's possible in the truest sense and made me think through things in ways I didn't know existed. Without your guidance and consistent help this dissertation would not have been possible. I am forever grateful.

Thank You.

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To my very dear friend, Leviticus Pointer who has been a true warrior with me throughout this process. "I am my brother's keeper." CMB.....Thank You.

To my brother, Audwin L. Pearson without you there is no me. I am currently composed. Your presence and support in helping me reach this goal cannot be measured in words. Thank You.

To my brilliant heir, Xzavier Chauncey White. The words of encouragement you provided as we sat at the table both doing "homework" will forever be etched in my memory. This is for you because without you it wouldn't have been possible. I am so proud of you son. Thank You.

Finally, to my wife Deidra L. White. Your belief in me during the most challenging times were unbelievable. My heart was shielded, and my mind strengthened with the power of your Love to complete this mission. Forever Thine....Forever Mine....  
Thank You.

## **Abstract**

White, Bobby L., Ed.D. The University of Memphis. May, 2018. The Charter School Movement as a Form of White Supremacy: A Discourse Analysis of State and Federal Educational Policies and How They Further Segregation. Major Professor: Dr. Beverly Cross, Ed.D

Charter schools have become a mainstay in the American Education system. Low academic performance, school safety concerns and an overall decrease in positive perception of many traditional public schools. This has led to an atmosphere of acceptance as part of the solution to what ails public education. The growth of this movement has led to a body of research around charter school impact. Much of the charter school growth has been driven by policies created over the past 20 years. One major unintended outcome of the movement has been the increase in school segregation. One researcher admonishes that government should not exacerbate the problem of segregation by ignoring the unintended consequences of its policies.

The purpose of this study is to examine how charter schools further segregation. In an era where a quality education is of the utmost importance for low-income students of color, coupled with the idea that racial diversity serves as an aspect of educational quality, we must look at policies that are counter-intuitive. This study adds to the body of research that informs the education profession on how legislation has furthered segregation. This study contributed to the literature by illuminating the segregation that is perpetuated by the federal policies NCLB and RTTT. In essence, this study examined how the lack of intentionality to diversity in the policies have led to the increase and creation of segregated charter schools in America.

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## **Chapter 1**

### **Introduction**

As states around the country shape charter school legislation, how our schools look and are populated are also being shaped. In this era of accountability and high stakes testing, charter schools are a growing phenomenon because they appear to appease individuals from all sectors of life and those on both sides of the political isles. A cursory review of the literature or a community conversation demonstrated that liberal democrats appear to champion charter schools because they are still public entities, using public funds while still under the domain and guidance local and state governance. A similar review and a set of conversations reveal conservative republicans support charters as a step toward greater accountability, autonomy and choice schools, including the voucher program. According to Frankenberg (2011), charter school advocates all seem to suggest that increasing school choice options create competition that spur a better quality of education for all students. So, whereas liberal and conservatives may disagree on the role that charter schools play or may play in the future, they both veer toward a mindset that this aspect of education reform can be best for students.

The academic question or quality of education is-- or should always be one of the lenses by which we view what is best for students. In terms of academic outcomes, charter schools, in most states that authorize charters, have mixed reviews. On average, results seem to be comparable when we look at achievement scores of charter school students and the results of their traditional school counterparts. At best, charter school students in a limited number of states appear to perform better than public school students. For instance, a study of charter school lottery “winners” and “losers” in New York City found that winners who attended charter

schools had substantially higher achievement scores and were more likely to graduate (Hoxby, Murarka & Kang, 2009). Yet, there is evidence that some charter schools are doing worse than traditional public schools. The wrenching aspect of this is that when we tie the rhetoric of increasing the number of charter schools with evidence that students are, in some cases, performing worse in charters, it appears we are not placing the academic question or what is best for students at the forefront. For instance, in the same study noted above, studies of high school graduation for charter schools found extremely low graduation rates in Boston. So, while states are authorizing charters not only are they shaping who will be in those schools, hopefully they are also paying close attention to the academic question of education quality.

Another question for states to consider is the one access, equity and segregation. Frankenberg (2011) makes mention of Orfield (2009) study that notes “segregation in all public schools is growing and has been for two decades” (p. 102). When researchers looked at charter school enrollment, the rapid increase is seen as an indisputable fact. Yet, even with this growth charter schools and students are concentrated in a handful of states. As a community, many neighborhoods of color can likely say that charter schools are concentrated also in a handful of communities. The question of enrollment is a question of “where” for policymakers. The question of segregation, as it pertains to charter schools, begs us to ask about the environment students are going into. What is the social, political, economic and historical contexts to these schools? Context is important, it plays a curriculum role and thereby brings us back to the academic question. Context gives us a greater glimpse not only at curriculum but also racial and economic patterns. It appears in most charters, where states are attempting to alleviate struggling academic situations, race and economic overlap; more specifically, students of color and low economics are the primary levers.

Galloway and Peoples (2017) in their AERA paper “*Charter School Typologies: Differences among Charter Schools That May Explain Contradictory Claims*” suggest we ask the question “do charter schools really provide equal educational opportunity?” Many charter schools appear to be eager and enthusiastic about student success in urban low-income areas, yet many of us know that it is not eagerness and enthusiasm rather, high expectations, dedicated teachers who provide structures to success and a curriculum reflective and respectful of students’ culture that are the foundation of student and school success. Failure to provide the foundation for student and school success not only rob students of a quality education, but also negatively impacts their communities and our nation.

In January 2010, the UCLA-based Civil Rights Project (CRP) released "Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards." The study reported on levels of racial segregation in charter schools across the United States. The authors use 2007--08 data from the U.S. Department of Education's Common Core of Data (CCD) to compare the racial composition of charter schools to that of traditional public schools at three different levels of aggregation: nationwide; within 40 states and the District of Columbia; and within 39 metropolitan areas with large enrollments of charter school students. Based on these comparisons, the authors concluded that charter schools experience severe levels of racial segregation compared to traditional public schools (Frankenberg, Siegel-Hawley & Wang, 2010). Research overwhelmingly identifies many charter schools as segregated learning environments, regardless of whether this is being measured at the national, state or district level (Carnoy, et al., 2005; Cobb & Glass , 1999; Finnigan, et al., 2004; Frankenberg & Lee, 2003; Garcia, 2007; Nelson, et al., 2000; Renzulli & Evans, 2006). These findings are in keeping with a broader literature about the ill effects of school isolation and segregation. A Study of Charter

Schools: First-Year Report, a comprehensive national evaluation sponsored by the U.S. Department of Education Office of Educational Research and Improvement, reported similar findings: "Charter schools have, in most states, a racial composition synonymous with statewide averages or have a higher proportion of students of color" (U.S. Department of Education, 1997, p. 24). This conclusion was based on state-by-state enrollment comparisons between a total of 214 charter schools and 21,656 public schools in ten states.

Current and future charter schools need policies that encourage and possibly even incentivize implementation aimed quality diverse learning environments where all children are equipped with relevant academic tools necessary in this 21<sup>st</sup> century. Legislators crafting and designing charter school laws and policies must clearly work to define accurately what educational opportunity mean for those who are the target of their legislation; otherwise we stand to continue what Dorsey and Roulhac (2017) call "a history of policies and laws that contradict equal educational opportunity." One way to view the work is to define what are the "competing" interests and purposes of schooling and specifically for this research, purposes for charter schools (Frankenberg, 2011). How can policy be crafted that looks at the competing and, in some cases, contradictory interests and purposes and draft legislation for the social and upward mobility of the targeted audience? In this present era, we much question policies, specifically for this research, charter school policies, that allow for and are often designed directly or indirectly, intentionally or unintentionally to promote student segregation. This study examines the ways charter schools further segregation. The study is organized according to this manner: an introduction to this study including problem and purpose statements, research questions and key terms; an examination of existing literature regarding charter school policy/legislation, charter school origins and charter schools by the numbers and the impact of federal and state charter

schools policies. Furthermore, a discussion of Derrick Bell's work with Interest Convergence Theory is intertwined in this study. While the focus of this study is on how charter schools further segregation, an understanding of how federal charter school legislation can be alternatively viewed. In doing so taking an analytical look at Bell's work, offers a great opportunity for a different perspective. There are numerous ways charter schools can be studied and many questions can be asked that are beyond the scope of this study. This study is concluded with results from our analysis of two federal polices-- No Child Left Behind, Race to The Top and the examination of Interest convergence and segregation tendencies. The conclusions, implications, and recommendations for future research are also presented.

### **Purpose of the Study**

As previously mentioned, charter schools are a main aspect of education reform. These schools are viewed as favorable to many and the lesser of the evils to others (Frankenberg, Siegel-Hawley & Wang, 2010). The role they play in communities, families and especially the lives of students is still being determined; yet, their footprint as an educational entity is seemly cemented. With this cementing, comes the responsibility to ensure educational opportunity and work to mitigate economic and social disparities in education. Mann and Bennett (2017) found in their work with New Orleans charter schools that racially integrated schools provide academic and social benefits for students of all races.

This study examines how charter schools further segregation. In an era where a quality education is of the utmost importance for low-income students of color, coupled with the idea that racial diversity serves as an aspect of educational quality, we must look at policies that are counter-intuitive. This research will add to the literature and inform the educational community

on how charter school legislation can support diversity in charter schools and disbanding policies that foster segregation.

### **Statement of the Problem**

As a nation, we deal with a legacy of racial discrimination. At best, we attempt to be change agents that daily resist personal tendencies to discriminate and globally attempt to influence the behavior of others toward racial reconciliation. Unfortunately, we fund schools that increase segregation in a society that still deals with a legacy of unequal treatment based on color. In both past and present times, evidence suggests that throughout our country's schools that when many low-income students of color populate a school there is an increased chance the necessary resources, experienced teachers, academic offerings as well as the opportunity to see, benefit and learn from middle class counterparts will be absent. The opportunity for legislators to ensure we minimize segregating schools and structure them in ways families truly have high quality options is now.

Bearing this in mind, legislators have the power and ability to structure schools in a more democratic and diverse manner, it is imperative to understand that our current method of authorizing charters is furthering segregation. The problem is a lack of practical school knowledge and application, by those designing and putting forth charter school legislation as well as a lack of understanding in how policies are constructing schools that further segregation. For instance, when creating charter school policy directed primarily at one group of students or that target a particular sector of society we stand a greater chance at isolating a certain population. Additionally, with this understanding, the hope is build policies that offer communities the opportunity to see what diverse charter schools look like. Increasing understanding of diverse charter schools would increase educational opportunities for students of

color and students from low- income families. Thus, affording them more positive student learning outcomes and a more quality education. This study examines the ways in which charter schools further segregation thereby limiting the more desired option of a diverse environment.

### **Research Question**

This section identifies the research question that guides this research. The research question has been identified by reviewing research on charter schools, currently practicing this work and noting where research and practical application meet. Examining where research and practical application meet, there is a gap in the current literature that exists; specifically related to practitioners using the research to speak to charter schools and segregation. Because relationships and socializing in a diverse academic environment is important to a quality education—segregation in charter schools is a vital examination.

Golden (2017) suggests that there has always been competing purposes when it comes to the education of African American children. The information gained from this study sheds light on how charter schools further segregation. How policies are being implemented to support charter school segregation? How federal and state legislation serve as driving forces? This study seeks to further describe these issues. The main research question addressed in this study is: How are charter schools furthering segregation? The following sub questions guide the research:

- What federal and state legislation drive charter school establishment?
- How are charter school policies being implemented to support segregation?

The concepts of reform in education, the charter school movement and educational quality are all integrated in the above question. Although these ideas are embedded within the scope of this research, they are not the focus. Yet, education reform and charter school



movement are important to this work because they paramount to education but also themes that have widespread impact. Additionally, educational quality is an important concept due to its importance in the life of students.

### **Significance of the Study**

The significance of this study is an investigation of how charter schools further segregation. By focusing on charter school research, the research questions help extrapolate the significance of charter schools and segregation within policies and procedures of charter school legislation and the authorization of charter schools. For instance, Shober, Manna and Witte (2006) found when charter school flexibility meets accountability there's a huge influence on how charter schools will be created and designed. Thus, there is an imperative nature to this work to ensure that charter school policies are structured in a way that encourage operators to consider diverse student populations. The goal is to increase the chance of educational quality and student success via a diverse racial and economic student body. By focusing on ways charter schools polices are designed, thus forcing a visitation of procedures designed to ensure educational quality. It is negligent for policy makers to dismiss how their laws and subsequent procedures and implementation impact charter school formation, student population and education quality. Therefore, a thorough study of how charter schools further segregation is needed.

## **Definition of Terms**

For this study, the following terms are defined according to their relevancy to this study and to ensure clarity of understanding between author and readers. Further, they are defined as basic characteristics related to charter schools and segregation.

1. Charter Schools –Public, nonsectarian schools that operate under a written contract from a local school board or other organization. Charter schools operate with more autonomy and flexibility than traditional public schools, but at the expense of democratic accountability mechanisms. (Nathan, 1997; Naclerio, 2017).
2. Charter School Movement – A business culture cloaked in the guise of generosity and reform that aims to dismantle public schools in favor of a corporate-friendly privatized system. (Giroux, 2011).
3. Types of Charter Schools- Faith Based – Public funding to religious and church sponsored schools with an educational focus. (Glenn, 2000).
4. Types of Charter Schools- Local – Charter schools are public schools operated by independent, non-profit governing bodies that must include parents. In Tennessee, public charter school students are measured against the same academic standards as students in other public schools. Local boards of education ensure that only those charter schools open and remain open that are meeting the needs of their students, district and community. Local boards do this through rigorous authorization processes, ongoing monitoring of the academic and financial performance of charter schools, and, when necessary, through the revocation or non-renewal of charters. (Tennessee Department of Education, 2017)

5. Types of Charter Schools- National (No Excuse) – No Excuses schools feature a long school day and year, selective teacher hiring, strict behavior norms, and encourage a strong student work ethic. (Angrist, Dynarski, Kane, Pathak, & Walters, 2010)
6. Legislation – Legislation (or "statutory law") is law which has been promulgated (or "enacted") by a legislature or other governing body or the process of making it. (Rubin, 1989).
7. Policies – A policy is a deliberate system of principles to guide decisions and achieve rational outcomes. A policy is a statement of intent and is implemented as a procedure or protocol (Dunn, 2012).
8. Access- Accessibility of an education to a student, including access to appropriate educational institutions, materials, and personnel. Eric Institute of Education Sciences, ED.gov.ies. <https://eric.ed.gov/>
9. Quality- Degrees of excellence in meeting educational objectives. Eric Institute of Education Sciences, ED.gov.ies. <https://eric.ed.gov/>
10. Equity- System of education extending comparable opportunities to all individuals regardless of race, color, creed, age, sex, socioeconomic class, or ability. Eric Institute of Education Sciences, ED.gov.ies. <https://eric.ed.gov/>
11. Segregation- Exclusion on the basis of race or ethnic status from particular schools, or the assignment of different racial or ethnic groups to separate schools. Eric Institute of Education Sciences, ED.gov.ies. <https://eric.ed.gov/>
12. Stratification- a concept involving the "classification of people into groups based on shared socio-economic conditions. Eric Institute of Education Sciences,ED.gov.ies.<https://eric.ed.gov/>

### **Assumptions of the Study**

For this study, there are five assumptions:

1. Policies are designed with best intentions.
2. Legislators and the legislation they craft have best intention for targeted audience.
3. Implemented policies are executed in a way for students and families to be successful.
4. Charter schools exist to provide a vital and valuable option for families.
5. Success or failure of charter schools can be rectified.

## **Chapter 2**

### **Literature Review**

“Charter schools- Creating hope and opportunity for American education.... Yet, among the criticisms of charter schools is their potential to further stratify schools along ethnic and class lines. Charter schools are public, nonsectarian schools that operate under a written contract from a local school board or other organization.”

-Nathan, 1997; Garcia, 2007

Research on charter schools and the particular policies and pieces of legislations that define and further it demonstrate that this aspect of education reform is here to stay and as such, the need for examination of its many tenets is warranted (Nathan, 1997). This research allows for the opportunity to see charter schools from various vantage points. For instance, Nathan (1997) work describes the history of the charter-school movement and the patterns that current charter-school advocates find themselves repeating. Additionally, the work offers examples of existing charter schools, enabling legislation, and community reaction. For new charter school leaders, there is a section that provides guidance for charter-school developers and operators.

A thorough look allows the reader to view and examine several key aspects of the charter school movement. This comprehensive work begins with a conceptualization of charter schools. These schools are fundamentally different from traditional public schools and other non-traditional schools in their origin, intent and sometime purposes. A key element of charter schools seems to be its emphasis on improving student performance through accountability as evident in the chapter highlighting several individual and different charter schools, yet the same core academic achievement underpinning. As this core underpinning is highlighted, it is also challenged. The challenge is centered on its role as competitors that can improve entire school

district and public education performance. Other aspects of the charter school movement demonstrate the growth and just how wide-spread this facet of education reform is. For example, there is now enough research to study the history of charter schools and the charter school movement. Charter school policies can now be examined beginning with the nation's first charter school law which took place in the state of Minnesota (Nathan, 1997). With its history and growth, charter school proponents now offer best practices, lessons learned and what we can expect, in the future, from the movement.

To situate this study within the larger discourse of research on charter schools and how it furthers segregation, we must review the literature. The goal of this review is not to emphasize charter schools as the lever for present day segregation. Rather this review seeks to: (1) provide background information on charter school policies and legislation; (2) highlight charter schools and defacto segregation; (3) and discuss impact of federal and state charter school policies. Finally, we will attempt to streamline and align the literature to the Interest Convergence Theory. The aim is to show how various participants in and around charter schools seemingly get their needs met and possibly advanced. Without looking at any one state, district or policy, the goal is to demonstrate a collective understanding of how charter school laws and policies further segregation.

### **Charter School Policies and legislation**

Throughout this discussion of charter school policies and legislation, the terms charter school and charter school movement will be used interchangeably. As noted above (Nathan, 1997) defines charter schools as public, nonsectarian schools that operate under a written contract from a local school board or other organization. This definition is further extended by (Naclerio, 2017) who adds "Charter schools operate with more autonomy and flexibility than

traditional public schools, but at the expense of democratic accountability mechanisms”p. 1153. Due to how charter schools can be interpreted, this discussion begins by (1) highlighting charter school origins and why they were created. We will continue the discussion with: (2) charter schools by the numbers and (3) the poverty/low socio-economic status impact. As previously mentioned, there are several types of charter schools and they differ based on how they are founded and the qualities that each hold. With many states experimenting with charter schools to improve student academic performance it makes sense to look at the origin, numbers and growth patterns and its impact. According to Toma and Zimmer (2012), this new reform movement in education has been on the rise since the first charter school law was passed in 1991. Currently, 41 states and Washington D.C. have charter school legislation. The opportunity to view charter schools in its current state and to forecast future trends is seemingly the right thing to do. In this case, the opportunity to forecast how charter schools may be impacting segregation is the focus. Toma and Zimmer (2012) allow for the opportunity to see not only policy impact but also the degree to which policy influences achievement and outcomes. The findings note much has taken place with charter schools and the charter school movement during the last 20 years. Further, there is a competitive effect of charter schools and that achievement varies depending on the political environment. As a result of examining the charter school literature, the role charter schools and the movement are playing in furthering segregation is noteworthy.

### Charter School Origins

When discussing the origin of charter schools, when and why they were created and the political connection Toma & Zimmer (2012) special issue on charter school entitled, “*Two decades of charter schools: Expectations, reality, and the Future*” provides a basis for understanding this controversial form of educational reform. Foundationally, the researcher

defines charter schools as publicly funded schools of choice, form a contract, or “charter” with a public entity and are given autonomy from state and local regulations in exchange for accountability for results (p.209). According to Toma & Zimmer (2012) charter schools grew out of a larger school choice movement focused on families and their ability to choose based on needs and the opportunity to promote healthy competition for students and funding. It is widely known that charter schools face intense opposition from traditional public-school supporters. The argument is a long standing because charter schools will divert funds from those remaining in the traditional schools and, thereby, make those students worse off (Toma & Zimmer, 2012, p.209).

According to Wexler and Huerta (2000), communities of color open charter schools in a spirit of opportunity and reform. The diversion of students, funds and other resources are not the primary goal according to this work, rather a heightened sense of culture is the driving force. Wexler and Huerta (2000) took an analytical lens to tell the story of Amigos Charter Academy in Texas. Their findings show the community, parents, faculty and staff succeeded in affirming culture and values as it regards education.

