

Excerpted from
A Notion at Risk: Preserving Public Education as an Engine for Social Mobility,
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CHARTER SCHOOLS AND RACIAL AND SOCIAL CLASS SEGREGATION: YET ANOTHER SORTING MACHINE?

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One of the most troubling contradictions of our time is that, as our society becomes more racially and ethnically diverse, our public schools are becoming more racially and ethnically homogeneous. Indeed, in the past twenty years, judges and policymakers have removed many of the formal mechanisms—such as court orders and student transfer policies—designed to create more desegregated public schools.

These developments are even more paradoxical in light of recent public opinion data that show more people in the United States than ever before say they believe that public schools should be racially diverse. For example, a 1994 Gallup poll found that the percentage of the

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American people who said “more should be done to integrate schools” had risen rapidly, from 37 percent in 1988 to 56 percent in 1994.¹ A 1998 survey found that 80 percent of African-American parents and 66 percent of white parents surveyed said that it was either “very important” or “somewhat important” that their children’s schools be racially integrated. Only 8 percent of black parents and 17 percent of white parents said less should be done to achieve racial integration in schools.²

At the same time, there is a growing body of research demonstrating the positive impact of school desegregation on the social mobility and life chances of African Americans. For instance, a review of the literature on the long-term effects of school desegregation, found that African-American graduates of racially diverse schools had higher occupational aspirations and better understood the steps needed to obtain their goals than graduates of all-black schools. This review also noted that African-American graduates of desegregated high schools were more likely to attend predominantly white universities and earn higher degrees.³ And finally, African Americans who had attended racially mixed schools were more likely to be working in white-collar and professional jobs in integrated corporations and institutions. They also had more integrated social and professional networks through which they learned about employment opportunities.⁴

Yet, despite opinion polls and research supporting integration, since 1988 public schools have become more racially and ethnically segregated as more districts are released from desegregation orders and urban schools become increasingly racially isolated. According to Gary Orfield and his colleagues, this shift has been most striking in the southern and border states and is most severe for Latino students—the fastest growing student population in the country.⁵

Thus, we are dismantling the mechanisms by which we desegregate public schools at the same time that the perceived need for more racially diverse schools is quite high and the positive, long-term impact of desegregation is better documented than ever before. Indeed, it seems as though this is an appropriate moment in the history of our country to question whether or not the goals of racial integration should be transferred to new educational policies. Yet to date, most policymakers remain resistant to crafting new policies, such as charter school laws, in ways that strongly support the goals of racial diversity in public schools. For instance, while virtually all thirty-six state charter school laws include anti-discrimination clauses and several give preference to schools that enroll “at-risk” students (often without defining what that

means), very few laws specifically require racial or socioeconomic balance in charter schools. And even in states with laws requiring some racial balance for charter schools, there is little evidence that either state officials or local school districts are monitoring charter schools' compliance. In fact, in South Carolina—one of the states with the strictest racial balance guidelines for charter schools—a state judge recently declared these guidelines unconstitutional.⁶ Furthermore, none of the laws provide meaningful incentives such as grants or other forms of support for people to create racially diverse schools.

But it is precisely this lack of regulation and requirement that is at the heart of charter school reform—a movement that allows schools to operate with public money but less government oversight. Given the laissez-faire nature of this very popular and rapidly expanding reform, skeptics fear that it will create greater racial/ethnic and socioeconomic segregation and stratification in the way that similar deregulated school choice policies in other countries have.⁷

Yet, charter school proponents claim that theirs is not an elitist movement that enables wealthy and white families to flee the regular public schools, thereby exacerbating racial and social class segregation.⁸ Far from that, they say that charter schools are serving many disadvantaged students. Some even argue that a parent's right to choose a school, including a charter school, is the new civil rights issue of our time.⁹

Furthermore, several reports have shown that charter schools do indeed serve low-income students and students of color. In fact, in some states, comparisons of statewide averages demonstrate that charter schools serve these students at a higher rate than the public schools.¹⁰ However, these data do not speak to the issue of racial/ethnic or socioeconomic isolation within and across charter schools. In fact, there is generally very little discussion of this isolation in most of these reports (many conducted by people and/or institutions that advocate charter school reform) or how its presence—or absence—relates to different students' opportunities to learn within these schools.