In 1999, Vergari study “Charter Schools: A Primer on the Issues noted “charter schools presented an intriguing innovation in the delivery of public education and suggested that the educational reform policy has diffused rapidly across the United States” (p. 389). Vergari continues by highlighting that the various operational and political facets of the charter school reform are fascination subjects. According to Vergari, much of the fascination and intense interest arise from a variety of factors including—frequent mass media attention, the interest of state lawmakers in the latest “hot” reform in education, the potential threat charter schools pose to traditional public schools, high levels of political activism by both proponents and opponents



of charter schools and an increasing federal interest in charter schools(1999). Amazingly, this study shows the concentrated and focused interest in charter schools from both the education policy circles and all three levels of government. Federally, this interest has resulted in the establishment of a federal grant program for charter schools, and a 5-year government commissioned study of new educational entities. State governments are also providing research grants for state-level studies (Vergari, 1999).

Several studies (Witte, 1996; Loveless & Jasin, 1998) look at charter schools operationally and politically. Operationally, they note charter schools are characterized as (“quasi-public schools” p. 16) that straddle the boundary between public and private educational entities. Politically, both studies agree that charter schools have support from both democrats and republicans. It appears both governmental parties see advantages to charter schools. Republicans see the charter school movement as a way to a full voucher system while democrats see it as a way to ward off vouchers/choice via charter school choice within the traditional public school system.

Although there is intense interest and fascination with charter schools, Stulberg(2015) notes the historical predecessors to charter schools. As it pertains to the origins and development of charter schools, Stulberg states “charter schooling developed on the heels of a number of forms of public and private school choice: the public and private alternative school movement of the 1970s, the public magnet school efforts also of the 1970s, and the private vouchers reforms that were beginning to gain real political traction at the end of the 1980s.” Similar to Vergari (1999), Stulberg suggests that charter schools are an operational and political compromise.

Additionally, Stulberg (2015) shares that charter reform also can trace its roots to several grassroots movements for social and educational justice. Stulberg identified two particular

African American-centered school-based movements that are believed to be direct historical precursors to charter schools. Stulberg makes particular mention of the public-school movement for community control in New York City in the late 1960s. as a movement, which centered in Ocean Hill-Brownsville, Brooklyn, New York (2015).

Several studies( Stulberg, 2015; Vergari, 1999), makes mention of massive federal efforts such as No Child Left Behind, Race To The Top, and the Common Core. Stulberg references Frankenberg, Siegel-Hawley & Wang (2010) comment that charter schools, this controversial reform, serves relatively very few students in any particular state and nationwide; yet gets an incredible amount of air time around the seminar and tables of schools of education, in the school politics blogosphere, in legislative chambers, and in public conversation(2015).

#### Charter Schools by the Numbers

Nathan (1998) asked two interesting questions-What impact can the charter movement have on our nation's children? What are key challenges for the charter school movement? These two questions can assist in discussing charter schools by the numbers. Questions posed by Nathan's work encourages us to think also about charter school growth patterns, peak periods of growth, areas of the country with highest concentration of charter schools, political parties and its relationship to charter school growth. During his tenure, President Clinton recommended creation of at least 3,000 charter schools within five years- the number of active charter schools grew from one in 1992 to more than 800 in early 1998 (Nathan, 1998).

The National Alliance for Public Charter Schools, publication of *Details from the Dashboard* ( 2015) provided numbers to highlight the increase in charter schools nationally. There were some closures due to accountability; however the focus of this research leans toward looking at states and areas with growing numbers and consequently how those increased

numbers further segregation. According to the publication, during the 2014-15 school year, almost 500 new public charter schools opened. An estimated 348,000 additional students attended public charter schools in the 2014-15 as school year compared with the previous school year (p. 1). The report noted, with the addition of new charter schools and students, there are now more than 6,700 public charter schools enrolling about 2.9 million students throughout the country. According to the authors of this publication, the four percent growth in the number of operating public charter schools and 14 percent growth in public charter school student enrollment from the 2013-14 to 2014-15 school years demonstrates parents' demand for high-quality educational options.

Additionally, the report allows us to garner states with the highest increase in charter schools. It is an interesting witness to previous research that mentioned states with the highest charter school growth/increase fall in republican and democratic held states and are located in both northern and southern parts of the country. The 15 states with the highest number of new public charter schools and additional students served in 2014-15 include: California, Florida, Texas, Arizona, North Carolina, Wisconsin, Louisiana, Michigan, New York, Colorado, Utah, Tennessee, Georgia, Ohio and Minnesota. Florida leads the way with 56 new charter schools and 46,000 additional charter school students (National Alliance for Public Charter Schools, 2015).

#### Poverty/Low-Socioeconomic Impact

The discussion of poverty and low socio-economic status and a concentrated group of African American students seem inextricably linked (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996). These seemingly undistinguishable phrases point to other questions pertaining

to, are African American students targeted for charter schools? If so, do parents really have a real choice? What are the safety issues? How are charter school locations determined and one of utmost importance, what does student performance look like? In 2015, Bonastia's study entitled *The Racist History of the Charter School Movement*, noted, in some cases, charter schools deliver what they promise. Schools are safe, performance is average or better, parents really do have a choice and student enrollment is open, welcoming all students. Although, Bonastia does not hesitate to label other charter schools as "sparkling veneer that masks less attractive realities that are often dismissed, or ignored, as the complaints of reactionaries with a vested interest in propping up a failed system of public education." Bonastia (2015), reintroduces the notion of weeding out mechanisms. Segregating students begin when, operators with clear motives to avoid students who require special services (i.e., English-language learners, "special needs" children and so on) and those who are unlikely to produce the high achievement test scores that form the basis of school evaluations are weeded out for enrollment. Whether intended or otherwise, Bonastia (2015) notes these sifting mechanisms have the ultimate effect of reinscribing racial and economic segregation among the students they are responsible to educate.

Bonastia (2015) points to research conducted by UCLA Civil Rights Project (2012) where a comprehensive look at the topic bared out qualitative and quantitative evidence on charter schools, choice schools, the intersection of segregation and civil rights. Within this study, student outcomes in charter schools highlights evidence of segregation and mixed achievement results. Further, the question is posed, do charter schools equitably serve students from different socioeconomic backgrounds? A metric based on the US Department of Education free and reduced lunch guidelines paints this picture.

The UCLA-based Civil Rights Project, *Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards* (2012), uncovers that African Americans are a targeted group for charter schools. For instance, while segregation for blacks among all public schools has increased for nearly two decades, black students in charter schools are far more likely than their traditional public school counterparts to be educated in intensely segregated settings. The report states that at the national level, 70 percent of black charter school students attend intensely segregated minority charter schools (which enroll 90-100 percent of students from under-represented minority backgrounds), or twice as many as the share of intensely segregated black students in traditional public schools” (p. 62).

Furthermore, the report highlights the impact of charter schools to large urban cities and the disproportionate number of resident students to attend charter schools. From a national perspective, charter school students are far more likely to attend schools located in cities, especially large cities, than traditional public school students. Research suggests that more than half of charter school students attend schools in the city, almost twice as many as traditional public students. Carnoy, Jacobsen, Mishel, & Rothstein (2005), asserted that two-fifths of charter students attend schools in large cities, while only one in six traditional public school students do. Earlier analyses of charter school enrollments depicts the concentration of charter schools in urban areas skews the charter school enrollment towards having higher percentages of poor and minority students (Carnoy, et al., 2005).

In reference to charter school recruitment and competition for students, researchers in the UCLA 2012 report, avows that the geographic skew of charter schools helps to explain some of the aggregate differences in student composition between charter and traditional public schools. UCLA (2012) contend that the difference in students by poverty and race is much narrower when

examining schools by geographic location. Among all schools, charter schools have a higher percentage of low-income students than traditional public schools. One can ascertain that charter schools are in essence, poor and black. Moreover, the report ends concluded that more than half of charter schools in city locations had at least 90% students of color in 2007-08, which signified considerably higher segregation than among traditional urban public schools.

### Choice

Fifty-five years after the landmark U.S. Supreme Court decision in *Brown v. Board of Education*, segregation remains durably linked to limited opportunities and a lack of preparation for students of all races to live and work in a diverse society. Minority segregated schools are persistently linked to a wide array of educational and life disadvantages (Linn & Welner, 2007) Concerns about racial isolation are largely absent from conversations about charter schools. Instead, access to school choice is now recast as a civil rights issue (Frankenberg & Siegel-Hawley, 2009). Students in segregated schools, charter or otherwise, are likely to have limited contact with more advantaged social networks often linked to information about jobs and higher education and fewer opportunities to prepare for living and working in a diverse society (Braddock, 2009)

A recent study of the different school choice programs in San Diego, which found that choice programs like magnet schools that had mechanisms supporting integration such as transportation were more integrated than their open enrollment or charter school choice options that did not have such structures to encourage integration (Betts, Rice, Zau, Tang & Koedel, 2006). Choice framed one way aligns well with its proponents' unqualified advocacy of markets, competition and privatization. It also appeals to other sectors by offering an exit option though not a systematic solution.... from deteriorating central city school systems. The mere presence of

educational alternatives to underfunded and highly segregated urban schools, long mired in the fallout from the Supreme Court's failure to authorize widespread metropolitan desegregation solutions, offers hope (Stulberg, 2008).

In this education area, the impetus to privatize funds expression most directly in the call for increasing educational choice (Henig, 1994). However, unrestricted choice results in stratification (Gewirtz, Ball, & Bowe, 1995; McEwan, 2008; Morphis, 2009). Educational Choice involves expanding the freedom of families to send their children to schools other than the public schools in their assigned attendance zone (Henig, 1994). School choice should shift the focus of education decision making from the government arena- in which elected officials, public bureaucracies and organized interest groups are central players to a market-based arena, in which the personal preferences of children and their families will presumably have a more prominent role (Henig, 1994).

Evidence suggests the ability to access the educational marketplace is heavily dependent upon several factors, including the provision of transportation and extensive outreach to all communities (Frankenberg & Siegel-Hawley, 2009; Fuller, Elmore, & Orfield, 1996). Without appropriate measures to equalize information and mobility, studies show that utilization of educational options including vouchers and private academies, in addition to charter schools results in higher levels of segregation than if students attended assigned zone schools (Bifulco, Ladd & Ross, 2009). Segregated minority schools also tend to have lower educational attainment, fewer job opportunities, a reluctance to pursue integrated relationships later in life, and an increased likelihood of holding prejudiced attitudes (see, e.g., Braddock, 2009). Better resources, less racial friction, higher test scores, a safer environment. Advocates say parents are simply choosing schools that are better for their children and deny that racial animus drives the

majority of school choice decisions (Wilkerson, 2017). As white students use choice to transfer to districts or charters with even higher white enrollment numbers, African- American students are using the same law to attend predominantly black charter schools (Wilkerson, 2017).

### Charter Schools Segregation Practice

Choice Without Equity (2010) found that many fine charter schools exist in our country and “some are richly diverse” (p.3). The author noted that there are many charters that fall below expectation and offer false hope due to low or no successful achievement rates and no diversity. The author lays out some seemingly common sense ways about how practices can be changed to reduce segregation: (1) convert strong charter schools with academic and diversity success to relatively autonomous parts of public school systems, since charters often have trouble in management, finance, and succession of leadership; (2) states, federal agencies and charter management organization should study strong charter schools and learn the lessons of academic and diversity success attained and turn those lessons into requirements for other charters; (3) develop minimum civil rights standards to be adhered to as a criteria for charter school funding and (4) when evidence that schools are being planned to create racially exclusive educational institutions that would obviously violate federal civil rights law, an investigation should be initiated by education officials and civil rights agencies. (Frankenberg, Siegel-Hawley and Wang 2010).

### **Charter Schools and Defacto Segregation**

When discussing the notion of whether charter schools are furthering segregation, we are looking at an analysis that measures school racial diversity by the difference of African American and White enrollment. With this analysis, we gain an understanding of the effect chart



schools have on racial diversity and stratification. Ni (2007), contends one way to begin this analysis is to group charter schools based on where and the extent to where they can recruit students. For instance, the question can be posed, will charter schools draw students from a single or multiple districts? Ni (2007), makes the argument that when a charter school draws students from racially diverse districts—mostly central cities—then the charter school is less diverse, meaning it will likely only recruit one demographic of students. Ni (2007) suggests that without state legislatures and charter school authorizers ensuring charter schools adopt some measure of racial integration it will likely not be a goal and charter schools will continue with a segregated population of students.

Renzulli & Evans (2005) noted that the choice movement of the 1990s culminated in a proliferation of charter schools. These researchers painted a clear picture that school choice and charter school options may have future consequences for racial segregation given the potential for white flight like what occurred in the 1960s and 1970s. Renzulli & Evans bolster their work on the racial competition theory and allows knowledgeable information to be disseminated to the educational community regarding the segregation of charter schools. This research specifically examines charter school enrollment and its possible consequences for racial segregation. Data collection methods include Schools and Staffing Survey (SASS), the Common Core of Data (CCD), and a district academic quality dataset. Findings suggest a “return to school segregation.”

Mickelson, Bottia & Southworth (2008) highlight that the ways school choice options are designed and implemented result in very little desegregation, thus furthering segregation. In their work on *School Choice and Segregation by Race, Class and Achievement* they summarize the literature on growth in school choice options- charter schools being one--, the increasing

diversity of school-aged children, and the segregation of America's schools by race, socioeconomic status, and student ability. The findings suggest choice schools and programs are as segregated, and in some instances, more segregated by race and socioeconomic status than the other schools in their local community. Furthermore, segregation by ability and achievement levels was identified. From the research findings, researchers concluded with four principal reasons for the segregation: (1) many choice programs are designed to provide education to selective student populations, such as the gifted or special-needs students; (2) choice programs formally and informally allow schools to select students, thereby including some youth while excluding others; (3) there is a scarcity of interdistrict choice options that could capture the diversity in larger metropolitan communities; and (4) parents exhibit preferences for schools with student bodies similar to their own demographic backgrounds. Finally, social science research indicates that students who participate in almost all forms of choice attend schools that are segregated but this need not be the case.

According to Cobb and Glass (1999), many of the charter school criticisms center on its potential to further stratify schools along ethnic and class lines. Their work addressed whether Arizona charter schools are more ethnically segregated than traditional public schools. The researchers noted, a series of comparisons between the ethnic compositions of adjacent charter and public schools in Arizona's most populated region and its rural towns. Unlike other comparisons which compared enrollment data, Cobb and Glass (1999) sought to look at stratification numbers and to incorporate maps in its evaluation of schools' ethnic make-up. The data sample included ethnic compositions of 55 urban and 57 rural charter schools. Findings revealed a high degree of segregation among Arizona charter schools. Moreover, the charter schools that were populated with the majority of ethnic minority students enrolled in them tended

to be either vocational secondary schools that do not lead to college or "schools of last resort" for students being expelled from the traditional public schools. The findings concluded that the degree of ethnic separation in Arizona schools is large enough and consistent enough to warrant concern among education policymakers.

In a previous study, *Charter Schools And Race: A Lost Opportunity For Integrated Education* examined whether charter schools, in states where enrollment is at least 5,000 students, are more or less segregated than their public school counterparts (Frankenberg & Lee 2003). This research highlighted the racial/ethnic guidelines in the current state charter legislation. Data was collected from the National Center for Education Statistics 2000-01 Common Core of Data on the 16 states with charter school populations greater than 5,000. Results indicated that charter schools in most of the states enrolled disproportionately high percentages of minority students. Subsequently, about 70 percent of all black charter school students attended intensely segregated minority schools, compared with 34 percent of black public-school students. The pattern for Latino segregation was mixed. Overall, Latino charter school students were less segregated than their black counterparts. Frankenberg and Lee (2003) found that, although, many states have laws that require compliance with school desegregation orders or mandate specific racial/ethnic balance in charter schools, there is little serious effort to ensure racial balance.

Garcia (2008) captures the impact of school choice decisions by comparing the racial composition of the district schools' students exited to the charter schools they entered. The methodology includes using a statewide student-level database to track school attendance patterns of individual students over 4 years. Garcia (2008) postulated two key findings. One, charter elementary school choosers enter charter schools that are more racially segregated than

the district schools they exited, yet this is different for entrance into high school; choosers enter charter schools that are as racially segregated or more integrated than the district schools they exited.

Miron, Urschel, Mathis & Tornquist, (2010) highlight five primary findings from their study on school diversity. First, charter schools operated by EMOs tend to be strongly racially segregated for both minority and majority students as compared with the composition of the sending district. Only one-fourth of the charter schools had a composition like that of the sending district. Second, for economically challenged students, EMO-operated charter schools strongly segregate students than do their respective local districts. The student population is pushed out to the extremes. Most charter schools were divided into either very segregated high-income schools or very segregated low-income schools. Between 70% and 73% of the schools were in the extreme categories of the scale, depending on the comparison. Third, EMO-operated schools consistently enrolled a lower proportion of special education children than their home district. Past research has shown that charter schools have less capacity for special education children. Thus, parents tended to select away (or were counseled away) from charter schools. A small group of charter schools focused on special needs children and were, consequently, highly segregated in this regard. Fourth, English Language Learners (ELL) were also consistently underrepresented in charter schools in every comparison. While one-third of the EMO schools had an ELL population like the sending district, the distribution was highly skewed, with well over half the EMO schools being segregated. When examined for the years 2001 to 2007, the composition of the charter schools trended closer to the public school district for each of the four demographic groups examined. However, this phenomenon was an artifact of balancing extremes. For both for-profit and nonprofit EMOs, the segregation patterns of 2000-2001 were

virtually identical to those in 2006-2007. Consequently, a pattern of segregation attributable to EMO-operated schools maintained.

Miron, Urschel, Mathis & Tornquist, (2010) concluded their study by looking specifically at racial segregation, both White flight and minority flight are evidenced in charter schools. Compounding the effects of the nation's highly segregated neighborhoods, policy makers must consider the economic, social and ethnic segregated effects of charter schools along with potential segregation that may be driven by other forms of school choice. Given that educational equality, whether financial or programmatic, has not occurred in this nation, the perpetuation of educational policies that have the effect of further dividing society is troubling and calls for rectification.

Considering fairness, this research provides a small look at the counter-narrative to the idea that charter schools further segregation. Ritter, Jensen, Kisida and McGee (2010) provide a counter argument that charter schools further segregation. According Ritter et al. (2010), taking a closer look at charter schools and segregation uncovered "flawed comparisons" (p. 69). Interestingly to note, they do not argue that charter schools are not intensely segregated, rather their argument is that in large urban cities, charter schools and traditional public schools are intensely segregated. According to Ritter et al. (2010), the 2010 Civil Rights Project by UCLA, which reported high levels of racial segregation in charter schools, used a flawed comparison. Further, these researchers, point to the RAND 2009 report which looks at five large metropolitan areas, as opposed to the 40 states, 39 metropolitan areas and the District of Columbia in the UCLA report, to substantiate their findings.

When we consider the information presented by Ritter et al. (2010) we must look at "intense segregation" in charter and traditional public schools, and we must review housing

patterns. It is obvious that students will attend schools where they live, thus the notion that “intense segregation” school wide stems from intense housing segregation is apparent. People can relatively (depending on income) chose to live and move wherever they want, housing patterns are the primary determinant of segregation among school and school districts. As Coleman observed, white flight from desegregation intensified segregation between districts (Rivkin, 2017).

In 1954, the Supreme Court in *Brown v. Board of Education* found legally segregated schools to be unconstitutional, but it was not until the legislative and executive branches put the strength of the federal government behind desegregation, by passing the Civil Rights Act of 1964 and the Voting Rights Act of 1965, that serious progress was made to end de jure/legal school segregation (Rivkin, 2017). Consider de facto segregation. The 1974 Supreme Court decision in *Millikin v. Bradley* found no constitutional violation when de facto segregation resulted from the private choices of individuals to live in one part of a metropolitan area rather than another. As a result, white suburban school districts were under no constitutional requirement to integrate when large numbers of new white students enrolled because of parents fleeing central-city neighborhoods and abandoning the school and school district (Rivkin, 2017).

An ideal educational scenario for many parents is to couple their residential and school choices, making a single decision that ensures their children access to neighborhood schools that meet their expectations, something we call the “package deal.” In essence, some parents have the option to steer clear of neighborhoods if and when the neighborhood school does not meet their expectations (Rhodes & Warkentien, 2017). Although, lower-income and minority families typically voice a desire for high-quality education similar to that of their more-advantaged and White peers financial constraints make it difficult for low-income families to access residential

areas with the highest performing schools (Johnson, 2014). Unfortunately, low-income parents reside where they can afford housing and higher income parents exercise choice and option, and thereby have great access to the “package deal”--- residential options that ensure school expectations. Therefore, is it really defacto segregation (option to choose where you want to reside) when there is an income limitation/variable at play? In contrast to higher-income families who use residential choice to access schools, poor families tend to decouple residential and school choices by exercising within-district school choices after making residential decisions (Rhodes & DeLuca, 2014). Based on income, more affluent parents have greater access to the “package deal” than low income parents who attempt to exercise within the district school choice.