Thus, beyond the fears and proclamations of skeptics and proponents are a set of important questions about who is enrolled in charter schools in different states and local communities, how they got there, and why. In this chapter, we begin to answer some of these questions by reviewing more than twenty studies of charter schools—conducted by independent researchers—so that we can begin an informed dialogue about these important issues.¹¹ As far as we know, this is the most comprehensive review of the literature in this area to date.

After reviewing the literature and drawing from our own study of charter schools in ten California school districts, we argue that currently there is not sufficient evidence to support strongly either the assertion that charter schools will exacerbate segregation and inequality or that they will help to overcome them. Still, we note that there is enough evidence to suggest that charter schools are less racially and socioeconomically diverse than the already segregated public schools, albeit for different reasons in different states and communities. Thus, there is cause for concern that the current charter school legislation does not promote the creation of racially and socioeconomically diverse charter schools.

In the first section of this chapter, we examine the research on who is being served in charter schools. Here we report that despite the aggregated national data that show that low-income students and students of color are enrolled in charter schools, the context of the reform—where it is being implemented and why—matters a great deal in terms of who is served. It appears that in some states charter school reform is mostly an urban phenomenon, serving predominantly low-income students of color. In other states, it appeals to a much wider range of people and communities, including many that are disproportionately white and well-off.

In fact, our analysis suggests that, in many instances, states with more racially/ethnically and socioeconomically diverse K–12 student populations tend to have charter schools that enroll a disproportionate number of white and nonpoor students. Conversely, in many of the states with a general public school population that is predominantly white and less poor, charter schools are enrolling a disproportionate percentage of students of color and low-income students. These distinctions also relate to geography, with charter schools in northeastern states serving more poor students and students of color relative to their public schools than do the charter schools in the southwestern states. This may be due to differences in the size and diversity of the public school districts in these different regions. Also, across these different contexts, the more the data are broken down from national- to state- to district- and even neighborhood-level comparisons between charter schools and public schools, the more racially and socioeconomically segregated the charter schools appear to be. For instance, charter schools are often more racially and socioeconomically homogeneous than their local school districts as a whole. And a few studies suggest that charter schools tend to be less diverse than the closest public schools within their districts.

Furthermore, we explain in the section on access to charter schools, there is some evidence that even in poor communities, the relatively more advantaged of the disadvantaged students are enrolling in charter schools, and the percentage of the lowest-income students served in charter schools across the country is declining. Finally, there is some preliminary evidence to suggest that low-income students and students of color are frequently enrolled in some of the most impoverished charter schools or in those with the least challenging curriculum.

These findings do not necessarily imply that individual charter schools are intentionally segregating students by race and class. Rather, they suggest that the current charter school laws do not foster racial diversity. As we discuss in the section on charter school legislation and diversity, to the extent that the charter school laws vary across states, they almost all allow a great deal of leeway in terms of equity and student access to charter schools. Often the laws' language in these areas is vague and open to different interpretations, and, as we mentioned, rarely enforced. In other words, the laws leave room for many charter school founders and educators to do as they wish. Thus, we conclude this chapter with a discussion of implications for policy, noting that if policymakers were to pay attention to public opinion and research that favor less homogeneous schools, charter school laws would need to provide more support and incentives for founders who wanted to create racially/ethnically and socioeconomically diverse charter schools.

CHARTER SCHOOL REFORM AND DEMOGRAPHIC DIFFERENCES WITHIN AND ACROSS STATES

With charter school laws enacted in thirty-six states, the District of Columbia, and Puerto Rico, there is a wide range of demographic and political contexts into which this popular reform has been cast. Therefore, aggregated "national" data on who is served in the country's sixteen hundred charter schools is only partially helpful because hidden behind those average figures is a broad scope of charter school realities. Individual charter schools reside in very different parts of the country and different local communities, which means each has a unique interaction with its surrounding schools and community. To the extent that charter schools are exacerbating racial/ethnic and socioeconomic segregation, it is only visible within the state and local context of the school itself.

Thus, in this section, we examine available national-, state-, district-, and school-level data in order to demonstrate how one level of analysis can both inform and distort another.

National Data Show Racial and Socioeconomic Diversity

When data on charter school enrollment are aggregated to the national level they show that students of various races and ethnicities are enrolled in charter schools in similar proportions to their average enrollments in all the public schools in all the states studied. For instance, the U.S. Department of Education's Fourth-Year Report on charter schools nationwide in 1998–99 found that 48 percent of the students enrolled in 95 percent of the charter schools in twenty-seven states were white,¹² compared to about 59 percent of the students in the public schools in those same states.¹³ The report also states that, on average, charter schools in these twenty-seven states were more likely to serve African-American, Latino, and American-Indian students than the public schools (see Table 6.1). For instance, while nearly 24 percent of all charter school students were African American, only 17 percent of all public school students in these states were African American. Similarly, 21 percent of the students in the charter schools were Latino, as opposed to 19 percent of students enrolled in the regular public schools. The difference for American-Indian students was about 3 percent. In fact, the only so-called minority racial/ethnic group that was not over-represented in charter schools at the national level was Asian and Pacific Islanders.

In terms of the poverty rates of students in charter schools, the aggregated data on the twenty-seven states demonstrate that almost 39 percent of students in charter schools qualify for free or reduced-price lunch. This is about the same as the 37 percent of students who qualify in the regular public schools in these states.¹⁴

Thus, at the aggregated, national level, it appears as though charter schools look similar to regular public schools in terms of the students they enroll, with fewer white and more African-American students in charter schools. Yet, the more closely we break down this national information into state-, district-, and school-level data, the more complex the picture becomes. Because racial and socioeconomic demographics vary greatly across and within states, it is important to

TABLE 6.1. RACIAL/ETHNIC COMPOSITION OF CHARTER SCHOOL STUDENTS COMPARED TO ALL PUBLIC SCHOOL STUDENTS IN TWENTY-SEVEN STATES

RACIAL/ETHNIC CATEGORIES	# OF STUDENTS IN CATEGORY		% OF STUDENTS IN CATEGORY	
	CHARTER SCHOOLS	PUBLIC SCHOOLS	CHARTER SCHOOLS	PUBLIC SCHOOLS
Total number	230,299 ^a	30,689,016	—	—
White, not of Hispanic origin	110,434	18,102,767	48.2	59.0
Black, not of Hispanic origin	53,926	5,289,814	23.5	17.2
Hispanic	48,352	5,657,976	21.1	18.4
Asian or Pacific Islander	7,687	1,354,509	3.4	4.4
American Indian or Alaska Native	5,976	283,930	2.6	1.0
Other	2,712	N/A	1.2	N/A

^a This number is nearly 22,000 smaller than the total enrollment numbers for charter schools in these 27 states reported elsewhere in the DOE's Fourth-Year report. See page 18, for example, where the total enrollment number is 252,009.

Source: *The State of Charter Schools 2000: Fourth-year Report*, conducted by RPP International (Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement, February 2000).

look at who is being served in which charter schools where. Also, because different states and different school districts contain vastly different numbers of charter schools and charter school students, it is critical to examine charter schools' racial, ethnic, and social class identifications within the states and communities with the most charter schools, versus those with very few charter schools.