Analysis of housing patterns and its impact on school segregation it can be ascertained that a legacy of housing discrimination is in this country. Although the 1964 Fair Housing Act, ruled housing discrimination unconstitutional, minority families continue to be affected by racial steering and overt discrimination when purchasing homes (Charles, 2003). Federally assisted housing has, over time, has resegregated African American populations-therby segregating schools. (Rhodes & DeLuca, 2014) To cite an instance, in reaching its initial decision in *Liddell*, the District Court identified St. Louis "as an example of 'severe' residential segregation," and noted that "evidence of housing segregation in St. Louis is undisputed in the record" (*Liddell*, 1981, p. 1324). The Court further expressed its view that "government policies and action have been a major force in developing and maintaining housing discrimination against blacks." Systematic racial steering on the part of segregationists preserved racial imbalance and perpetuated the economic inequality between White and Black citizens (Johnson, 2014). History has led us to where we currently are as a nation regarding housing and school segregation.

One could argue the March 31, 1992, U.S. Supreme Court decision helped to create or further school segregation via housing discrimination practices when it overruled the 11th Circuit Court's decision. In this case, the U.S. Supreme Court unanimously agreed that a district cannot be held liable for segregation that results from private choice.

In summary, Frankenberg (2011) vowed “we should think seriously about whether it is wise to fund a sector of schools that increase segregation—or, instead, how we can appropriately structure schools and school choice so that all families have high-quality diverse schooling options” (p. 105). Funding for public education is a discussion for levels of government. Additionally, how structures and policies are put in place often hinges on governmental policies and the accompanying funding. For further analysis, we review the impact of federal and state policies regarding charter schools.

### **Impact of Federal and State Charter School Policies**

It is important that government does not exacerbate the problem of segregation by ignoring the unintended consequences of its policies. The risk is an increasingly divided public education system (Rotberg, 2013). Education Digest (2003) published a piece entitled *Who's Racially Isolated?* The publication speaks to federal legislation that allows for the growth of charter schools and state policies that provide direction to charters. However, the extent to which federal and state policies hold charters accountable for an implementation plan that incorporates integration is lacking. Throughout Tennessee, particularly in Memphis, there are charters whose specific authorization and approval are for low performing schools in high poverty segregated environments—the result is low income African American charter schools (Tennessee First to the Top Legislation, 2012).



The manuscript points to a few salient philosophical and legislative stances. It questions a prevailing charter school notion that integration is less important than the quality of education children receive. Further, the article points out the overwhelming support charter schools have received from states and the tremendous federal support in terms of policies it has received, especially during the George W. Bush administration. Federally, support for desegregation has waned over the years, court rulings are seemingly a thing of the past, yet the goals of desegregation remain.

Vanessa Smith's work with the Harvard Civil Rights is mentioned. Using the Common Core of Data, Smith (XXXX) claimed that with most privatized or deregulated charter school legislation states were more likely to have charter schools that were racially isolated. Further, Smith contends that states as the overseer of charter schools and oftentimes the sponsor, they are in the best position and hold the responsibility to impact racial isolation

Rotberg (2013) vows that charter school policies further segregation, are related to the Obama administration's most visible policy on the national expansion of charter schools is inconsistent with longstanding national goals of promoting school integration. Rotberg (2013), specifically suggests "charter schools do not have an academic advantage over traditional public schools, but they do have a significant risk of leading to increased segregation." Additionally, the Obama administration's public advocacy for expanding the number of charter schools, similar policy to the Bush administration, just a different form, and its Race to the Top (RttT) legislative competition gave states a strong incentive to reduce or eliminate caps that had previously limited charter school expansion.

The National Alliance for Public Charter Schools (2013) report the proportion of charter schools to public schools has tripled. More so, they report, due to Race to the Top, some states

have accelerated the trend in response to the federal legislation. Based on the research, we can surmise that segregation of students has likely accelerated at the same pace. The work is based on research conducted through a review of school choice programs- with charter schools being the focus to reflect the Obama Administration position. The research used a mix of methodologies, for instance, comparing the demographic characteristics of students in charter schools with those in traditional public schools as well as case studies we used for deeper understanding. Findings highlighted a strong link between charter schools and increased segregation by ethnicity and income. In some cases, school choice-charter schools exacerbated current school segregation. Additionally, it was found that segregation is a direct reflection of the authorization, approval, design and implementation of a charter school.

According to Kirst (2007), "Different political contexts produce different charter school policies." For example, charter school legislation in Michigan was designed to increase competition among public schools. Legislation in Georgia served to deregulate public education after a period of increased state centralization. Legislation in Tennessee developed a state run school district that also allowed the state to approve charter application and authorize charter schools.

Bloomfield and Cooper (2003) place great insight on the federal role government currently plays in education. They begin by pointing out that after the National Commission on Excellence in Education released "A Nation at Risk" in 1983, during the Reagan administration, federal efforts under ESEA aimed to improve the level of education for the general populace and the poor. The Bush W. Bush administration continued this active entrance into education by the federal government with No Child Left Behind legislation. Five key areas highlight NCLB from

the federalization of education and standardizing of curriculum, assessment and accountability to educational choice for parents.

Both the Bush and Obama administrations played large roles in expanding charter schools (via choice and competition); thereby impacting in a negative way previous federal legislation toward integration. Bloomfield and Cooper (2003) want all readers to see how federal NCLB legislation allowed for a more expansive entrance into K-12 education by Education Management Organizations (EMO). Rotberg (2013) note unequivocally that segregation is especially pronounced in charter schools run by education management organization. Additionally, NCLB and RttT in there push for expanded choice-charter schools greatly supported an open door to states increase in charter approvals, thus allowing states to use lotteries- either explicitly or indirectly to segregate based on the limited services they provided, thus some students are unable to attend. Also, allowing for charter schools to require parental involvement levels for enrollment consideration, and if parents cannot meet the requirement, those children are unable to attend.

Federal policies with incentives for across the board charter expansion such as RttT did not consider the probability of increasing segregation. Research suggests that when a federal policy encourages states to expand, regardless of programs designed for integration the policy applies comprehensively.

The research clearly supports that charter schools play a role in furthering segregation. As one researcher vows, there is an understanding that just by revamping charter school laws we will not rid ourselves of school segregation, however we should be mindful of not intensifying it. There is a vast amount of room for improving charter school laws and since the charter school movement appears to be a mainstay in education, it would benefit us to ensure basic civil rights

of greater integration with in the entity. Understanding the impact of charter school segregation can prove beneficial, especially if the outcome is a greater measure of integration throughout our nation's charter schools.

The National Conference on State Legislatures (NCSL) was founded in 1975, it is a thorough and comprehensive organization founded on the thought that strong states equal a strong nation. A review of its website depicts, "NCSL has been the champion of state legislatures." The site shares how the organization has helped states remain strong and independent by giving them the tools, information and resources to craft the best solutions to difficult problems. They have supported states against unwarranted actions in Congress and most notably have helped save states more than \$1 billion. It is also worth mentioning that the organization conducts workshops to sharpen the skills of lawmakers and legislative staff in every state. Although, this dissertation study is focused on federal policies and the impact on charter schools, it is necessary to briefly mention states as they are the governing body that federal law feds to and consequently, state law then feds to local education agencies/districts.

NCSL has a section of its website entitled Charter Schools in the States, A Series of Briefs. The site postulates that state laws enable and govern charter schools, therefore state legislatures are important to ensuring charter school quality. Upon a review of the website, it is important to note that the throughout this section several of the most relevant aspects of charter schools are mentioned in this series of briefs. The series provides information about charter schools and state policy topics, including finance, authorization, limits to expansion, teaching, facilities and student achievement. Enrollment and important to this topic, the segregation of students that occur in charter schools is missing.

The website also provides a section entitled Smart Charter School Policy: Lessons from the Research. It is effectively written and among its many topics Charter Schools as transformation is worthy of note for this research. Further, it mentions the long-standing hopes and fears of charter schools. There are hopes that stem from a mindset dedicated to: innovations for breakthrough results, entrepreneurial teachers and leaders, accountability for results (perform or die), proliferation of successful models and pressure on districts to compete. The fears of charter schools are just as compelling as the hopes. The fears center around thoughts that charter schools would indulge in creaming of students, increase segregation, lack accountability and there would be a loss of school district funding and control.

### **Interest Convergence Theory**

The interest convergence theory allows an opportunity to tie the literature together in a focused research discussion. For instance, Milner (2008) avers that interest convergence stresses that racial equality and equity for people of color will be pursued and advanced when they converge with the interests, needs, expectations, and ideologies of Whites. For discussion purposes, we must consider the interest, needs, expectations and ideologies of two groups; (1) low income parents of color- the primary caretakers and guardians of students who overwhelmingly populate charter schools and (2) education reformers who seek an alternative to traditional public education. Additionally, to provide more alignment with this current discussion we reviewed research from the charter school literature that aligns with the interest convergence theory- thereby framing this discussion within the Interest Convergence Theory.

Table 1

Charter School Interest Convergence.

<b>Equality and Equity for Low Income Parents of Color</b>	<b>Interest, Needs, Expectations and Ideologies of Education Reformers</b>	<b>Charter Schools and Interest Convergence Research</b>
Charter schools are a way to ensure a quality education for low-income children of color.	Charter schools meet the interest of education reformers because they move toward public school choice/vouchers	Milner IV, H. R. (2008). Critical race theory and interest convergence as analytic tools in teacher education policies and practices. <i>Journal of teacher education</i> , 59(4), 332-346.
Charter schools are safe and some show academic growth and college enrollment	Charter schools meet the ideas of market-based approach to education, autonomy and business and venture capitalist entrance into education.	Rector-Aranda, A. (2016). School norms and reforms, critical race theory, and the fairytale of equitable education. <i>Critical Questions in Education</i> , 7(1), 1-16.
Charter schools meet the needs of underprivileged and underperforming students in failing schools	Education reform needs for change is focused on restructuring schools with heavy emphasis on broad curricular standardization, competition, high stakes testing, accountability, vouchers and other school choice program and privatization of educational public goods- thereby meeting the needs and creating opportunity for businesses, politicians and philanthropists to steer education to their advantage or how they see fit.	Chapman, T. K., & Donnor, J. K. (2015). Critical race theory and the proliferation of US charter schools. <i>Equity &amp; Excellence in Education</i> , 48(1), 137-157.
Charter schools provide parents with choice and options for education institutions/schools.	Market based education reform to dismantle traditional public education via competition for students.	Henry Jr, K. L., & Dixson, A. D. (2016). "Locking the Door Before We Got the Keys" Racial Realities of the Charter School Authorization Process in Post-Katrina New Orleans. <i>Educational Policy</i> , 30(1), 218-240.

Table 1 (Continued)

Charter School Interest Convergence

<p>Charter schools provide parents voice, community input and a sense of self-determination.</p>	<p>Education reform is provided an avenue to erode public education and decentralize large public bureaucracy.</p>	<p>Henry Jr, K. L., &amp; Dixson, A. D. (2016). "Locking the Door Before We Got the Keys" Racial Realities of the Charter School Authorization Process in Post-Katrina New Orleans. <i>Educational Policy</i>, 30(1), 218-240.</p>
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## Chapter 3

### Methodology

#### **Context of the problem**

Renzulli (2006) suggests that the makeup and distribution of students throughout a local school district and state policies are the reasons for an increased number of students attending charter schools. Renzulli (2006) contends that “where whites and blacks are more unevenly distributed among schools, have a larger percentage of blacks enrolled in local charter schools than districts where schools are integrated.” Maybe, if at the local level there existed a systemic, widespread mindset and practical application regarding truly integrating students we could alleviate the need for state policies, although well intentioned, they oftentimes further escalate segregation amongst students. Renzulli (2006) suggests that when we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment. A true mindset for integration rather than further segregating students would start with state policies considering and possibly incentivizing local districts to evenly distribute students; thereby creating more schools with a mixed population (race, income, achievement, etc).

Using year to year data, Bifulco and Ladd (2007) examined the impact North Carolina’s charter schools had on racial segregation and the black-white test score gaps. They found that North Carolina’s charter schools increased the racial isolation of black and white students as well as widened the achievement gap. Bifulco and Ladd (2007) found an increased negative academic achievement effect for students who transferred into a charter school with more racial isolation than their previous school. The analysis of the literature leads to a guiding question,



Did a charter school with more racial diversity exist within the area, thereby increasing the chance of really having a viable education choice? A bigger problem associated with charter schools furthering segregation stems from why charter schools were created- to give parents an alternative; the purpose of charter schools- to ensure educational equality and the necessity for them- to meet the needs of underprivileged and under-performing students in failing schools; black and white students and their families look at charter school creation, purpose and need in very different ways.

According to Bifulco and Ladd (2007), there will always be few racially balanced charter schools because black and white charter school students and their parents have very different needs for them. Where a black student/family may need an alternative to crime ridden neighborhood school, their white and especially middle-class counterpart needs are likely very different. This research suggests most white parents, especially middle class white parents are not looking for parental voice, equality or fleeing failing schools; rather, their desire is for a better choice, a school that provides their child(ren) with even greater advantage than the previous school- one that would be described by most as better than average. Bifulco and Ladd (2007) suggests this dynamic is “lop-sided” disposition. This “lop-sided” disposition begins to explain why there are so few racially balanced charter schools. Black and white charter school students and families have very different preferences.

The above research is congruent with the *Plessy v. Ferguson* (1896) and a time in American history when “separate but equal” was lawful. One could argue that charter schools in most urban areas across America are isolated education enterprises for low-income students of color who have attended low performing traditional public schools. Yet, *Brown et al. v Board of*

Education of Topeka et al (1954) ruled that in the field of public education, “separate but equal” is unlawful.

According to Ladson-Billings and Tate (1995), there is a need for a critical race perspective in education that allows for a similar lens as critical race theory in legal scholarship. They propose three constructs that could be used in education: (1) race continues to be significant in the United States; (2) U.S. society is based on property rights rather than human rights; and (3) the intersection of race and property creates an analytical tool for understanding inequity. An argument could be put forth discussing how each relate to the topic of charter schools furthering segregation; yet the first construct- the significance of race in the United States, directly relates based on the sheer number of black students in charter schools, the location of charter schools throughout the country and the targeted audience for charter schools. Ladson-Billings (1998) views charter schools legislation and the legal premises upon which it is built with a critical lens. If charter schools continue to grow in legislative popularity with both sides of Congress and it continues to be a staple in education especially as it concerns the education of low-income students of color; who for all intents and purposes, need school and a good education for upward mobility, then its propensity to further segregation must be examined as an deterrent to educational equality and a quality education.

### **Research Problem, Purpose and Question**

#### **Problem Statement**

As a nation we deal with a legacy of racial discrimination. At our best, we attempt to be agents of change who daily resist our own personal tendencies to discriminate and on a large scale we may attempt to influence the behavior of others toward the best of what is encapsulated

in racial reconciliation. What's worse, we fund schools that increase segregation in a society that still deals with a legacy of unequal treatment based on color. There is evidence that throughout our country's schools that when a large number of low-income students of color populate a school there is an increased chance the necessary resources, experienced teachers, academic offerings as well as the opportunity to see, benefit and learn from middle class counterparts will be absent. The opportunity for legislators to ensure we minimize segregating schools and structure them in ways families truly have high quality options is at hand.

Bearing this in mind, legislators have the power and ability to structure schools in a more democratic and diverse manner. It is imperative to understand how our current way of authorizing charters is furthering segregation. The problem is a lack of practical school knowledge and application, by those designing and putting forth charter school legislative as well as a lack in understanding on how policies are constructing schools that further segregation. For instance, when we build charter school policy directed primarily at one group of students or that target a particular sector of society we stand a greater chance at isolating a certain population. Additionally, the hope is that we can extend our view and build policies that offer communities the opportunity to see with what diverse charter schools could look like. Providing a greater understanding of what a more diverse charter school looks like and offer will allow a greater chance to increased student learning and quality of education. This study examined the ways in which charter schools further segregation thereby limiting the more desired option of a diverse environment.

### **Purpose Statement**

Golden (2017) suggests that there has always been competing purposes when it comes to the education of African American children. In an era where a quality education is of the utmost

importance for low-income students of color, coupled with the idea that racial diversity serves as an aspect of educational quality, we must look at policies that are counter-intuitive. This research will add to the current literature that informs the education profession about the ways legislators can support more diverse charter schools versus policies that foster segregation.

In so doing, No Child Left Behind, Race To The Top legislation and Derrick Bell's Interest Convergence Theory have been juxtaposed. These pieces of education legislation have been viewed with a lens that offers a critique of what the public sees regarding charter school enrollment, population and student makeup.

The study examined how federal policy influence state and local district practices, parental perceptions and community interruption thereby creating in some cases an even bigger issue (school/student segregation>racial isolation>underachievement, teacher/student mismatch and black teacher displacement) all in the name of "quality education."

### **Research Questions**

There is one key question guiding this dissertation, and it is supported by two sub-questions.

The key question is:

1. How are charter schools furthering segregation?

### **The two sub-questions are:**

2. What federal legislation drive charter school establishment?
3. How are charter school policies being implement to support segregation?

## **Methods of Data Collection, Analysis and Management**

This study does not require interaction with human subjects, therefore it is unnecessary for study participants, participants' profile or how they will be involved. However, it is important to discuss how documents were chosen and analyzed and the process for analysis.

### **Data Collection**

Data was collected based upon personal ideas about academic achievement, student growth, standards and accountability and curriculum progression, all of which are entitled in No Child Left behind and then modified in Race to the Top. Copies of both laws were obtained through government publications. The documents were reviewed to ensure a detailed understanding of the legislative mandates in No Child Left Behind Act and Race to the Top. Race to the Top was created with the idea that accountability needed to be more relevant to public school reality, including how an increase in the number of charter schools would advance public education. Given that Race to the Top came early in the administration of the United States' first African American president, his highly public and exciting election, the use of states' growth data, call for increasing charter schools and the huge monetary incentives associated with it, demands analysis. As an educator, building leader and having been approached early regarding the practical application of Race to the Top in my district and school, the legislation was imminently relevant to me. As important as Race to the Top is, No Child Left Behind preceded it and laid the foundation for the world of standards and accountability as we know it. Therefore, it was equally important to examine No Child Left Behind.

In a discussion with my major advisor, I discovered other researchers and similar dissertations, particularly, research that focused on educational policy. One dissertation, Bell

(1980) focused on Critical Race Theory and the concept of interest convergence. After careful analysis, his work correlated well with this research on how segregation is perpetuated within the charter school movement. His work on *Brown v Board of Education* (Bell, 1980) helped me better understand interest convergence. Bell (1980) consistently used the interest convergence theory with court cases to retell key points of a ruling such as *Brown*. The widespread appeal of charter schools from both political sides, from the business and philanthropic community and from many parents of color without substantive results lead to a belief that Bell's interest convergence is appropriate to juxtapose *No Child Left Behind* and *Race to the Top* legislation.

### **Analysis**

Critical comparative discourse analysis was used to analyze the documents used in this study. Critical comparative discourse analysis afforded an opportunity to highlight the Alignment and mis-alignment between *No Child Left Behind*, *Race To The Top* legislation and Bell's Interest Convergence Theory. Two key pieces of federal educational policy- *No Child Left Behind* (NCLB) and *Race To The Top* (RTTT) was collected, analyzed and juxtaposition of themes that emerged were compared with those that emerged from an analysis of Derrick A. Bell's Interest Convergence Theory. The foci of this study was to use key concepts from both pieces of legislation and allow the ideologies of Bell's work to provide meaning to the laws in a way that we otherwise might not see without his perspective. Using information, key and relevant pieces of the laws gathered from *No Child Left Behind* and *Race to The Top* as well as Bell's Interest Convergence Theory, highlighted the themes that emerged were discussed in ways that aligned to the literature and created a true story that can be shared with community members. For instance, two data charts were created (One for NCLB and one for RTTT) with the following headings—NCLB | Interest Convergence | Segregation Tendencies | Analysis

Under NCLB as well as RTTT. Key and relevant pieces of the law pertaining to this study were placed in the chart. Then, utilizing Bell's work, under Interest Convergence, federal law was re-stated through Bell's Interest Convergence Theory, thereby giving a new perspective to view read the legislation. Literature regarding charter schools and segregation was used to highlight how the law reinforces segregation tendencies. An analysis based NCLB, Interest Convergence and Segregation Tendencies was provided. The analysis is a comprehensive thought combining all three using current literature as guide. The data is presented as a matrix/chart of NCLB, Interest Convergence, Segregation Tendencies and Analysis. Following each chart is a thorough narrative of the chart. Additionally, a cross analysis of NCLB and RTTT was completed. Finally, data from the chart and the narratives to compose a letter to community member regarding charter schools and segregation was used.

### **Discourse Analysis**

Discourse analysis is the study of language in use (Gee, 2014). Discourse analysis can be approached from a "content" only perspective, meaning we look at the language being used or the themes, issues being discussed. Other approaches pay more attention to the structure of the language and how this structure functions to help make meaning in specific contexts. Both approaches are rooted in linguistics. Further, Gee (2014) notes discourse analysis considers how language, both spoken and written, enacts social and cultural perspectives and identities. Without prior knowledge of linguistics, an introduction to discourse analysis allows for a view of how to integrate language as a method of research.