State-Level Data and Important Cross-State Differences: Context Matters

When the national data are broken down state-by-state, some interesting findings emerge, namely huge variations in both the racial/ethnic and socioeconomic makeup of charter schools across the states analyzed

in detail in the Department of Education's Fourth-Year report.¹⁵ We found, for instance, in the twenty-one states enrolling more than one thousand students in charter schools, thirteen of these states housed charter schools that combined served a lower percentage of white students overall than the regular public schools in the same states. Conversely, in four states charter schools enrolled a disproportionately high percentage of white students. Furthermore, ten states were home to charter schools that serve a higher percentage of low-income students than their regular public schools. And in five of the twenty-one states charter schools enroll a disproportionately low percentage of poor students.

Obviously, across various state contexts charter schools are serving demographically distinct students. In this section, we explore these issues more fully to understand the demographic dimensions upon which charter schools differ, and the important trends and themes that emerge.

RACIAL/ETHNIC DIFFERENCES IN STATE-LEVEL DATA. Given the racial and ethnic diversity of statewide enrollments in charter schools, we have tried to tease out the distinctions and commonalities across states, especially as they relate to the public school enrollments in those states. Two major trends emerged. First, there were more students overall enrolled in charter schools in states in which charter schools serve the same or a higher percentage of white and nonpoor students. And second, in several, but not all, of the states there appears to be an inverse relationship between the percentage of white and nonpoor students in the public education system overall and the percentage of white and nonpoor students enrolled in charter schools.¹⁶ This, we believe, says something about where the frustration with the regular public schools is lodged across these different state contexts and how that frustration relates to issues of race, class, and geography.

u **THE CONCENTRATION OF CHARTER SCHOOLS AND STUDENTS.** As we noted above, thirteen of the twenty-one states with more than one thousand charter school students enrolled a disproportionately high percentage of students of color, while another four states enrolled a disproportionately low percentage of these students. The remaining four states were within five percentage points of their state averages for white enrollment. While it is helpful to compare the number of states in which white students are over- or under-represented in charter schools, the results are somewhat misleading

in terms of how these schools impact the lives of children. Not all of the states have the same number of charter schools or, more importantly, the same number of students enrolled in charter schools.

Take, for instance, the thirteen states that have a higher percentage of students of color in their charter schools than in the public schools as a whole. Interestingly, while these states contain a little more than 50 percent of the charter schools in the twenty-one states included in our analysis, they enroll only 40 percent of the students attending charter schools in these states. The eight states/jurisdictions with either an overrepresentation of white students or a similar (within five percentage points) percentage of white students compared to the public schools enroll the majority of all charter school students in the twenty-one states (see Table 6.2, page 178).¹⁷

This analysis raises questions about the meaning of the aggregated data presented in the Department of Education's Fourth-Year report. As we mentioned above, those data show that overall, charter schools in twenty-seven states enroll a smaller percentage of white students and a larger percentage of African-American, Latino, and American-Indian students than do all the public schools in those states combined (see Table 6.1). But this report compares aggregated data from all charter schools to aggregated data from all the public schools in all twenty-seven states, whether those states had one hundred charter schools with more than twenty-five thousand students or twenty charter schools with fewer than two thousand students.

Thus, the overall racial/ethnic demographics of states such as Connecticut, Wisconsin, Ohio, and Kansas—each of which has a very high percentage of white students in their public schools—are averaged into the comparison even though they each enroll less than three thousand students in charter schools. In fact, many of the states that enroll the largest numbers of students in charter schools, including Arizona, California, Georgia, and Texas, have much lower percentages of white students in their regular public schools.

The aggregated enrollment numbers and percentages in the "All Public Schools" columns of Table 6.1, therefore, do not accurately reflect the racial/ethnic makeup of the public schools in the states in which the vast majority of the charter schools and charter