Fairclough (2003) notes that analyzing discourse is an approach to text and discourse analysis when one is seeking to examine real language data. Analyzing discourse is a way to ensure researchers are getting the most out of texts, conversations and interview materials. Text

analysis is an essential part of discourse analysis. Brazley (2014) describes the steps of text/discourse analysis as follows: (1) the researcher selects a piece of data (discourse) that is both interesting and will speak to or illuminate the identified issue or question; (2) the researcher identifies a reasonable amount of the data/text to analyze ; (3) analysis is conducted by identifying key words and phrases and determination of the meaning of those keys.

Using Brazley (2014), format the steps were followed. To build my strategy for analysis and implementation the Brazley steps were utilized. Specifically, (1) I obtained copies of *No Child Left Behind* and *Race to the Top* as the data to be collected and analyzed. Both pieces of legislation speak to the widespread growth of charter schools. Secondly, I identified specific sections of the legislations. The laws are comprehensive in the approach to education in general. This study speaks specifically toward charter school growth and its ancillary notion of segregation. Therefore, I looked at specific sections of the laws pertaining to charter schools. Finally, using Brazley (2014) steps, I identified key words and phrases that appear to grow charter schools while also segregating students based on race, achievement and economic levels. These key words and phrases are color coded. For instance, the passage speaking to race is coded red and the passage speaking to achievement is coded green and so forth. I also numbered the times race, achievement and economic levels are used toward charter school growth. Finally, and of most importance, I determined the meaning of these key words and phrases by aligning them to Bell's work. For instance, if a passage from *Race to the Top* speaks to ensuring students of color are placed in "supportive education environments," I looked to see where Bell speaks of "supportive education environments" and how he describes such environments. Meaning is determined by using Bell's description and where Interest Convergence lies.



## **Management**

I used a research partner to share, record highlights, reflections, and insights from the analyzed document. The research partner was helpful as I shared my work out loud and recorded the conversations in writing. Further, as I shared and made connections from the work, I had an opportunity to receive an outside perspective and feedback. These were thought-sharing sessions with agendas to guide the conversations, record key take-aways, insights and planning for the next session. These sessions provided an opportunity to debrief the data while gaining valuable outside perspectives.

## **Subjectivity**

Qualitative research is brilliant in that the researcher is the instrument for data collection. It is the researcher who decides on the topic, the texts, key words and phrases to be analyzed and how the analysis process will be carried out. Therefore, it must be acknowledged that the researcher brought personal biases, values, beliefs and professional work background and experiences to this study.

As an African American male growing up in the post-Civil Rights era in the city where Dr. King was assassinated, I was subjected to forced integration and white flight in a powerful way. This idea of school choice was at the forefront of conversations that I heard my parents discuss often. I have developed an understanding about the educational system and how it perpetuates the cycle of American values over a 20-year career in the field as a teacher assistant, teacher, athletic coach (multiple team sports), assistant principal, principal, and founder and CEO of a charter management organization. My perspective is unique and offers new insight on the body of research that is being presented.

I also bring my preconceived notions about charter schools, charter management organizations, key players and stakeholders in the charter school movement. Specifically, I am the founder and CEO of a Charter Management Organization where I have the privilege of leading and guiding charter school students, teachers, parents and community members daily. I am aware of the biases that might interfere with authenticity, yet my drive to ensure educational quality is without question.

### **Representation**

In this study, I collected and analyzed two key pieces of educational policy- No Child Left Behind and Race to the Top and juxtaposed the themes that emerged with those that emerge from an analysis of Derrick A. Bell's Interest Convergence Theory. My focus was to use key concepts from both pieces of legislation and allow the ideologies of Bell's work to provide meaning to the laws in a way that we otherwise might not see without his perspective. Using this information, I gathered data from No Child Left Behind and Race to the Top as well as Bell's Interest Convergence Theory, I highlighted themes that emerged, discussed them in ways that aligns to the current literature and created a true story that can be shared with community members.

## Chapter 4

### Results

“Either they don’t know, don’t show, or don’t care about what’s going on in the hood.”

—Ice Cube

#### **Introduction**

This study examined two federal policies-- No Child Left Behind (NCLB) and Race to the top (RTTT) as they relate to how do charter schools further segregation? The study further looked at these two polices through the lens of Derrick Bell's Interest Convergence Theory. The following chart analysis provides a comprehensive view of this study's results. First, NCLB and RTTT legislation were combed to identify parts of the legislation that related specifically to charter schools. Those specific sections were pulled directly from the law and are in the first part of the chart. The second part of the chart uses Bell's Interest convergence theory as a guide for providing an alternative perspective to the law. Third, the chart provides a way to view each aspect, of the law, pertaining, to charter schools, for segregation tendencies that are directly or indirectly apart of the law. Finally, each chart (NCLB and RTTT) offers an analysis for each section of the law that is viewed through Interest convergence with noted segregation tendencies.

While each chart provides an effective view of this study's results as well as line by line, section by section way of viewing the two federal policies, the following narratives go further into details of this chapter's results. In terms of how charter schools further segregation, the results from this study are: Segregation in charter schools are furthered through (1) the selection process (2) earmarked funds for a specific group/population of students and (3) the focus and extension on racism as the rapid growth of charter schools supported. The narratives are presented in the following manner. First, the selection process is a way charter schools further

segregation by discussing how the legislation and implementation of the laws are executed in a way that uses "buzz" words" (i.e. corrective action schools) to target certain students. Secondly, the narratives highlight how federal funds are earmarked using some of the same and/or similar "buzz words" as an incentive to start chart schools for selected students. Finally, each narrative uses the literature and sections of the law to discuss racism and its relationship to the rapid growth of charter schools.

For over a century after the first common schools were created for the masses the education system in America has been mired with under resourced, poorly operated, ineffective schools. In fact, the system of education's design and purpose of educating the masses for control and consistency of common knowledge was the precursor of the present-day system of educating to ensure a steady populous of laborers and prisoners. Historically, schools have been a way to separate and segregate in America to reinforce the class and racist ideologies that are at the heart of the design of the system. After *Brown v Board* and the forced integration, the system self-medicated itself back to comfort with defacto segregation practices for the purpose of schooling (Rivkin, 2017).

Racially driven housing purchase patterns, neighborhood shifts, private schools, and unequitable funding were but a few of the instruments used to ensure that the superior status of whites was not altered through the courts ruling in *Brown* (Rivkin, 2017). As time went on the nation began to analyze where the educational system was and began to place more of an emphasis on analyzing perceived gaps in achievement by races and schools that were not performing at a high enough level. *A Nation at Risk* raised concerns throughout the country that America was falling behind its counterparts around the world educationally and thus would be overtaken in the sciences and other creative fields that lead to technological advances if we

didn't start dealing with the reality that our schools were struggling. National Commission on Excellence in Education (1983) NCLB birthed the Ed reform movement that we see today (Stulberg, 2015).

Table 2

No Child Left Behind Policy Analysis

<b>Policy 6301</b>	(1) Provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies
<b>Interest Convergence</b>	Only in the absence of threat to middle/upper middle-class whites superior status is racial equality deemed desirable/ approved. Bell (1980)
<b>Segregation</b>	A CMO could determine based on this criterion what area to target the opening of a school to enhance its ability and increase its potential of garnering the type of results needed for replication (Rotberg ,2013).
<b>Analysis</b>	Interest convergence relies on one group gaining yet not to the detriment of the dominant group. In this case, incentives offered by the fed gov't allows both groups to see opportunity aligned to their specific agendas(Renzulli, 2006)
<b>Policy 6303</b>	6303 shall give priority to local educational agencies that— “(1) serve the lowest-achieving schools; “(2) demonstrate the greatest need for such funds; and “(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools
<b>Interest Convergence</b>	Judicial works to ensure middle/upper middle-class whites’ interests are secure prior to granting racial equality remedies. Bell (1980)
<b>Segregation</b>	The creation of charters specifically to address the needs of this population is at the center of the segregation outcomes. By and large, students who are the lowest performing, and have the greatest need in America are students of color. (Frankenberg & Lee, 2003).
<b>Analysis</b>	Parents and advocates of marginalized impoverished communities likely see creation of charters as addressing their cries for help, equity and equality thus there is a welcoming of the Charters into communities that meet this criterion. Reformers are at times seen as saviors as many of the schools where students who meet this criterion may be on the verge of closing and are seen as dangerous and not suitable. (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996).

Table 2 (Continued)

No Child Left Behind Policy Analysis

<b>6303(F)</b>	The State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to subsection (b) and the percentage of students from each school from families with incomes below the poverty line.
<b>Interest Convergence</b>	It's not integration, rather effective school for blacks is the goal. Bell (1980)
<b>Segregation</b>	Making available this list of families allows the Charters who are fully aware that the funds awarded from NCLB are earmarked to serve this population causes them to have a very intentional focus on certain neighborhoods and areas of town to recruit students for their "new schools." Mickelson, Bottia & Southworth (2008)
<b>Analysis</b>	As these lists are made available parents' interest converge with reformers as they perceive charter schooling as the answer to their child's academic issues/needs (Bonastia,2015)
<b>Policy 6303 Priority</b>	<b>The State, in awarding such grants,</b> shall give priority to local educational agencies with the lowest achieving schools that demonstrate— “(A) the greatest need for such funds; and “(B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section (B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section
<b>Interest Convergence</b>	Poor whites' opposition to racial equality is a self-inflicted punishment. Bell (1980)
<b>Segregation</b>	Districts need corrective action plans and the partisan education reform initiative of Charter Schools affords them an opportunity to (if they approve charters in the district) receive the federal dollars that are earmarked for the students spoken of in these policies. Charters understand this, and they build plans to ensure they target the student that is to receive the most funding/resources under NCLB (Rotberg, 2013)

Table 2 (Continued)

No Child Left Behind Policy Analysis

<b>Analysis</b>	Parents and communities desire to have “what’s best for their child/school” --meeting achievement goals are skewed from seeing possible charter intrusion, lack of real/lived investment and long-term detriment, rather they see possibilities to what they’re not getting with the traditional neighborhood school. (Johnson, 2014)
<b>Policy 6303 Allocation</b>	A State educational agency that receives a grant under this subsection shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement, corrective action.
<b>Interest Convergence</b>	Only in the absence of threat to middle/upper middle-class whites superior status is racial equality deemed desirable/ approved Bell (1980)
<b>Segregation</b>	Earmarking the majority of the funds toward a specific student population skews the landscape in favor of education reform. The reformers are by far more entrepreneurial in nature and are driven by where they can make the most money. That means filling “seats” which is creating schools in areas of high need (Bloomfield & Cooper 2003)
<b>Analysis</b>	High poverty area parents have a tendency to view reform-based charters with excitement due to dissatisfaction with neighborhood school; thus, there is little to no pushback. Milner (2008)
<b>Policy 6303 V</b>	Includes separate measurable annual objectives for continuous and substantial improvement for each of the following: “(I) The achievement of all public elementary School and secondary school students. “(II) The achievement of— “(aa) economically disadvantaged students; “(bb) students from major racial and ethnic groups; “(cc) students with disabilities; and students with limited English proficiency.
<b>Interest Convergence</b>	Poor whites’ opposition to racial equality is a self-inflicted punishment If serving the primary interest of whites also politically advances blacks, then so be it. Bell (1980)

Table 2 (Continued)

No Child Left Behind Policy Analysis

<p><b>Segregation</b></p>	<p>The birth of the AYP allowed for a true delineation of schools' performance based on the criteria accepted to evaluate schools. This led to the schools being identified in 3 distinct and segregational practices.</p> <ol style="list-style-type: none"> <li>1. Low performing school/not enough improvement</li> <li>2. Economically disadvantaged/poor</li> </ol> <p>Certain racial and ethnic groups Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards (2012).</p>
<p><b>Analysis</b></p>	<p>The need, for quality schools, is a desire for all parents regardless of race. Interest convergence results when parents' needs are seemingly met (quality schools) with policy that calls for improvement in all schools while specifying particular sub groups of students. Therefore, "all schools" become all low-income inner-city schools populated with students of color (Milner, 2008)</p>
<p><b>Policy 6303 (7)</b></p>	<p><b>WAIVER FOR DESEGREGATION PLANS</b> —The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan.</p>
<p><b>Interest Convergence</b></p>	<p>Bell- freedom of choice plans were in fact designed to retain constitutionally condemned dual school systems (Bell, 1980)</p>
<p><b>Segregation</b></p>	<p>At issue here are the waivers. Waivers for desegregation plans can be requested thus alleviating any unlawful consequences for the segregation practices of the NCLB driven reform practices According to Wexler &amp; Huerta (2000)</p>
<p><b>Analysis</b></p>	<p>Allowing for waivers to fund schools that have applied for a desegregation waiver is inherently a white interest but may not get pushback from minorities because they don't see the waivers as harmful Brown et al. v Board of Education of Topeka et al (1954).</p>



Table 2 (Continued)

No Child Left Behind Policy Analysis

<p><b>Policy 6303</b></p>	<p><b>ALTERNATIVE GOVERNANCE.</b> —Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the following alternative governance arrangements for the school consistent with State law: “(i) Reopening the school as a public charter school. “(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress. “(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school. “(iv) Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State. “(v) Any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.</p>
<p><b>Interest Convergence</b></p>	<p>If serving the primary interest of whites also politically advances blacks, then so be it(Bell, 1980)</p>
<p><b>Segregation</b></p>	<p>The creation on the corrective action/priority list has allowed for alternative governance with essentially is the petry dish for the rise and growth of charter schools. CMOs understand this and target these neighborhoods where the schools that fall under this category reside. The National Alliance for Public Charter Schools publication of <i>Details from the Dashboard</i> published February 2015</p>
<p><b>Analysis</b></p>	<p>Parents becoming comfortable with the “alternative governance” as it relates to schools and who is operating them is concerning. Because of the negative perception created by media (sometimes warranted) that public schools are failing, parents have opened their hearts while their minds have been blinded and thus they see the potential for the good but don’t seem to acknowledge the possibilities of the bad (Dorsey &amp; Roulhac ,2017)</p>
<p><b>Policy 6303“(C)</b></p>	<p><b>CRITERIA OF POVERTY.</b> —In determining the families that are below the poverty level, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.</p>

Table 2 (Continued)

No Child Left Behind Policy Analysis

<b>Interest Convergence</b>	Poor whites’ opposition to racial equality is a self-inflicted punishment Bell (1980)
<b>Segregation</b>	Highly segregational as the poverty level used can be adjusted to fit the partisan need of the current power structure (Holt, 2000)  The intentional design to impact high need students is clearly a narrative that CMOs tell consistently. This rewards them for designing programs that segregate based on high need, high poverty, and low performance (.Rotberg, 2013).
<b>Analysis</b>	Addressing families identified by the Census as living below the poverty line as priorities is seen as a win by those impacted. The reformers also see as a victory because they are able to easily bring their school models to these neighborhoods (Carnoy, Jacobsen, Mishel, & Rothstein,2005)
<b>Policy 6301 (1)</b>	Include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators
<b>Interest Convergence</b>	Poor whites’ opposition to racial equality is a self-inflicted punishment Bell (1980)
<b>Segregation</b>	Grant funds essentially drive the plans of the education reformers. The criteria above is how they select populations to serve and thus further segregation(Bonastia, 2015).
<b>Analysis</b>	Families served tend to be those most marginalized and thus they see reformers, oftentimes, as hope. (Frankenberg, & Siegel-Hawley, 2009).
<b>Policy 6303 (2)</b>	(A) Serves students 50 percent or more of whom are low-income students; or “(B) in which many of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.
<b>Interest Convergence</b>	If serving the primary interest of whites also politically advances blacks, then so be it(Bell,1980)
<b>Segregation</b>	Reformers are driven by thoughts around filling seats and sustainability, thus they are very intentional about choosing the neighborhoods they open schools in (Rotberg, 2013)

Table 2 (Continued)

No Child Left Behind Policy Analysis

<b>Analysis</b>	The need for quality schools that serve the population that this policy earmarks dollars for are a desire for all parents regardless of race. This portion of the policy creates convergence as it specifically details what percentage of a type of student that has to be served in order to receive the funds(Milner, 2008)
<b>Policy 6303</b>	<b>CHARTER SCHOOLS</b> “(1) providing financial assistance for the planning, program design, and initial implementation of charter schools; “(2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents; “(3) expanding the number of high-quality charter schools available to students across the Nation; and “(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.
<b>Interest Convergence</b>	If serving the primary interest of whites also politically advances blacks, then so be it. Bell (1980)
<b>Segregation</b>	NCLB essentially rewards states who have passed charter laws with additional funds and provide incentives for them to continue with their growth. This makes it easier for CMOs to enter cities where the poverty is high, target people of color, and schools listed as “low performing”. They then start a school/schools with the intent of building a network of schools to get to sustainability (National Alliance for Public Charter Schools, 2015)
<b>Analysis</b>	If charter schools are seen as the answer or at least part of the solution to all that ails public education by both education reformist and many parents in marginalized communities, a policy that expands their numbers definitely is a convergence of interests (Stulberg, 2008).
<b>Policy 6303</b>	<b>LOW PERFORMING SCHOOLS</b> Not less than 85 percent of the amount made available to the State educational agency under this part for fiscal year 2002, according to the relative enrollments in public and in private nonprofit schools within the jurisdictions of such local educational agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher-than-average cost per child, such as— “(A) children living in areas with high concentrations of economically disadvantaged families; “(B) children from economically disadvantaged families.
<b>Interest Convergence</b>	If serving the primary interest of whites also politically advances blacks, then so be it( Bell, 1980)
<b>Segregation</b>	The redundancy of how the funds will be dispersed in states that have plans to address the schools with students that meet all the previously

	mentioned categories further points to how the policy has driven the education reformers models, location and sustainability plans; Plans that are directly and indirectly tied to segregation practices(Rotberg, 2013)
<b>Analysis</b>	The lowest performing schools are primarily schools being attended by black and brown students. Thus the resources being allocated to serve them guide the decisions of charter school organization regarding, placement and it gives poor parents the feeling that they are receiving “choice” (Renzulli, 2006)
<b>Policy 6303</b>	“(4) Give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students’ academic achievement and implement education reforms in their schools; “(5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress; “(6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and “(7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.
<b>Interest Convergence</b>	Poor whites’ opposition to racial equality is a self-inflicted punishment (Bell,1980)
<b>Segregation</b>	This policy provides and uses the term flexibility to give charters autonomy to do several things. It seems to suggest that when we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment (Renzulli, 2006)
<b>Analysis</b>	This idea that no child will be left behind creates an ideology that the policy linked to its namesake will truly provide equity and equality over time. This idea is a convergence of sorts as those impacted by this daily, were hopeful that it would right the ills associated with public education, and the education reformers would take full advantage of the way the policy is written to create models of schools that fit the policies and their mindset (Bonastia, 2015)
<b>Policy 6304</b>	<b>6304 Criteria for evaluating applications</b> (1) Award basis The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted under subsection (a), including (B)each applicant’s record of, and commitment to, establishing conditions for innovation and reform, (2); Priority In awarding grants to local educational agencies under this part, the Secretary shall give priority to— (1) local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line.
<b>Interest Convergence</b>	Poor whites’ opposition to racial equality is a self-inflicted punishment.

	Bell (1980)
<b>Segregation</b>	CMOs are attracted to these environments and the schools they start are in high poverty –high need and many times are low performing. Recruitment typically will siphon off the best of those students creating less academic diversity and furthering segregation(Rotberg, 2013)
<b>Analysis</b>	Reformers aim to increase autonomy and make education market based, the more affluent schools’ districts and communities have little need to entertain this and thus the quickest way to push the agenda is through low-income neighborhoods. Parents in these neighborhoods want better education choices so an LEA being rewarded federally for having high poverty is a win for both. (Henig, 1994)

## NCLB

### **Selection Process is Based on Policy – “The New Deal”**

The unintended consequences of federal-policies are driving charter schools to further segregation in American schools. Many of the policies dictate the type, location, population and overall context of schools that can be chartered. The focus on this kind of policy is what charter operators’ use in determining what nationwide and local areas and neighborhood and schools to target(Rotberg,2013). President Bush’s No Child Left behind (NCLB) policy, specifically states, the federal government “shall give priority to local educational agencies that— “(1) serve the lowest-achieving schools; (2) demonstrate the greatest need.” The policy targets low performing schools that are for the most part located in urban areas, highly populated with black and brown students and suffer from racial and educational discrimination, high poverty, high mobility, single-parent homes and a plethora of many other societal ills (Frankenberg & Lee, 2003). Charter operators open schools in these areas and their enrollment pulls directly from these racial student populations—black and brown students-- and thus, because race, unfortunately, in many urban communities is synonymous with the federal government’s criteria for “lowest achieving

schools” and “greatest need” segregation occurs. The segregation practices of charter school operators—albeit the practices are derived from federal policy-- morph into intentional norms that are grounded in the way the legislation is crafted.

There are number of policies within the NCLB that reaffirm the selection process that drives this phenomenon. Section 6302 notes charter operators must “serve students 50 percent or more of whom are low-income students” or “in which most of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.” This has an wide segregate effect as the charter organizations simply are pigeon holed into where they will have the best opportunity to be approved to open/start a school. Interestingly, they are driven away from selection of schools that would promote diversity. Section 6303 states that the charter schools are “to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.” The selection process also must be grounded in narrowing achievement gaps which by nature means targeting specific schools that have enrollment with a higher percentage of black and brown students. Ni (2007).

Federal funding allocation is also connected to the charter school selection process. For instance, section 6303 of NCLB states grantees “shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement and corrective action.” Previously mentioned, the federal government narrows criteria of “school improvement and correction action” which is the same for schools with students of color. With funding as an incentive, we now have financial benefit linked to specific students and although the funding does delineate race as a criterion, it does however, contain all of the contextual language that identifies student of color, only. Noteworthy, the advocacy/lobbying for increase in charter school numbers for targeted particular populations of students due to their lack of

NCLB academic requirements. Policy 6303 delineates Priority Status and notes “states, in awarding such grants, shall give priority to local educational agencies with the lowest achieving schools that demonstrate, (A) the greatest need for such funds and (B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to reach academic requirements.

NCLB provides the following thought process or can be described as “a selection process that gives states an incentive/advantage to look at alternative ways to impact schools deemed low performing.” Further, one could describe NCLB as “a state influencer” rather than the federal overseer of education, as we have known it to be. The fact that incentives are provided to states that implement comprehensive reform has influenced the way states make decisions for educational change. Also, with NCLB seen as a “state influencer” via incentives one can also describe NCLB as a “charter school pusher” and “believer”—despite the fact most would say there is not enough data to support the charter school “push/belief.” Yet, at the center of NCLB is a comprehensive plan and belief in charter schools as the mechanism for underachievement in schools. The incentives provided are a further belief that substantiate the claim and push for charter schools. So much so that they are now at the forefront as the most important issue in the education reform movement we know today (NCLB 6303, 2001; Renzulli, 2006).

NCLB, in terms of its selection process has buzz words that without directly naming a specific group, names specific groups of students. Those buzz words are phrases such as “students in lowest performing schools”, “students demonstrating the greatest needs”, “students in lowest achieving schools.” (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996). On its surface these policies, appears to be extremely positive and should in time have a positive

impact on the current state of education. To the contrary, the unintended consequence of this creates a vacuum for a specific type of student that is to be impacted. This vacuum attracts Charter school enthusiasts and creates the extremely fertile ground for their growth. A growth that by its very nature can't help but to further segregate the students they end up serving because of narrow scope of students that are targeted with the incentives. This stark reality is that because poor students who are disproportionately black and brown in America are the students attending the underperforming schools. As a result, the schools that are created as a response to the incentives that are given by NCLB are by default more segregated. The lack of intentionality to ensure diversity considering the incentives given to serve these targeted population is fuel to increase segregation of schools in this new age of schooling across America.

Analysis of NCLB provides the following factors, specifically as it regards the policy driven selection process “it gives greater rise to the charter school movement and segregation of students based on race and economic status.” No schools in America since Brown V Board, has been this segregated. And NCLB’s policies have been a galvanizing force to further perpetuate segregation. The policy clearly states that under alternative governance solutions, attempting to improve school performance states will be rewarded for closing and reopening a school as a public charter school. The National Alliance for Public Charter Schools’ publication of Details from the Dashboard (2015) suggests that irrespective of the Charter Operators history, this is disastrous. Remember, the students that need to be served the most based on incentives will be black, brown and economically disadvantaged. Allowing a Charter organization to take over, replace or start in the community that serves these students is harmful. It robs students of the very essence of what the school means to that community. Likewise, the selection process based



on what is incentivized thus, creating an even more segregated school than it was before being introduced to charter management.

## **Convergence**

When the agenda of both whites and any of group of people align we see a greater tendency for the federal government to move on behalf of those in need. Yet, the movement is not based on need, but an aligning of agendas that are non-threatening to whites and support their personal economic agendas. Conducting a critical analysis of federal policy, we can ascertain that education policy, is implemented in a myriad of ways that foster educational approaches that are designed by “white privileged mentality” that hinders the overall educational attainment and success of the poor communities and people of color. Most of the educational approaches designed with this ideology are unaware of the cultural needs of the communities, thus making “their” educational approaches ineffective. If remedy for racial equality for blacks threatens the superior societal status of middle and upper middle-class whites it will not be successful in being approved. Only in the absence of threat to middle/upper middle-class whites superior status is racial equality deemed desirable/ approved (Bell, 1980). Interest convergence relies on one group gaining yet not to the detriment of the dominant group. In this case, incentives offered by the fed gov’t allows both groups to see opportunity aligned to their specific agendas (Renzulli, 2006). Poor whites gain little in opposition of improvement of educational opportunities for blacks. Needs differ very little. Over time all reap the benefits (Bell, 1980).

## **Segregation**

A CMO could determine based on this criterion what area to target the opening of a school to enhance its ability and increase its potential of garnering the type of results needed for replication (Rotberg, 2013). The creation of charters specifically to address the needs of this population is at the center of the segregation outcomes. By and large, students who are the lowest performing, and have the greatest need in America are students of color (Frankenberg & Lee, 2003). The birth of the AYP allowed a true delineation of schools' performance based on the criteria accepted to evaluate schools. This led to schools being identified in 3 distinct and segregational practices.

1. Low performing school/not enough improvement
2. Economically disadvantaged/poor
3. Certain racial and ethnic groups

### **Choice without Equity**

With the creation on the corrective action/priority list has allowed for alternative governance which is the petry dish for the rise and growth of charter schools. CMOs understand this and target these neighborhoods where schools that fall under this category reside which are primarily students of color (National Alliance for Public Charter Schools, 2015). This necessitates investigation of charter school segregation and the need for civil rights standards to be implemented.

### **Funds are Earmarked for Specific Subgroups- “Educational Jim Crow”**

Charter school approval is also connected to the selection process. The approval of a charter school application is wrought with incentives for specific types of selections. In NCLB section 6304, criteria for evaluating application awards postulates “the Secretary shall award

grants to local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line.” The legislation clearly outlines that the funds are to be earmarked for specific subgroups (Bloomfield & Cooper, 2003). Charter operators who must reach certain enrollment numbers to survive are fiscally driven to create schools that target these subgroups-- economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency (NCLB Section 6303). Each of these subgroups are disproportionately black and brown. One could say, it borders infringement on rights by giving charters access to the information through the policy of the subgroups that the funds are earmarked for. Access such as “identification and recruitment of families most in need of services as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators” are singled out in NCLB section 6301. The clarity of the funds and allocation of those funds is powerful and is stated to directly address children in poverty and economically disadvantaged homes. Section 6303 states, “not less than 85 percent of the amount made available to the State educational agency must be for children living in areas with high concentrations of economically disadvantaged families. As states are held accountable to receive these funds for these specific subgroups they utilize charter operators to address these populations and the unintentional seems intentional as segregation is increased (Rotberg, 2013). The selection process ends the federal government holding participating state educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students (NCLB 6303-6).

The role that federal incentives in the form of federal dollars, with NCLB, seem to take on can be described as “an identifier or recruiter of students, families and neighborhoods.”

NCLB creates pathways to identify students that incentives target for service. Lists of students and families meeting the criteria (i.e. low SES and poverty line) are provided to grantees (Bonastia, 2015). The dynamic of NCLB serving as “an identifier or recruiter of students, families and neighborhoods” can be seen in how charter organizers determine which local school communities and neighborhoods recruit and/or set up their charter school(s). Having students identified by NCLB and made public creates a segregated recruiting pool of students for the charter organizers to select from. This course of action is irreversible without understanding that this is an issue and that there should thought given to policy creation and its ability to drive educational reform in America.

NCLB aggressively speaks to the LEA’s and their plans to reform education in their states and local districts. This piece of legislation explains that 95% of the funds will be given to schools identified for corrective action and/or school improvement. According to Bloomfield & Cooper (2003), this is one of the greatest accelerant of the issue we are facing in terms of segregation in charter schools than any other factor. Once schools are identified, the school, students attending, and the neighborhood all become a potential target for charter schools. These policies were not necessarily designed to segregate and make conditions optimal for the growth of this movement, but the lack of foresight on the disenfranchisement of schools and communities is astounding. This system takes advantage of and utilizes the venture capitalist charter gurus to perpetuate segregation and this is conspicuous. Once LEA’s began the process of identifying these schools it created the most fertile ground ever to start the process of the growth of Charter schools. The population served by the identified schools are disproportionately black and brown students. Mickelson, Bottia & Southworth (2008) stated that we come back to our theme of charter schools further segregating schools. Without the identification of schools,

the overwhelming amount of funds being earmarked, and the incentive to serve this group of students the Charters would have overlooked disenfranchised groups of students. Continual preservation of this practice is the quickest way to ensure enrollment, which leads to financial gain, thus sustaining the model for operating the business/school.

NCLB and federal funding in support of charter schools have shown us from the 2001 legislation the following descriptors “target students, state and LEA encouragers, continuous improvement of economically disadvantaged students, subgroups of students-ethnically and ability wise” (NCLB 6301-6303, 2001). These descriptors are both indirectly and directly related to the segregation of students within the charter school movement. According to Bloomfield and Cooper (2003), overt yet subliminal racist/classist ideology that NCLB communicates must be deconstructed. Targeting specific groups is perceived negatively. In education, if you are attempting to give additional funds to groups according to data and that would benefit from additional support should be seen positively. Regrettably, this is untrue, the outcome is negative as it relates to the impact of the charter school movement on students/families involved in the movement. Charter schools, have an absolute directive from the federal incentives to target disadvantaged and disenfranchised students for their schools as part their comprehensive plans for school improvement. The students are disproportionately black and brown and are segregated by policies designed, created and implemented to help them-- NCLB.

In 2001, NCLB was created and passed. Now, one could ask the question “how can federal dollars ensure no child is left behind? Can limited federal funding really ensure the nation’s penurious citizens (low-income students of color) are not left behind? We could ask “what is really going on/happening with this legislation/”The policy ensures that it leaves no

doubt as to who it incentivizes. The level of redundancy and overlap that occurs throughout the policy always brings you back to why these policies have given Charter schools the unintended ability to further segregation in American schools. These policies ensure recruitment methods target parents that have limited adult literacy, families with socioeconomic challenges, and ELL (English Language Learners) parents and students. Bonastia (2015) vies that policy analysis suggests the charter policy is constructed and continues to identify the targeted population. The term “no child left behind” means non-white, poor, black, brown, non-native English-speaking students in schools across this nation that are not “making the grade”. The policy places a percentage (at least 50%) on the number of students that you must serve from this population to be able to benefit from the available funds. Milner (2008) noted that avoiding segregation is impossible if the bulk of the policy speaks to the incentivization of states and their improvement plans. These improvement plans are shaped with Charter schools and charter school growth, for this subset of the nation’s student population.

## **Convergence**

White privilege is integrated throughout the fabric of our society. Considering educational policy, and the role the judicial system plays we tend to un-critically think fairness across the board and a greater chance to receive due-process. Yet, Bell contends rather than moving on behalf of the people first, courts tend to ensure no harm to white middle/upper middle-class society. Additionally, according to Bell, there is a tendency to secure and advance that group’s already privilege societal status. Dismal achievement of students of color in public schools is and has been an opportunity to advance the economic agenda of middle/upper middle class whites. The funds in NCLB being earmarked for the black, brown, non-white, non-English speaking people in poverty advances this agenda and reaffirms societal status structures

based on race. Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper class whites. Racial interest if it meets this criteria may be deemed important by the courts (Bell, 1980).

## **Segregation**

The creation of Charters specifically to address the needs of a subset of the population is at the center of the segregational outcomes of these policies. Students who are the lowest performing and have the greatest need in America are students of color (Frankenberg & Lee, 2003). Making available this list of families, allows the Charters who are fully aware that the funds awarded from NCLB are earmarked to serve this population causes them to have a very intentional focus on certain neighborhoods and areas of town to recruit students for their “new “schools (Mickelson, Bottia & Southworth, 2008). Earmarking these funds for a specific student population skews the landscape for educational reform. The reformers more entrepreneurial in nature and are driven by where they can make the most money. That means filling “seats” which is creating schools in areas of high need (Bloomfield & Cooper, 2003). Charter operators intentionally choose the neighborhoods they open schools in. This drives the reformers thought around filling seats and sustainability, which renders segregation a non-issue for those involved in the growth (Rotberg, 2013).

## **Creates a focus and extension on racism as the rapid growth of the movement is predicated on these- “Manifest Destiny Reloaded”**

The belief in Charter schools which has gained huge momentum since its beginning in Minnesota in 1991 has really driven this legislation (Nathan, 1997). To help fertilize the growth

the policy, calls for the expansion of charter schools with the added facilities cost. Federal funds provide for planning, designing and initial charter implementation. With all the efforts placed on the success and expansion of the charter school movement, regardless of results, the movement continues to pick up steam (National Alliance for Public Charter Schools, 2015). Section 6303 of NCLB articulates the expansion topic by noting, effort should be given to expand the number of high-quality charter schools available to students across the nation and the policy encourages states to provide support to charter schools for facilities financing.

The hopes of NCLB are admirable on the surface and geared toward rapid growth of charter schools (The National Alliance for Public Charter Schools, 2013). As a result, the policies are the foundation of charter organizations. It gives charter organizations the ability to start and grow while being driven to select schools and students primarily attended by poor black and brown students (Rotberg, 2013). If growth is the driver, the inevitability of segregation is increased due to the policy's selection process structure.

Besides segregation being seen in the selection process of NCLB by specifically targeting certain groups of students and besides federal funding to states to financially assist with planning, programming, designing and implementing charter schools we also see a directive in the policy that states "expand the number of high quality charter schools available to students across the Nation." Not only does the selection process incentivize but outright pushes for the growth of charter schools exacerbating segregation. The growth is connected to the selection process and segregation and the charter school movement are intertwined and bolstered and fed by the policies of NCLB. This excavates charter schools and increase the limited demographic of students and federal funding support which in nature is racism.



From this research, growth of Charter Schools equals growth of student segregation. Growth of student segregation can be summed up as an extension of racism into 21<sup>st</sup> century education via charter schools. States are allocated to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher-than-average cost per child, such as—“(A) children living in areas with high concentrations of economically disadvantaged families ;“(B) children from economically disadvantaged families. (Henig, 1994) Charter organizations, who have a business model to adhere to would lack prudent business sense if they were not taking advantage of the opportunity to serve this population. Per NCLB, charters are awarded based on an operator’s record of, and commitment to, establishing conditions for innovation and reform, but more importantly being willing to open schools within local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line (Henig, 1994). These last two points just buttoned up the realities of the impact of the legislation. The depth of the policies that from every angle by default furthers segregation. Whether it be the selection process, the targeted population or the intentionality to push growth, the policy clearly has furthered segregation through its impact on the charter movement.

One of the greatest barriers to Charter school growth is facilities. The lack of sufficient funds causes this to be one of the areas that require the most fundraising energy regardless of what part of the country or what model school an operator is attempting to open, the policy definitively addresses this in a way that shows its commitment to the growth of charter schools (Stulberg, 2008). It encourages the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools (National Alliance for Public Charter Schools, 2015). This

is a game changer and allows for more flexibility with BEP and other funding streams (philanthropic support) which greatly assists in the continued support of growth of the movement. The movement's growth exponentially increases the segregation and thus the importance of the policy in furthering segregation.

## **Convergence**

This policy provides and uses the term flexibility to give charters autonomy to do several things. It suggests that when we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment (Renzulli, 2006). According to Bell(1980), effective schooling for blacks must be the primary goal rather than integration, *It's not integration, rather effective school for blacks is the goal*. Bell (1980) stated this idea that no child will be left behind creates an ideology that the policy linked to its namesake will truly provide equity and equality over time. This idea is a convergence of those impacted daily, were hopeful that it would right the ills associated with public education, and the education reformers would take full advantage of the way the policy is written to create models of schools that fit the policies as they are stated. Thus, the growth is not or has not been seen as an alarming issue (Bonastia, 2015) Reformers aim to increase autonomy and make education market based, the more affluent schools districts and communities have little need to entertain this and the quickest way to push the agenda is through low-income neighborhoods. Parents in these neighborhoods want better education choices so an LEA being rewarded by the FEDs for having high poverty is a win for both ....this is the epitome of interest convergence (Henig, 1994). Many parents see this as choice. Bell admonishes that freedom of choice plans were in fact designed to retain constitutionally condemned dual school systems (Bell, 1980).

## **NCLB Segregation**

Waivers for desegregation plans can be requested, alleviating any unlawful consequences for the segregation practices of the NCLB driven ed reform practice. Also, the creation of the corrective action/priority list has allowed for alternative governance with

essentially is the petry dish for the rise and growth of charter schools. CMOs understand this and target these neighborhoods where the schools that fall under this category reside (National Alliance for Public Charter Schools, 2015). NCLB essentially rewards states who have passed charter laws with additional funds and provide incentives for them to continue with their growth. This makes it easier for CMOs to enter cities where the poverty is high, target people of color, and schools listed as “low performing”. They start a school/schools with the intent of building a network of schools to get to sustainability (National Alliance for Public Charter Schools, 2015). This policy provides and uses the term flexibility to give charters autonomy to do several things. It suggests that when we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment (Renzulli, 2006). CMOs are attracted to these environments and the schools they start are in high poverty, high need areas and are low performing. Their recruitment tactics will siphon off the best of those students creating less academic diversity and furthering segregation (Rotberg, 2013).

Table 3

Race to the Top (RttT)

<p><b>Priority 1</b></p>	<p>State, in collaboration with its participating LEAs, will use Race to the Top and other funds to increase student achievement, decrease the achievement gaps across student subgroups, and increase the rates at which students graduate from high school prepared for college and careers.</p>
<p><b>Interest Convergence</b></p>	<p>Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts(Bell,1980).</p>
<p><b>Segregation</b></p>	<p>A CMO would be practicing great business tents to select LEAs who are adhering to this policy. Then, determine based on this criterion what area to target the opening of a school to get the results needed for replication(Rotberg,2013).</p>
<p><b>Analysis</b></p>	<p>This is interest convergence in that the both would see these incentives offered by the Federal government as a great way to get their agendas met. Parents wanting more resources aimed at achievement. Reformers seeing it as an opportunity to get their innovative approaches approved because of the additional funding (Renzulli,2006).</p>
<p><b>Priority 3</b></p>	<p>The Secretary is particularly interested in applications that include practices, strategies, or programs to improve educational outcomes for high-need students. Particularly, proposals that support practices that (i) improve school readiness (including social, emotional, and cognitive).</p>

Table 3 (Continued)

Race to the Top (RttT)

<b>Interest Convergence</b>	Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts(Bell,1980)
<b>Segregation</b>	The creation of Charters specifically to address the needs of this population is at the center of the segregational outcomes of these policies. By and large the students who are the lowest performing and have the greatest need in America are students of color (Frankenberg & Lee, 2003).
<b>Analysis</b>	This is textbook for interest convergence in that parents and advocates of marginalized impoverished communities see this as addressing their cries for help, equity and equality and a welcoming of the Charters into communities that meet this criterion. Reformers are often seen as saviors as many of the schools where students who meet these criteria may be on the verge of closing and are seen as dangerous and not suitable for (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996).
<b>Policy</b>	b) Supporting participating LEAs (as defined in this notice) in successfully implementing the education reform plans the State has proposed, through such activities as identifying promising practices, evaluating these practices' effectiveness, ceasing ineffective practices, widely disseminating and replicating the effective practices statewide.
<b>Interest Convergence</b>	Poor whites gain little in opposition of improvement of educational opportunities for blacks. Needs differ very little. Over time all reap the benefits (Bell, 1980).
<b>Segregation</b>	The intention of the grant funds has essentially driven the plans of the education reformers. The LEAs seek the organizations that meet the criteria that will allow them to receive all the funds made available. These organizations many times because of how they are constructed to yield the highest numbers of enrollment target the specific populations thus furthering segregation(Bonastia,2015).
<b>Analysis</b>	The families served by the LEA and subsequently by the organizations chosen are the most marginalized and thus they see the reformers as a part of what they hope is a solution (Frankenberg & Siegel-Hawley, 2009).

<b>Policy</b>	Using the funds for this grant, as described in the State’s budget and accompanying budget narrative, to accomplish the State’s plans and meet its targets, including, where feasible, by coordinating, reallocating, or repurposing education funds from other Federal, State, and local sources so that they align with the State’s Race to the Top Sample Population(s)
<b>Interest Convergence</b>	The most significant political advances for blacks resulted from policies which were intended and had an effect of serving the interest of whites(Bell,1980)
<b>Segregation</b>	RTTT rewards states who have passed charter laws with additional funds and provide incentives for them to continue with their growth. This makes it easier for CMOs to enter cities where the poverty is high, target people of color, and schools listed as “low performing”. They then start a school/schools with the intent of building a network of schools to get to sustainability. (National Alliance for Public Charter Schools, 2015)
<b>Analysis</b>	If charter schools are viewed as the answer or at least part of the solution to all that ails public education by both education reformist and many parents in marginalized communities, a policy that expands their numbers definitely is a convergence of interests(Stulberg, 2008).
<b>Policy</b>	(b) Other critical stakeholders, such as the State’s legislative leadership; charter school authorizers and State charter school membership associations (if applicable); other State and local leaders (e.g., business, community, civil rights, and education association leaders); Tribal schools; parent, student, and community organizations (e.g., parent-teacher associations, nonprofit organizations, local education foundations, and community-based organizations); and institutions of higher education.
<b>Interest Convergence</b>	Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts(Bell,1980)
<b>Segregation</b>	All major educational stakeholders within the state and subsequently the LEA of the specific districts have agreed to the tenets in order for this to flow. The groundwork of partisanship across party lines and grassroots connectivity is extremely strategic and effective. It clouds the segregational outcomes because of the cross arty support and funds being given to the LEAs (Rotberg, 2013).
<b>Analysis</b>	The power in all the stakeholders seeming to agree to this is classic convergence. The reality that it is supposed to impact blacks and

	minorities does not affect the position of whites as they see it as win as well(Milner, 2008).
<b>Policy</b>	<p>Improve student outcomes overall and by student subgroup since 2003, and explain the connections between the data and the actions that have contributed to</p> <p>(a) Increasing student achievement in reading/language arts and mathematics, both on the NAEP and on the assessments required under the ESEA;</p> <p>(b) Decreasing achievement gaps between subgroups in reading/language arts and mathematics, both on the NAEP and on the assessments required under the ESEA; and</p> <p>Results/ Conclusions</p> <p>(ii) Support its LEAs in turning around these schools by implementing one of the four school intervention models (as described in Appendix C): turnaround model, restart model, school closure, or transformation model</p>
<b>Interest Convergence</b>	Poor whites gain little in opposition of improvement of educational opportunities for blacks. Needs differ very little. Over time all reap the benefits (Bell, 1980)
<b>Segregation</b>	This policy provides and support for LEAs committed to “fixing” schools. Charters pride themselves in believing that if given the autonomy to control the intervention models they can achieve amazing results. When we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment. As these models can only be used on 50% of the schools within the LEA. The first schools chosen are all in urban communities (Renzulli ,2006).
<b>Analysis</b>	The lowest performing schools are primarily the schools being attended by black and brown students. The resources being allocated to serve them guide the decisions of Charter school organization on placement and it gives poor parents the feeling that they are receiving “choice”( Renzulli,2006).



Table 3 (Continued)

Race to the Top (RttT)

<p><b>Policy</b></p>	<p>F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools The extent to which— The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;</p>
<p><b>Interest Convergence</b></p>	<p>Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts (Bell,1980).</p>
<p><b>Segregation</b></p>	<p>Charters are viewed as a real viable solution and conditions have to be altered to ensure they survive. CMOs are attracted to these states and the schools they start are in high poverty areas that serve in many cases low performing students. Unrestricting the amount of charters that can be opened within a state has implications that push segregation. The very nature of the way the policy is written keeps these schools from opening with diverse populations as the target (Rotberg,2013)</p>
<p><b>Analysis</b></p>	<p>Reformers aim to increase autonomy and make education market based, the more affluent schools’ districts and communities have little need to entertain this and this is the quickest way to push the agenda through low-income neighborhoods. Parents in these neighborhoods want better education choices so an LEA being rewarded by the FEDs for having high poverty is a win for both, this is the epitome of interest convergence (Henig, 1994).</p>
<p><b>Policy</b></p>	<p>iii)The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools.</p>

Table 3 (Continued)

Race to the Top (RttT)

<b>Interest Convergence</b>	Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts (Bell ,1980)
<b>Segregation</b>	Charters are encouraged to serve populations that are like the local district. The funds are earmarked for specific types of schools that serve for the most part black and brown students. The policy seems to intentionally segregate under the guise of defacto segregation (Ni, 2007); Mickelson, Bottia & Southworth (2008).
<b>Analysis</b>	The lowest performing schools are primarily the schools being attended by the black and brown students. Thus, the resources being allocated to serve them guide the decisions of Charter school organizations on placement and it gives poor parents the feeling that they are receiving “choice” (Renzulli ,2006; Mickelson, Bottia & Southworth, 2008).
<b>Policy</b>	v)The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools.
<b>Interest Convergence</b>	Poor whites gain little in opposition of improvement of educational opportunities for blacks. Needs differ very little. Over time all reap the benefits (Bell, 1980).
<b>Segregation</b>	RttT was truly born out of NCLB. This part of the policy again creates optimal opportunity for charters. Providing facilities leverage is equivalent to that of the traditional district is a concern. We must realize that charters are privately run with government dollars.
<b>Analysis</b>	If charter schools are viewed as the answer or at least part of the solution to all that ails public education by both education reformist and many parents in marginalized communities, a policy that gives them facilities leverage and flexibility, expands their numbers and is a convergence of interests (Stulberg, 2008).

## **Selection Process is Based on Policy –“The New Deal”**

Race to the Top (RttT) provides similar fuel to the charter movement as NCLB. It specifies that states will get special consideration for the funding if it targets certain schools. This focus on certain schools within the LEAs compels charter operators to open schools that segregate even more the already segregated schools that exist and are targeted, by policy, for improvement policy (Mickelson, Bottia & Southworth, 2008). For instance, RttT specifies using a variety of funding to accomplish state academic plans and further encourages states to realign education funding to compare with the RttT targeted grant funding population. The language used states “Using the funds for this grant, as described in the State’s budget and accompanying budget narrative, to accomplish the State’s plans and meet its targets, including, where feasible, by coordinating, reallocating, or repurposing education funds from other Federal, State, and local sources so that they align with the State’s Race to the Top Sample Population (Race to the Top Legislation, 2012).” With federal policy encouraging greater amounts of funding to be used for a marginalized group for a particular type of school (charter schools) is the continuation (from NCLB to RttT) of funding being used leverage and further segregate students. RttT unequivocally, demand that states provide greater funding to and for the increase of charter schools and in doing so they (states) receive additional federal funding (i.e. RttT funding). As the number of charter schools increase, so does segregation because the increase is based on certain types of schools becoming charter schools (i.e. academically struggling, need improvement and corrective action schools) and as previously stated these schools are populated, overwhelmingly populated by low-income students of color. Thus, the policy encouragement from RttT and the incentive funding given to states/LEA fosters segregation.

Parents see the attention to their schools as a step in the right direction toward quality and reformers see the policy as a blueprint to approval and replication. Education policy that creates charters specifically to address the needs of schools outlined in RttT legislation is the first point of segregation outcomes. The policy (i.e. NCLB, RttT) is then implemented in a way, by charter operators, that address grant criteria and in addressing and satisfying grant criteria segregation of students by race and class is the outcome. Continually, in this country, by and large the students who are the lowest performing, and have the greatest need in America are students of color (Frankenberg & Lee, 2003). This savior mentality is grounded in entrepreneurial ideologies is perfect for the intersection of these tenets and create further segregation with little to no real push-back from the families whose children attend these schools. Again, families see attention being given to their schools (i.e. immediate gratification) and not necessarily long-term damage that could occur.

The Charter school movement as a definitive solution to the challenges that are pertinent to education are reinforced continually in RttT. It outlines what the charter applications submitted to the LEAs and subsequently to the state will be evaluated on. The Secretary is particularly interested in applications that include “practices, strategies, or programs to improve educational outcomes for high-need students.” Particularly interesting, are “proposals that support practices that improve school readiness (including social, emotional, and cognitive). Proposals with a recurring theme which identifies the students the policy has earmarked dollars to served are highly favored students. Naturally, these students are “poor black and brown non-white students whose families have been traditionally marginalized.” Throughout this country, the term high need is associated with poor, black, brown, non-English Language. The deeper the critical analysis of the legislation reveals that RttT is aimed at specific subset of students. And

these students are a staple of the selection process where segregation is embedded. This group of poor black and brown non-white students whose families have been traditionally marginalized are oddly enough truly supposed to benefit greatly from this (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996). To be clear, as with any movement or initiative there are several great stories attached to targeting these subsets of the students. However, it does not alter the fact that the selection process overall is driven by racist ideology. An ideology that overtly and subliminally encourages charter schools to open schools that by policy promulgates further segregation.

### **Convergence**

Both the dominant group which consist of the education reformers and marginalized groups of color acknowledge these incentives offered by the Federal government as a key to having their agendas addressed. In the absence of threat, middle/upper middle-class whites superior status is permissible and false racial equality approved (Bell, 1980) More resources aimed at achievement and school improvement are parentally echoed. While reformers see it as an opportunity to acquire additional funding as they tout their innovative approaches to schooling (Renzulli, 2006). Parents and advocates of marginalized impoverished communities see this as addressing their cries for help, equity and equality welcoming the Charters into their communities. Reformers are seen as saviors by many of the schools. These schools are on the verge of closing, this is dangerous and not suitable (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996). When all stakeholders agree with no impact to the status and position of the dominant group, this produces commitment to the initiative (Milner,2008). Judicial conclusions

or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts (Bell, 1980).

## **Segregation**

All major educational stakeholders within the state and subsequently the LEA of the specific districts have to come into agreement with the tenets for free flow of this imbedded ideology. The groundwork of partisanship across party lines and grassroots connectivity is extremely strategic and effective. It clouds the segregational outcomes because of the cross-party support and funds being given to the LEAs (Rotberg, 2013). This policy provides supports for LEAs committed to “fixing” schools. Charters pride themselves in believing that if given the autonomy to control the intervention models they can achieve amazing results. When we combine local school district practices with state policies, coupled with any amount of parental dissatisfaction the result is black student charter school enrollment. These models can only be used on 50% of the schools within the LEA. The first schools chosen are all in urban communities (Renzulli, 2006). The intention of the grant funds has essentially driven the plans of the education reformers. The LEAs seek the organizations that meet the criteria that will allow them to receive all the funds made available. These organizations many times because of how they are constructed to yield the highest numbers of enrollment target the specific populations thus furthering segregation (Bonastia, 2015).

## **Funds are Earmarked for Specific Subgroups- “Educational Jim Crow”**

As its forerunner, NCLB placed an emphasis on subgroups for earmarked funds. RttT rewarded states for the subgroup emphasis. For instance, RttT grantees should “improve student outcomes overall and by student subgroup since at least 2003, and explain the

connections between the data and the actions that have contributed to improvement” (RttT, 2012). This aspect of the policy is highlighted because of the emphasis on subgroup improvement, which is similar NCLB language. The reality is that without student and school selection policies, the reform movement with its entrepreneurial ideologies would be relegated to trying to convince the nation and smaller communities that their schools are better. States with cities of concentrated populations of poverty, low performing schools and high populations of ELL students appear to be breeding ground for national charter operators (Henig, 1994). These operators are designing and implementing charter schools based on certain students-- low-income students of color who are behind other or lacking in reading and math attainment as measured on standardized testing. The exact RttT school and student selection language notes “decrease achievement gaps between subgroups in reading/language arts and mathematics, both on the NAEP and on the assessments required under the ESEA law. Parents and advocates of marginalized impoverished communities see this as addressing their cries for help, equity and equality thus there is a welcoming of the Charters into communities (Renzulli 2006). The systemic issues stemming from slavery, Jim crow and the civil rights era have either directly and indirectly caused all the issues with the low performance of schools and empowered poverty. Consequently, marginalized people of color are the impetus for this legislation. Without these historical chains of oppression, the policy has no teeth to target the subgroups. The students that states receive the most money for are either poor or students of color. Charter school student and school selection processes, in part due to the huge funding, is the not so intentional/intentional policy that is furthering segregation through the education reform movement.

Race to the top has had a significant impact on the national political discourse around education and pushed many states to propose or enact important policy changes, particularly around charter schools. The power behind its implications on segregation are an extension of its predecessor, NCLB. The bases of the RttT funding is designed to improve student outcomes for all students. The law states, in collaboration with its participating LEAs, states will use Race to the Top and other funds to increase student achievement, decrease the achievement gaps across student subgroups, and increase the rates at which students graduate from high school prepared for college and careers (Rotberg, 2013). A deeper look at RttT policy, its funding and its stance on expanding charter schools reveal the impact of how charter schools further segregation. The targeted funds are aimed at non-white subgroups. “Decreasing the gap is a comparison of the non-white student to that of the white students in America.” The earmarking of funds specifically designed for the “other” subgroup of students sets the ground work for the rules of engagement used by charter schools to identify communities, schools and students purposely to create, start and recruit for their organizations. Identifying, through policy, which students will be given priority for the allocation of funds to the LEA’s is a light house to charter operators that are opportunistically deciding which environments make the most sense to start their growth.

The difference between the local and national operator is that the former normally applies for a single site to address issues of concern to the community and a national operator or “chain” operator has multiple schools across the country and has a business model to sustain.”

## **Convergence**

The plight of schooling in America has historically been separated based on race. The education reform movement has entered the landscape and uniquely tied the interest of all stakeholders into palatable balance. Black and brown parents who have historically not received



the type of allocations for equitable resources in schools recognize these new policies as a potential move toward equality through equity. Reformist utilize the policies to plan and ensure acceptance and potential replication. There is a synergy as they are both cued into the potential of the policy addressing their issue. The lack of any negative unintended consequences for middle/upper middle-class whites helps to strengthen this growing movement.

Judicial conclusions or remedies if granted will secure, advance, or at least not harm societal interest deemed important to middle and upper-class whites. Racial interest if it meets this criterion may be deemed important by the courts (Bell, 1980). The lowest performing schools are primarily the schools being attended by the black and brown students. Thus, the resources being allocated to serve them guide the decisions of Charter school organizations on placement. It also masks itself as choice for parents living in poverty. Renzulli (2006) contends the families served by the LEA and subsequently by the organizations authorized by the LEA tend to be those most marginalized and thus they see the reformers as a part of what they hope is a solution (Frankenberg & Siegel-Hawley, 2009).

## **Segregation**

Charters are encouraged to serve populations that are like the local district. The funds are earmarked for specific types of schools that serve mostly black and brown students. The policy seems to intentionally segregate under the guise of defacto segregation (Ni, 2007). A CMO would be practicing great business tenets to select LEAs who are adhering to this policy. Then, determine based on this criterion what area to target the opening of a school to get the results needed for replication (Rotberg, 2013). The creation of charters specifically to address the needs of this population centralizes the segregational outcomes of these policies. By and large the

students who are the lowest performing and have the greatest need in America are students of color (Frankenberg & Lee, 2003).

**Creates a focus and extension on racism and as the rapid growth of the movement is predicated on these- “Manifest Destiny Reloaded”**

The fact that these policies (i.e. RttT) does not negatively impact whites alleviates concern of implementation that creates segregation and capitalizes on the convergence of the thoughts of consenting parties. Not only is there not a negative impact on white citizens, there is a reward, because most charter operators are middle and upper middle class white citizens. These operators benefit from federal policies that allow them to capitalize on funding for school related budget items such as facilities. For example, States provide charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements); assistance with facilities acquisition; access to public facilities; the ability to share in bonds and mill levies; or other supports and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools (RttT, 2012). The policy clearly states that “they” will ensure the success of charters to satisfy the states demands through RttT (Renzulli, 2006). There are additional funds set aside for facilities and charters as an innovative approach to intervention that can help states to reach their goals. With the federal government providing encouragement and financial incentives such as a facility, one could say many white citizen’s benefit from charter schools and the expansion of them.

The growth of educational reform is steeped with the interest of venture capitalist and entrepreneurs. People that are not representative of the targeted student population that the legislation targets are receiving the most benefit. That said, the political landscape has been

painted with bipartisan support for the growth. The inevitability of segregation being a by-product is not a concern for everyone, parties have systematically converged therefore they are not alarmed by policies that perpetuate inequality and segregation. The growth that is policy driven as states are rewarded for approving charters have targeted certain subgroups, inside of certain schools, in specific neighborhoods would be impossible without the power of this legislation (Stulberg, 2008). Without the structure of the RttT policy, the intentionality of selection would be non-existent. Segregation would not be so immediately evident. Yet, we have a federally driven policy that allows this method of school selection, students and neighborhoods for conversion from traditional public schools to charter.

States that have decided to use RttT policies and create their own version to start charter schools, have done so understanding the costs (i.e. understanding they hyper segregation of students). The language used in the policy prohibit caps on number of charters and student enrollment in charters. In order to receive the federal funds, states have to implement these type of policies to push charter school growth. Growth of charter schools is the goal of all RttT legislation (National Alliance for Public Charter Schools, 2015). Over the last 25 years, irrespective, of the political party in control of Congress or the President, the policies created were created with growth of charter schools in mind. The wording in the Obama's administration RttT clearly states "The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the state, measured (as set forth in Appendix B) by the percentage of total schools in the state that are allowed to be charter schools or otherwise restrict student enrollment in charter schools.

Resulting in a demand for growth, charter schools adhere to what the states are looking for as it relates to their comprehensive education plans. Then, through policy provided channels for growth based on convenient criteria that capitalizes on their rationale for initially opening. States support participating LEAs in successfully implementing the education reform plans, through activities such as identifying promising practices, evaluating these practices' effectiveness, ceasing ineffective practices, widely disseminating and replicating the effective practices statewide. Essentially once an operator is approved by the LEA and state, their adherence to policy to address when they applied for will become their rationale to replicate (National Alliance for Public Charter Schools, 2015). Charter schools are growing at enormous speed, predicated on these policies ensuring replication and growth which in turn exacerbates segregation exponentially. Charters determine what states they are willing to work in based on these kinds of optimal policies. It is an illogical business practice to locate your business in an environment where optimal growth is not undergirded by policy and funding.

To accomplish the states' goals and adhere to the plans that afforded them the opportunity to take advantage of the federal dollars that come with this, the state is willing to do whatever is necessary. This is key because plans for achieving the goals have the expansion of charter schools as one of its goals. Reallocating and/or repurposing funds to ensure the goal is met is a stark reality of what has to take place to comply with the policy (Stulberg, 2008). One of the loudest outcries of traditional public school proponents is that Charter schools take money from the local neighborhood schools. Although this is a viable concern, it pales in comparison to the reallocating and repurposing of funds to be earmarked for charters well before the students end up attending a charter school. The reality is that even if a charter opens in a neighborhood, if the schools in that community are loved, respected, safe, and are providing a quality education

they don't lose enough students to radically impact the BEP allotments for providing the supports needed. However, if funding never gets to the school based on an aggressive campaign to ensure a healthy charter growth environment it is far worse (Bell, 1980). The secretary shall adhere to using the funds for this grant, as described in the State's budget and accompanying budget narrative, to accomplish the State's plans and meet its targets, including, where feasible, by coordinating, reallocating, or repurposing education funds from other Federal, State, and local sources so that they align with the State's Race to the Top Sample Population(s) (National Alliance for Public Charter Schools, 2015).

Race to the top goes a step further as it relates to ensuring that the growth is seen as a bipartisan by asking for full commitment from all stakeholders involved. One of its tenets requires approval from a diverse group of folks throughout the state and within the local LEA's (Milner, 2008). One of the issues that face the Charter movement is the pushback and outright distaste that traditionalist, long time public educators and teacher unions have against them. To enact policy, that creates in appearance a strategic enough plan that provides narrative around widespread support exemplifies their commitment to Charters as a solution and RttT policies commitment to seeing them grow (Rotberg, 2013). The work that it takes to have influence on enough stakeholders of decision making and authority level speaks to the belief that this growth is what is needed for long term success. But, we have come to understand this commitment to growth compromises diversity and further segregates students.

School closures for lack of performance is a new phenomenon. Since the inception of assessments and accountability as the buzzwords for this new era of education, the idea of closing schools for not meeting certain criteria had been discussed. RttT outlines this as a reality. With the understanding that Charter school growth is indeed a goal of legislation, school

closures have a slight sinister feel. Specifically, when school closings are replaced with a charter school or a charter school opens in or around the neighborhood of the closure (Renzulli, 2006). The not so farfetched privatization conspiracy/theory gets a huge jolt in these situations. RttT does outline several other solutions that can address an underperforming school, however, the fact that schools are being closed and replaced to some extent by charters raises the brow of all those concerned about the future of public education and this direction toward privatization. In line with our segregation themes it speaks to charter school growth as an extension of racism. The schools that are targeted for closure are often located in poor neighborhoods attended by black and brown, nonwhite students. The fact that they are closing and then students are being shuffled around based on the target data that earmarks money for them specifically.

Perhaps the mother of all of the RttT legislation, are the policies that ensure successful conditions for operating charter schools and does not prohibit the number of charter schools approved or restrict the number of student that can be enrolled by charters (Rotberg, 2013). We have spoken of growth but to have policy that protects a cap free explosion regardless of surrounding conditions is criminal. Charter work itself is challenging just like traditional public schools. Giving free reign to entrepreneurs and venture capitalist to essentially open as many schools as they are capable of pending time is counterproductive to the plans of academic success. Creating these optimal conditions with total autonomy coupled with no limit creates a space that is hard to enforce accountability. Resulting in opening more charters than necessary and when the performance is not what you need as it aligns to the states goals you have challenges deciding what to do them. Consequently, schools have to be closed for the same reason they were created and opened because they were not meeting the state's expectations.

The depth of support that RttT, receives to support and ensure charter school growth is enormous. They clearly, thought through the facilities or lack of facilities challenge for charters from a pro-growth and ultra-healthy conditions for optimal charter school success lens. The policy states: The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports. As schools around the country in struggling impoverished communities are being closed RttT is providing a bridge of success for charter schools to be able to open in new facilities (Stulberg, 2008). Often, the rationale for closure is grounded on funding due to floundering enrollment numbers which greatly impacts the ability to operate the school in a fiscally sound way. This prudent thought is acceptable, until policy reveals the truth about the funds for what they believe in. Per RttT, charter schools are being driven towards growth, which creates increased segregation in schools.

### **Convergence**

If charter schools are seen as the answer or at least part of the solution to all that ails public education by both education reformist and parents in marginalized communities, then policy gives them facilities leverage and flexibility to expand their numbers and is a convergence of interests (Stulberg, 2008). This part of the policy creates optimal avenues for charters to work. The intentionality around growth of this section of Ed reform with little to no pushback from parents underlies the present convergence. Charters are viewed as a viable solution and conditions have to be altered to ensure they survive. CMOs are attracted to these states and the schools they start are in high poverty areas that serve low performing students. Unrestricting the amount of charters that can be opened within a state has implications that push segregation. The

policy guides a plan contrary to diversity because funding is earmarked for student that are primarily minorities (Rotberg, 2013). However, interest convergence relies on one group gaining yet not to the detriment of the dominant group. Bell (1980) affirmed that incentives offered by the fed gov't allows both groups to see opportunity aligned to their specific agendas (Renzulli, 2006).

## **Segregation**

Charters are regarded as a real viable solution and conditions have been altered to ensure their survival. The very nature of the way the policy is written keeps these schools from opening with diverse populations as the target (Rotberg, 2013). RttT was truly born out of NCLB. Providing facilities leverage that is equivalent to that of the traditional district is a concern. We must realize that charters are privately run with government dollars. RttT rewards states who have passed charter laws with additional funds and provide incentives for them to continue with their growth. This makes it easier for CMOs to enter cities where the poverty is high, target people of color, and schools listed as “low performing”. They then start a school/schools with the intent of building a network of schools to get to sustainability (National Alliance for Public Charter Schools, 2015).

## **Cross Analysis**

Further analysis of this work is interesting. The cross analysis of No Child Left Behind (NCLB) and Race to The Top (RttT) is revelatory. Their similarities are noteworthy, but there are major differences in how they accomplish their mission. For this cross Analysis, an analytical look was completed to determine how each policy furthers segregation in a fundamentally strong



logical way. When analyzing them separately we connected three distinct themes that drove the “why” behind their impact based upon on the research question of, “How do charter schools further segregation? The three themes revealed are as follows:

1. The selection process is based on policy- The New Deal
2. Funds are earmarked for specific subgroups- Educational Jim Crow
3. Creates a focus and extension on racism as the rapid growth of the movement is predicated on these-Manifest Destiny Reloaded

NCLB the mother of the two policies built its “why” around impacting student achievement. It is a federal law that provides money for extra educational assistance for poor children in return for improvements in their academic progress (Rotberg, 2013). The above definition of what NCLB gives insight into the “why” of this legislation. Additionally, NCLB took on its current structure. In its inception, it was rooted in racist ideology. Some would argue that the additional funds earmarked for the poor is a step in the right direction (Bell, 1980). To the contrary, it opens the door to children and communities of color living in poverty to become “profit” for entrepreneurs that have attached themselves to this legislation for profit-making purposes (Henig, 1994). This legislation aims at identifying as many subsets of poverty and lack of performance students as possible and creating some form of incentive for the states to produce a plan that will address it. Further, NCLB is an actual mandate for the entire country. There was no wiggle room for states, although, the individual plans may be different but as a whole each state has to adhere to this as the “Bible” of Public education (Bloomfield & Cooper, 2003).

Innovative strategies and comprehensive reforms are the initial drivers to impact student achievement of the students. They are to impact the lowest achieving schools and the schools that have the greatest need. The state is required to make a list available of the schools that meet

a specified criterion, along with the percentage of students who attend and whose family income is below the poverty line. Each policy of the legislation is driven by this ideology of supports for the poor. Segregation becomes a by-product of the policies impact on the system. Interestingly, given that educational equality, whether financial or programmatic, has not occurred in this nation, the perpetuation of educational policies that have the effect of further dividing society is troubling (Rotberg, 2013).

NCLB repeatedly pushes a strategic national policy that creates division. The focus on poverty could be valuable if there was an attempt by NCLB and state legislated charter school authorizers to ensure charter schools adopt some measure of racial integration (Ni, 2007). However, there is no such intentionality and as a result charter schools use the additional resources as a carrot stick to determine the students, schools, and communities they wish to operate. The financial aspect cannot be overlooked because it cloaked to hide behind policy. Charter schools cannot operate without adequate funds. The funds primarily come from enrollment. The most optimal enrollment potential with the highest return based on the policy are poor children (Miron, Urschel, Mathis & Tornquist, E, 2010). Furthermore, the policy it is not advantageous for Charters to recruit from districts or neighborhoods that don't have an overwhelming number of poor students. It is not cost effective and does not yield a return on time investment.

In general, (Frankenberg & Lee, 2003) findings indicate that, though many states have laws that require compliance with school desegregation orders or mandate specific racial/ethnic balance in charter schools, there is little serious effort to ensure racial balance. So to be clear, the policy which identifies poverty as the target manifests itself in the choices that the Charter Operators make when selecting students, thus pushing segregation. Concerns about racial

isolation are largely absent from conversations about charter schools. Instead, access to school choice is now recast as a civil rights issue (Frankenberg, & Siegel-Hawley, 2009).

NCLB uses terms like corrective action and restructuring that all are targeted at a specific subset of schools and communities. As previously mentioned, this is poverty driven legislation for education. These corrective action measures are doorways for charter organizations, as they create plans and submit applications based on the perceived need of the targeted population (Holt, 2000; National Center for Education Statistics, 2014; Orfield, 2010; Scott, 2012; Task Force on the Education of African American Students, 1996). With 95% of all the grant funds being allocated directly to local educational agencies for schools identified for school improvement, corrective action there's little doubt why furthering segregation is not on the brow of the reformers who are more entrepreneur than educator.

It is crystal clear who this policy's funds are earmarked for. The outcomes that specifically are to be measured for improvement of economically disadvantaged students, students from major racial and ethnic groups, students with disabilities; and students with limited English proficiency is a clear indication of choice without equity (Charter School Segregation and the Need for Civil Rights Standards, 2012). The most privatized or deregulated charter school legislation is more likely to have charter schools that are racially isolated. States as the overseer of charter schools and oftentimes the sponsor, are in the best position and hold the responsibility to impact racial isolation. The policy drives the decisions of those entrusted to do the lion share of the work to impact students identified by NCLB. The results should not be a surprise, given the options the legislation provides for charter operators (Renzulli, 2006). Also, the ability to file for a desegregation waiver is compromised. Waivers for desegregation plans can be requested thus, alleviating any unlawful consequences for the segregation practices of the NCLB driven

(education should be spelled out) reform practices (Wexler & Huerta, 2000). The decisions of Brown overturned by a waiver going unchallenged is perplexing. Perhaps the earmarked funds for people in poverty serves as a blinder to the racial isolation that this perpetuates.

Race to the Top's impact on segregation is centered on its commitment to the growth of charter schools. The policy is dominated with intentionality to ensure the proper conditions for a healthy charter school environment is steadily supported, if not rapid growth. The Race to the Top legislation was a competition. It was not a mandate but was made possible by NCLB. To that end, the cross analysis takes on an interesting path. States were not required to comply but states who decided to submit applications to enter the competition had a clear goal. Unlike NCLB, whose primary goal was to leave no child behind (i.e. raise student achievement by allocating resources to students in poverty). However, states applying for and being accepted to take advantage of the 4 billion dollars made available through RttT where 100% pro charter schools (Frankenberg, & Siegel-Hawley, 2009). The intent of their application was to increase the number of charter schools in their state and thus push the movement in America as a whole. Thereby, exponentially furthering the racial isolation practices associated with the movement. District competition invited applicants to demonstrate how they can personalize education for all students in their schools (Rotberg, 2013). As we have learned, the rhetoric of the rationale was powerful: LEAs will make equity and access a priority and aim to prepare each student to master the content and skills required for college- and career-readiness; provide each student the opportunity to pursue a rigorous course of study; and accelerate and deepen students' learning through attention to their individual needs. Each state may have seen the road to accomplish the last statement in different ways but there was always one shared thought of action, Charter schools as a major answer to any solution for reform.

The overt intention of this competitive grant driven policy designed to impact student achievement through the growth of charter schools, capitalizes on the groundwork laid by NCLB, which is starting the flow of funds to be intentionally more committed to students in poverty. From this vantage point, the growth of charters is a natural fit. States had to decide what they were willing to align with to win. Reallocating and repurposing funds for adhering to the policy to win the grant was essential (National Alliance for Public Charter Schools, 2015). One of the most interesting aspects of the expectations of the policy was to support its LEAs in turning around these schools by implementing one of the four school intervention models: turnaround model, restart model, school closure, or transformation model i.e. school closures (Renzulli, 2006) These intervention models would become the breeding ground for charter operators. The rapid growth of Charters needed a narrative of ineffective schools, a narrative of school closures, a narrative of school reform led by charter schools is the answer. These interventions made recruitment easier, allowed charters to take over existing schools, and start schools in neighborhoods where there were low performing schools with high poverty enrollment. Without this new narrative that was being portrayed, parents would have had no reason to ever question the neighborhood school (Bell, 1980). RttT states made a commitment to communicate to parents the issues schools were facing. They had to help parents to understand that they might close the school or use some other intervention model. Over time, the belief in the traditional public school was not as strong and as a result it made it easier for the “Aliens” (outsiders operating charter schools) to come into communities with people who they don’t look like or know and operate schools.

Growth of charter schools was so important to this policy that the policy outlined the prohibition of placing a cap on the number of charter schools and enrollment limits. This is a

hardline approach to an issue, in most states this is debatable and settled. In states where there was a charter law, there was generally a limit on the number of charters that could be opened annually (National Alliance for Public Charter Schools, 2015). Namely, this was part of the criterion that a state would need to adhere to ensuring policy compliance.

These states essentially agreed perpetuate segregation through an understanding of the impact that the policy would have based on the actions they would be forced to take to receive the funds (Bell, 1980). Also, the states needed to take an optimal stance on how charter schools access facilities. Previously mentioned, ensuring facilities is extremely important to spurring growth. Facilities are the greatest barrier to charter growth and sustainability. States provide charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements); assistance with facilities acquisition; access to public facilities; the ability to share in bonds and mill levies; or other supports and the extent to which the state does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public school (Stulberg, 2008).

Both policies born out of the desire of the people to see an improved educational system, better outcomes. They both have, whether intentionally or unintentionally furthered segregation in schools in America through their policies. Unfortunately, leading to the rise and growth of Charter schools. The focus of NCLB was finances earmarked for children in poverty to close the proverbial achievement gap, while the greatest intent of RttT was to spawn a heightened growth in charter schools. The result is the creation of new civil rights issues for our time. It is important that the government does not exacerbate the problem of segregation by ignoring the unintended consequences of its policies. The risk is an increasingly divided public educational system (Rotberg, 2013).

## **Letter-A Call to Action**

Good Morning-

It is such an honor and privilege to be here to share with you today. Principals, teachers, faculty, staff, school board members and other elected officials, I thank you for the opportunity to be here. Lastly, I want to give the loudest and most appreciative thank you to the main reason for my being here today. Parents..... A special, heartfelt thanks to the parents who are here today. The parents that entrust their children to those of us in Education and expect us to serve them as if they were our own: motivating, educating, and empowering them daily to strive for social and academic excellence. Thank you all for being here today.

Education Reform has become a huge topic for us here in this city over the past few years. Recently with the newly elected President and his Secretary of Education Betsy DeVos, it has reached a feverish pitch nationally as well. What do you feel about school choice? Where did this phenomenon come from? How is it impacting Education in our city?

Many of you are familiar with the No Child left behind legislation of the Bush Administration as well as the Race to the top legislation under the Obama administration. They both ushered in an era of policy driven by support around education reform.

Now some of you may still be saying, what exactly does he mean, when he says school choice. I took my child out of the neighborhood school and enrolled in the optional school because of his grades. Is that the kind of choice he is referring to?

No, the school choice that I'm referring to is charter schools. Charter schools are a huge part of the legislation that has been enacted with both NCLB and RttT. In fact, these two pieces of legislation have single-handedly changed the entire landscape of public education as we know it.

Brown v. Board of Education pushed the country to desegregate schools. As a result, white people opted out of public schools that were to be integrated by sending their children to private schools and by moving away from the areas that were to be integrated. You cannot legislate emotions and feelings about where parent send their children to school. They will find a way to get around it. As these folks did during this time.

I mentioned Brown v. Board of Education earlier because I am going to make the case, today that through the policies created by NCLB and RttT, America's schools are more segregated now than ever in America.

It started with The No Child Left Behind Act of 2001. It supported standards-based education reform based on the premise that setting high standards and establishing measurable goals could improve individual outcomes in education. In essence, it called for a plan that would leave "No child behind" in academic achievement in schools in America.

On its surface, many of these ideas seem to answer the challenges facing public education. It constituted:

1. Incentives for local and state agencies to implement educational reform
2. Incentives to serve the lowest achieving schools
3. Incentives for those who demonstrated the greatest need
4. Incentives for serving students of poverty
5. Make publicly available a list of those schools that have received funds for students from each school from families with incomes below the poverty line.
6. Gave priority to districts showing a commitment to serve those schools.



7. Ensured that 95% of the funds go to “these types of schools” and to the schools that serve this particular subset of students.
8. Encouraged alternative governance
9. Provided funds for planning and implementation for charter schools
10. Encouraged the expansion of the number of charter schools.

The law makers never thought about the impact this would ultimately have on further segregating schools. How? Well, the policy did three things that enabled segregation:

1. Created a selection process for the schools to be impacted by this legislation that Charter schools would be compelled to follow based on policy
2. Provided funds that are earmarked for specific subgroups through the policy that Charter operators cannot help but attempt to take advantage of
3. Creates conditions for the rapid growth of the movement, thus, creating focus and extension on racism

To be clear, I want you to understand we are speaking from the standpoint, “How Charter schools through the policies of NCLB and RttT are helping to further segregation”. Remember the choice movement, previously mentioned? As we dig deeper, it does not feel like choice when we realize that the result of the policies, that charter schools created schools, recruited and targeted the students that the policy identified. The students identified by the legislation were disproportionately black, brown and poor. I can’t say that NCLB was intentionally attempting to take us back 60 years but the lack of foresight in unintended consequences could be. This causes pauses and wonder. Yes, NCLB set the table for a new wave of Educational reform that we all had to figure to make sense of it and its impact.

Just as we were settling into NCLB, the Obama Administration enacted Race to the top. The 2012, RttT program supports bold, locally directed improvements in learning and teaching that directly improve student achievement. Like its predecessor, it sounds exciting on the surface and appears that we will undoubtedly reap benefits from this plan as it trickles down to the states.

Race to the Top called for:

1. Funds to decrease gaps across subgroups
2. Repurposing and reallocating federal and state funds for the purpose of states RTTT plans
3. Supporting LEA's in turnaround model, restart model, school closure, or transformation model
4. Successful conditions for operating Charter schools
5. States not to prohibit or effectively inhibit increasing the number of charter schools
6. The State provides charter schools with funding for facilities

Earlier, I spoke about not believing that the creators of NCLB understood the potential outcomes.

With RttT, I think it is clear that their main goal was to increase the number of charter schools.

The conditions created by the policy is an open invitation to charter operators around the country. In fact, I argue that the legislation is so clear and strongly linked to charter school growth that it may one day be considered the legislation that not only birthed privatization of education, but also nursed it and helped it grow into a formidable opponent to traditional public schools. As was the case with NCLB. The actions from this policy is furthering segregation in the same three ways:

1. Created a selection process for the schools to be impacted by this legislation that Charter schools would be compelled to follow based on policy
2. Provided funds that are earmarked for specific subgroups through the policy that Charter operators cannot help but attempt to take advantage of
3. Creates conditions for the rapid growth of the movement, thus, creating focus and extension on racism

Ladies and gentlemen, schools, students, and neighborhoods are being targeted based on race; poverty for closures; charter recruitment and charter new starts. The very nature of this should be alarming; simply because, it is not inclusive enough to warrant justification for federal funding. I am shocked that white people have not pushed for the inherent racial implications around redistributions of funds. Unless there is intentionality around how the policy is written, this will only get worse. If diversity is not considered as future policy is crafted this will spiral out of control with segregation of privatized schools (charter operators). It is our responsibility to call them out on what these policies have caused! They need to know that you know the data and that you know what is happening. We must remove bought and paid for officials that will not fight for the issues we deem necessary. Or, fight for the future of public education and the fabric of American society as we know it. Education is the Civil Rights movement of our time. How will you remember it? What will you say you did to impact it positively? Even more so, do you embrace your place in this watershed moment in history? Are you ready to fight and do what it takes to leave a legacy of excellence? It starts with us stemming the tide on this charter movement and its impact on segregation.

Thank you for your time today!

## Chapter 5

### Conclusions, Implications, and Recommendations for Future Research

The three findings all connected to historical policies that had a negative immediate or future impact on non-white people in America:

1. The selection process is based on policy- The New Deal
2. Funds are earmarked for specific subgroups- Educational Jim Crow
3. Creates a focus and extension on racism as the rapid growth of the movement is predicated on these-Manifest Destiny Reloaded

The New Deal was enacted by President D. Roosevelt to provide immediate economic relief from the Great Depression to address necessary reforms in industry, agriculture, finance, water power, labor, and housing. The New Deal was grounded in the belief that the power of the federal government was needed to lift America from the Great Depression. These programs signaled both an expansion of federal power and a transformation in the relationship between the federal government and the American people. NCLB and RTTT in many ways mirrors the outcomes of a policy created to help those who had been deemed in need. Expanding the federal government's authority and funding streams to state and local entities (education) would prove detrimental in the long run and negatively impact the very groups it was designed to assist, specifically people of color

Jim Crow laws were a collection of state and local statutes that legalized racial segregation, shortly after the Civil War and immediately following ratification of the 13<sup>th</sup> amendment and the freeing of four million slaves. The connection here lies in the specific laws and in NCLB/RTTT, the specific funds are geared toward the same population of people in

America with the addition of Latino Americans as well. Specifically, targeting a group of people with federal rules and guidelines that states enact to create order or drive the master's narrative agenda is synonymous with keeping the dominant culture in power even when it is masked as a positive for those it impacts.

Manifest Destiny Reloaded, is an extremely powerful connection. Manifest Destiny began in the mid 1800's, pushed the belief that the United States was destined—by God, to expand its dominion and spread democracy and capitalism across the entire North American continent. During this time, Native Americans were the recipients of this growth that would lead to the destruction and annihilation of their way of life and the outright robbery of the land they inhabited. NCLB and more profoundly RTTT, push growth of Charter schools as the answer and savior of public education for black, brown, and poor students. This is nestled under the umbrella of capitalism with entrepreneurs that are predominantly white leading the charge. The onus is that this will be better for those receiving the initiative of the growth and is accepted early on (as with the Native Americans) and then there is a push toward total abolishment of the system (New Orleans charter movement) to meet the wants and needs of those in power with little concern for those who were initially targeted.

This study foci was to determine how charter schools furthered segregation. Charter schools are being narrated as the answer to public school education and likely without the needed scrutiny. Charter schools are grounded in the notion that competition, innovation and autonomy are the answer to framing academic achievement. Yet, a comprehensive narrative regarding charter schools' business model, academic achievement, teaching and learning, student enrollment and yes, how charter schools further segregation is warranted. The narrative that

charter schools are the answer to public school education is widespread and picking up federal policies are calling for and incentivizing states to increase their number of charter schools.

In this chapter, a discussion of the conclusions regarding how charter schools further segregation, the implications of the conclusions, and the recommendations for future research are based on the findings of the study. Looking retrospectively, at standardized testing as the gateway for the creation and growth of charter schools was an added benefit

## **Conclusions**

It is important that government does not exacerbate the problem of segregation by ignoring the unintended consequences of its policies. The risk is an increasingly divided public education system (Rotberg, 2013). This thread runs through each of the three findings as they connect the impact that the policies have had on our education system over the past 17 years. For example, the lack of intentional diversity in in the selection process, of the policy and has given rise to segregation (Rotberg, 2013). Secondly, the policies do not place barriers and accountability measures for opportunistic, capitalistic entrepreneurs of the world, who would take advantage of the way funds are earmarked and increase segregation. Finally, an extension of racism through growth and not being considerate enough of the least of them (low-income children of color), will bring about an increase in segregation.

Each policy affirms the systems of racism apparent in America. What is explicitly clear is that legislators have decided to allow legal segregation to re-emerge in our country through these policies. The selection process that gave rise to segregation was created with the thought of addressing each school that does not “make the grade” is inherently tied to the generational gaps in achievement as defined by our educational system. Deciding to select these schools to target in the name of “not allowing any student to be left behind” has proven to be an open invitation for

ed reformist who have little true commitment to the hopes and dreams of marginalized people of color and has given rise to a return to segregation of our schools.

The intent of RTTT of growth of an unproven model of Education without the restraints needed to ensure for true accountability is criminal. These policies that do not place barriers and accountability measures to account for opportunistic, capitalistic entrepreneurs, and allowing legalized growth of segregation. No accountability to ensure diversity, in a country that is still only four generations removed from slavery, more recently Jim Crow, and the eugenics minded historical concepts of many of those in power is destined to destroy the ruling of Brown V. Board. In addition, the outright identification of black, brown, and poor students as the recipients of the proposed benefits of this policy is explicitly racist. Interestingly, because there was little notion it would not impact the dominant culture's agendas or interfere in any portion of their success, it has not raised the brow of the masses on either side. Scholarly research, brings needed attention to this issue and adds to the current literature that will inform future decisions. Unless, we have decided as a country that segregation is irrelevant and not a negative societal challenge then we must take these findings at face value. We must not be fooled into believing the hype around charter schools and them being billed as the saviors of schooling in America. The growth of charter schools is-a byproduct of policies created by legislation that has placed us in a time machine backwards. This time machine sends us back to the days before Brown v. Board.

The research has shown that NCLB and RTTT helped create systems for charter schools to further segregation. Segregation is created through an extension of racism and through charter growth. It is inconsiderate of the least of them (low-income children of color). The policies should be more accountable around growth. Not surprising, that the legislation is written in a way that

creates a proliferation of opportunity for middle and upper middle-class whites under the guise of helping poor black and brown folks in America. This explicit continuation of the system that reaffirms inferiority of non-whites in America ensures that the proverbial seats at the table are never full. Sixteen years from now, if every current kindergarten student of color and every poor student in America were to take a seat at that table through the intentional move toward equity, excellence and equality for all by our education system, what would happen? There are not enough seats available, or too many demanding those seats throws off the current balance of the system in its current construction.

Prisoners and cheap laborers are a key component to the maintenance of American society, and our schools ensure that there is always a generation of that portion of our society being prepared for their futures. The prison system is explicitly supported by these two pieces of legislation—NCLB and RTTT. The three findings that are evident in both, help tell the story of how policy, funding and an ideological push is grounded in capitalism-trump equity and equality. Profoundly, segregation seems to have disappeared as a real concern for many as parents have been convinced into thinking that “choice” trumps all other conversations. Without-a swell of push back this growth in a very short period has had negative implications on the schools and students it has touched.

### **Implications**

The conclusions of this study have direct implications for all of us involved in the educational arena. Yet, implications for students/parents, charter management organization and policymakers is noteworthy of mention. What follows are implications for these major groups, from this research.



**Students/Parents.** In terms of what charter school segregation means for students and parents, we can look at it from a reality standpoint. The reality is that schools are becoming further segregated, specifically in charter schools. This can lead to a new body of thought around education as we currently see it. With the funding and resources properly allocated, the focus can turn from segregation to quality of the education being provided. Parents holding the operators accountable to provide the kind of education that is representative of a respectful understanding of the people being served. One that erodes the gaps in achievement and provides an atmosphere of hope and dreams regardless of the lack of diversity. It is not suggested that we abandon the intentionality of diversity, however, stating that the implications of not addressing the current situation of many of schools with a thought toward some of the realities of the past are harmful. Until policy is changed to intentionally push diversity more parents should be demanding and holding operators and local districts to the fire for the education their children at these schools.

**Neighborhoods and Communities.** Communities are impacted by these findings from two points of reference. First, the schools that open inside of the communities often recruit from the neighborhoods zoned for the enrolled school. Resulting, in a steady decline of student enrollment. This has devastating effects on the community and the neighborhood school regardless of the label it may be given through the policies (high priority, need for alternative governance, low performing). The neighborhood school is seen as a symbol of pride and hope. It holds traditions and serves as a place of belonging to many of the residents in that area.

The policies determine the area and what is to happen to those schools with little to no feedback or input from the very community that it is located in. Communities are at the whim of the policy and are being devastated as the lack of intentionality to understanding the true needs are overlooked. Secondly, the neighborhood school that is often identified by policy for takeover,

closure or alternative governance is often times a staple of stability for those residing there. The corrective actions that are levied against them are leaving black holes in communities that once thrived with people of color. With gentrification being so prevalent in America, there is little wonder that the policies target certain schools in neighborhoods that are connected to the gentrification plans of that city. There is no “choice” without safe, quality neighborhood schools. Damning the neighborhood school through policy and by default the community as well, creates vortexes of despair in predominantly black and brown communities.

**Educators.** Educators who by nature start off in their initial years as idealist about their impact on society as change agents and are driven to empower the students that they serve, are explicitly tied to these findings. The present reality is that, they have to understand that they will be teaching in schools that will be more segregated than the generation of teachers before them. Understanding the background and culture of a student population that is not necessarily aligned with the make-up of the diverse fabric of American demographics are inevitable. Additionally, teachers will have to address the needs and challenges of the populations targeted by these policies. Teaching the content and understanding best practices as they relate to the newest pedagogy may be insufficient when schools are intentionally populated with non-white students of extreme poverty that are faced with societal ills. Teachers bare the responsibility of educating these students that are connected not only with their communities but the lack of true commitment to the belief that all students learn can learn at high levels. The policies that exacerbate segregation, rely on the low performance and poverty to drive their growth plan. Educators are torn with accountability targets that are impossible given the conditions thus, wanting to leave. This creates a void of qualified teachers and leaders who are excited to serve the most marginalized groups. Teachers are caught in a system that essentially rewards Charter

operators for creating segregated schools that have little evidence of showing an ability to truly provide an education that leaves no child behind. It makes the profession more challenging and weakens the pool of candidates that are selecting education as their career of choice.

**Charter Management Organizations.** The charter management organizations (CMO) and charter schools will continue to benefit from the current way charter legislation is written and they have lobbyist and special interest groups continuing to push for even more favorable conditions. Since funding follows poor minority students, charter schools will be committed to doing the work that favors the selection of specific groups by race and income. Increasing segregation is not a concern, as the narrative is one that includes a savior complex that is wrapped in the belief that despite the definitive data that shows the trends of furthering segregation. CMOs are doing the work that is needed to push education forward. And to provide the competition that many believe is key, thus, placing pressure on traditional public schools to be better or be replaced in the future.

**Policy Makers.** Policy makers will continue to be partisan and push the agendas of those they represent. Education of course, is the most naturally neutral bipartisan issue, it impacts everyone and everyone wants it to improve. How to improve it is where the party lines are generally drawn. Charter schools and segregation data should be alarming to policy makers. Particularly, with the election of the newest administration. There is a sense or feeling that there is a splintering of America, a backwards movement in race relations exist. This trend and feeling is unwanted. However, legislation that forces diversity as opposed to creative ways of accountability around how schools are created is vital. We must begin to think through the next version of these policies. America is built on a salad bowl/melting pot philosophy of valuing everyone's diversity and creating systems to allow respect and success for all. This starts with

our schools. Defacto segregation or policy driven segregation caused by opportunistic charter operators cannot drive us back to the 20<sup>th</sup> century in our schools. Policy makers need to embrace their ability to impact legislation and work to ensure the next series of policies turns this tide and dismantle these disturbing trends.

### **Recommendations for Future Research**

The purpose of this study was to illuminate the issue of segregation in charter schools and to examine how charter schools further segregation. While we have addressed this, there are other studies needed to as a follow-up:

1. Intentionally diverse charter schools- There is a large body of work and research on school desegregation efforts, but there are limited resources that specifically focus on how to achieve student diversity in the charter school context and what the data looks like. This is the obvious natural next step in research around the charter schools. If we are going to talk about segregation we need to understand intentional diversity as well.
2. Charter schools that are segregated both white and minority as a comparison study. This research was astounding in that, there are predominantly white charter schools around the country. They are not the schools that are mentioned and talked about in terms of segregation. They are not necessarily serving low performing or poor white students. This creates an interesting phenomenon that no one is talking about. This is another natural study that coincides with this study. What does the data say about the segregated white charter schools?
3. How ESSA impacts the practices of charter schools- ESSA was signed by President Obama on December 10, 2015. This legislation represents the next step in the policies that impact the way we hold states accountable for student achievement. Also, a very

natural next step for continuing our research. At the time of this research, the final version of ESSA was incomplete for the state of Tennessee. Looking at Tennessee's policies and how it impacts charter school selection, enrollment and accountability as a whole is essential to this study.

## References

- Angrist, J. D., Dynarski, S. M., Kane, T. J., Pathak, P. A., & Walters, C. R. (2010). Inputs and impacts in charter schools: KIPP Lynn. *American Economic Review*, *100*(2), 239-43.
- Bell Jr, D. A. (1980). Brown v. Board of Education and the interest-convergence dilemma. *Harvard Law Review*, 518-533.
- Betts, J. R. (2006). *Does School Choice Work?: Effects on Student Integration and Achievement*. Public Policy Instit. of CA.
- Bifulco, R., & Ladd, H. F. (2007). School choice, racial segregation, and test-score gaps: Evidence from North Carolina's charter school program. *Journal of Policy Analysis and Management*, *26*(1), 31-56.
- Bifulco, R., Ladd, H. F., & Ross, S. L. (2009). The effects of public school choice on those left behind: Evidence from Durham, North Carolina. *Peabody Journal of Education*, *84*(2), 130-149.
- Brown et al. v. Board of Education of Topeka et al.* 347 U.S. 483 (1954).
- Bonastia, C. (2015, June). Low-Hanging Fruit: The Impoverished History of Housing and School Desegregation. In *Sociological Forum* (Vol. 30, No. S1, pp. 549-570).
- Carnoy, M. (2005). *charter school dust-up*. Economic Policy Institute.
- Chapman, T. K., & Donnor, J. K. (2015). Critical race theory and the proliferation of US charter schools. *Equity & Excellence in Education*, *48*(1), 137-157.
- Charles, C. Z. (2003). The dynamics of racial residential segregation. *Annual review of sociology*, *29*(1), 167-207.
- Cobb, C. D., & Glass, G. V. (1999). Ethnic segregation in Arizona charter schools. *education policy analysis archives*, *7*, 1.

- Craton Liddell et al. v. the Board of Education of the City of St. Louis, Missouri et al., 469 F. Supp. (1980).
- Judd, D. R. (1997). The role of governmental policies in promoting residential segregation in the St. Louis metropolitan area. *Journal of Negro Education*, 214-240.
- Dorsey, D. & Roulhac, G. (2017). AERA, 2017. From Desegregation to Privatization: A Critical Race Theory Policy Analysis of School Choice and Educational Opportunity in North Carolina.
- Fairclough, N. (2003). *Analyzing discourse: Textual analysis for social research*. Psychology Press.
- Finnegan, K., Adelman, N., Anderson, L., Cotton, L., Donnelly, M. B., & Price, T. (2004). Evaluation of Charter Schools Program: 2004 Final Report. U.S. Department of Education. Policy and Programs Study Service. Retrieved 10/28/09 at [http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/29/d8/04.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/29/d8/04.pdf)
- Frankenberg, E., & Lee, C. (2003). Charter Schools and Race: A Lost Opportunity for Integrated Education.
- Frankenberg, E., & Siegel-Hawley, G. (2009). Equity Overlooked: Charter Schools and Civil Rights Policy. *Civil Rights Project/Proyecto Derechos Civiles*.
- Frankenberg, E., Siegel-Hawley, G., Wang, J. (2010). Choice without equity: Charter school segregation and the need for civil rights standards. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA. Retrieved from [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu).

- Fuller, B., Elmore, R. F. & Orfield, G (Eds). (1996). Who chooses? Who loses? Culture, institutions, and the unequal effects of school choice. New York: Teachers College Press.
- Galloway, M., & People, L. (2017). AERA, 2017. Charter School Typologies: Differences Among Charter Schools That May Explain Contradictory Claims.
- Garcia, D. (2007). The impact of school choice on racial segregation in charter schools. *Educational Policy*, 22 (6), 805-829.
- Gee, J.P. (2014). *An introduction to discourse analysis: Theory and method*. New York: Routledge.
- Gewirtz, S., Ball, S. J., & Bowe, R. (1995). Markets, choice and equity in education. Buckingham: Open University Press.
- Giroux, H. A. (2011). Education and the Crisis of Public Values: Challenging the Assault on Teachers, Students, and Public Education. *Counterpoints: Studies in the Postmodern Theory of Education*. Volume 400.
- Golden, M. (2017). AERA, 2017. At the Intersection of Race(ism) and Black Education: White Supremacy and Black Schooling in the Antebellum North.
- Guthrie, J. W. & Springer, M. (2004). Returning to square one: From “Plessy” to “Brown” and back to “Plessy”. *Peabody Journal of Education*, 79(2).
- Henig, R., & Jeffrey, R. (1994) Rethinking School Choice: Limits of the Market Metaphor
- Henry, K. L. & Dixson, A. D. (2016). Locking the door before we got the keys. *Educational Policy*, 30(1), 218-240.
- Holt, M. (2000). Not yet “free at last”: The unfinished business of the civil rights movement: Our battle for school choice. Oakland, CA: Institute for Contemporary Studies Press.



- Hoxby, Murarka, & Kang. (2009). The ambiguous embrace: Government and faith-based schools and social agencies by Charles L. Glenn. *Princeton University Press*, 8(3), 54-6.
- Johnson, H. B. (2014). *The American dream and the power of wealth: Choosing schools and inheriting inequality in the land of opportunity*. New York, NY: Routledge.
- Kirst, M. (2007). Politics of charter schools: Competing national advocacy coalitions meet local politics. *Peabody Journal of Education*, 82 (2/3), 184-203.
- Kotok, S., Nelson, S., Beabout, B., & Rivera, L. AERA, 2017. A Decade Later: The Impact of Hurricane Katrina on Racial Segregation in New Orleans Schools.
- Kotok, S., Nelson, S., Beabout, B., & Rivera, L. AERA, 2017. Policy, Politics, Choice, and Geography: How Place Matters Across the Pre-K–20 Spectrum.
- Ladson-Billings, G., & Tate IV, W.F. (1995). Toward a critical race theory of education. *Teachers College Record*, 97(1), 47-68.
- Ladson-Billings, G. (1998). Just what is critical race theory and what's it doing in a nice field like education? *International Journal of Qualitative Studies in Education*, 11(1), 7-24.
- Linn, R. L., & Welner, K. G. (Eds.). (2007). *Race-conscious policies for assigning students to schools: Social science research and the Supreme Court cases*. Washington, DC: National Academy of Education.
- Mickelson, R.A., Bottia, M., Southworth, S. (2008). *School Choice and Segregation by Race, Class, and Achievement*. Boulder, CO: National Education Policy Center.
- Milner, H. R. (2008). Critical race theory and interest convergence as analytic tools in teacher education policies and practices. *Journal of Teacher Education*, 59(4), 332-346.
- Miron, G., Urschel, J. L., Mathis, W, J., & Tornquist, E. (2010). *Schools without Diversity: Education Management Organizations, Charter Schools and the Demographic*

Stratification of the American School System. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit.

Naclerio, M.A. (2017) Accountability through procedures? Rethinking Charter School Accountability and Special Education Rights. *Columbia Law Review*, 117(5), 1153-1189.

Nathan, J. (1998). Charter schools: Creating hope and opportunity for American education. *The Jossey-Bass Education Series*, 6(2), 16-19.

Nathan, J. (1998). Heat and light in the charter school movement. *Phi Delta Kappan*; *Bloomington*, 79(7), 499-505.

National Alliance for Public Charter Schools. (2015). *Estimated Number of Public Charter Schools & Students, 2014-2015*. 36(21), 5.

National Center for Education Statistics. (2014). *Charter school enrollment*. Retrieved from \*\*\*[http://nces.ed.gov/programs/coe/indicator\\_cgb.asp](http://nces.ed.gov/programs/coe/indicator_cgb.asp).

Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D. & Solomon, D. (2000). *The state of charter schools 2000: Fourth-year report*. Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement.

Orfield, G. (2010). Foreword. In E. Frankenberg, G. Siegel-Hawley, & J. Wang. *Choice without equity: Charter school segregation and the need for civil rights standards* (pp. 1–3). Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA. \*\*\*

Plessy v. Ferguson, 163 U.S. 537 (1896).

Renzulli, L. A. (2006), District Segregation, Race Legislation, and Black Enrollment in Charter Schools\*. *Social Science Quarterly*, 87: 618–637.

- Renzulli, L. A & Evans, L. (2014). School choice, charter schools, and white flight. *Social Problems*, 52(3), 398-418.
- Rhodes, A., & DeLuca, S. (2014). Residential mobility and school choice among poor families. In A. Lareau & K. Goyette (Eds.), *Choosing homes, choosing schools* (pp. 137–165). New York, NY: Russell Sage.
- Rhodes, A. Warkentien, S. (2017). Unwrapping the suburban “package deal”: Race, class, and school assess. *American Educational Research*, 54(1), 168-169.
- Rivkin, S. (2017). Desegregation since the Coleman report. *Education Digest*, 82(5), 28-37.
- Ritter G., Jensen, N., Kisida, B., & McGee, J. (2010). A Closer Look At Charter Schools and Segregation. *Education Next*.
- Rotberg, I. (2014). Charter Schools and the risk of increased segregation. *Phi Delta Kappan*, Feb. 2014. P 26-30.
- Rubin, E. L. (1989). Law and legislation in the administrative state. *Columbia Law Review*, 89 (3), 369-426.
- Scott, J. T. (2012). When community control meets privatization: The search for empowerment in African American charter schools. In D. T. Slaughter-Defoe, H. C. Stevenson, E. G. Shober, A., Manna, P., Witte, P. (2006). Flexibility meets accountability: State charter school laws and their influence on the formation of charter schools in the United States. *Public Policy Studies Journal*, 34(4), 563-587.
- Slaughter-Kotzin, D. T., Stevenson, H. C., Arrington, E. G., & Johnson, D. J. (Eds.). (2011). *Black Educational Choice: Assessing the Private and Public Alternatives to Traditional K–12 Public Schools: Assessing the Private and Public Alternatives to Traditional K–12 Public Schools*. ABC-CLIO.

- Smrekar, C. E., & Goldring, E. B. (2009). *From the Courtroom to the Classroom: The Shifting Landscape of School Desegregation*. Harvard Education Press. 8 Story Street First Floor, Cambridge, MA 02138.
- Brazley, M. (2014). *Lions Tales: The impact of educational policy discourse on the perpetuation of the perception of African American academic underachievement*. Dissertation, University of Memphis
- Stulberg, L. (2015). African American school choice and the current race politics of charter schooling: Lessons from history. *Race and Social Problems*, 7(1), 31-42.
- Stulberg, L. M. (2008). *Race, schools & hope: African Americans and school choice after Brown*. New York: Teachers College Press.
- Task Force on the Education of African American Students. (1996). *Resolution of the Board of Education*. Oakland, CA: Oakland Unified School District. \*\*\*
- Toma, E., & Zimmer, R. (2012). Two decades of charter schools: Expectations, reality, and the future. *Economics Of Education Review*, 31(Special Issue: Charter Schools), 209-212. doi:10.1016/j.econedurev.2011.10.001
- Race and Social Problems.
- U.S. Department of Education, Office of Educational Research and Improvement. (1997). *A study of charter schools: First year report 1997*. RPP International and the University of Minnesota
- Vergari, S. (1999). Charter schools: A primer on the issues. *Education and Urban Society*. Vol 31, No. 4 August 1999, 189-405.
- Wexler, E., & Huerta, L. A. (2000). An empowering spirit is not enough: A Latino charter school struggles over leadership. *Inside charter schools: The paradox of radical decentralization*, 98-123.

Wilkerson, M. (2017). Betsy DeVos and the segregation of school choice. *Education Digest*, 82(8), 19-24.

Yongmei, N. (2007). Are charter schools more racially segregated than traditional public schools? The education policy center at Michigan State University, 30.