TABLE 6.2. CHARTER SCHOOL ENROLLMENTS BY STATES AND RELATIVE WHITE STUDENT ENROLLMENTS

STATE	STATES IN WHICH THE % WHITE ENROLLMENT IN CHARTER SCHOOLS IS HIGHER THAN OR THE SAME AS (BY 5 PERCENT OR MORE) THE REGULAR PUBLIC SCHOOLS OVERALL IN THAT STATE		STATES IN WHICH THE % WHITE ENROLLMENT IN CHARTER SCHOOLS IS LOWER THAN (BY 5 PERCENT OR MORE) THE REGULAR PUBLIC SCHOOLS OVERALL IN THAT STATE		
	% DIFFERENCE	TOTAL ENROLLMENT	% DIFFERENCE	TOTAL ENROLLMENT	
California	+10.5	73,905	Michigan	-31.3	25,294
Arizona	+1.1	32,209	Texas	-24.9	18,590
Georgia	+14.0	18,611	Florida	-7.2	10,561
Colorado	+4.2	13,911	Massachusetts	-20.4	9,673
New Mexico	-1.4	4,601	North Carolina	-14.0	9,513
Dist. of Col.	-3.9	3,364	Pennsylvania	-57.2	5,474
Alaska	+23.8	2,047	Minnesota	-30.3	4,670
Kansas	+5.1	1,545	New Jersey	-43.7	4,001
			Illinois	-60.8	3,333
			Ohio	-39.5	2,509
			Wisconsin	-10.7	2,060
			Connecticut	-38.9	1,613
			Louisiana	-24.4	1,589
Average difference = +6.6; combined enrollment = 150,193					
% of total enrollment/21 states = 60					
Average difference = -31.0; combined enrollment = 98,880					
% of total enrollment/21 states = 40					

Source: The State of Charter Schools 2000: Fourth-year Report, conducted by RPP International (Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement, February 2000).

school students are located. As we noted above, this table reports that, on average, 59 percent of public school students in the twenty-seven states examined were white, while only 48 percent of charter school students were white. When we look more closely at the top two states in terms of student enrollment in charter schools—California (with 73,905 students) and Arizona (with 32,209 students)—we see that combined their total K–12 population in public schools is about 45 percent white. Yet the charter schools in these two states—educating about 46 percent of all charter school students across the country¹⁸—are 55 percent white. Furthermore, in both of these states, each with a large Latino population, Latino students are underrepresented in charter schools (see Table 6.3).

Clearly, further analysis must be conducted with more effort to separate out the data from states with large numbers of students—for example, more than ten thousand—enrolled in charter schools from those with far fewer students—say, fewer than fifteen hundred. It is a bit disingenuous to draw general conclusions about

TABLE 6.3. RACIAL/ETHNIC COMPOSITION OF CHARTER SCHOOL STUDENTS COMPARED TO ALL PUBLIC SCHOOL STUDENTS IN CALIFORNIA AND ARIZONA

RACIAL/ETHNIC CATEGORIES	# OF STUDENTS IN CATEGORY		% OF STUDENTS IN CATEGORY	
	CHARTER SCHOOLS	PUBLIC SCHOOLS	CHARTER SCHOOLS	PUBLIC SCHOOLS
Total Number	106,114 ^a	6,543,729	—	—
White, not of Hispanic origin	58,025	2,960,779	54.7	45.2
Black, not of Hispanic origin	10,494	517,873	9.9	7.9
Hispanic	27,196	2,340,332	25.6	35.8
Asian or Pacific Islander	3,671	567,879	3.5	8.7
American Indian or Alaska Native	5,745	156,864	5.4	2.4
Other	942	N/A	0.8	—

^a About 46 percent of the national total.

Source: *The State of Charter Schools 2000: Fourth-year Report*, conducted by RPP International (Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement, February 2000).

who is and who is not being served by charter school reform when averaging data from twenty-seven states, as if these states were all equal in terms of charter school activities.

u **THE RELATIONSHIP BETWEEN THE PERCENTAGES OF WHITES IN PUBLIC AND CHARTER SCHOOLS.** Another issue that emerges from the 1998–99 state-level data is the tendency for charter schools in predominantly white states to serve a higher percentage of students of color. In other words, in looking at the thirteen states in which charter schools enroll a disproportionately high number of students of color, we see that ten of those states have a general public school population that is more than 60 percent white (see Table 6.4, pages 182–83).¹⁹ In fact, half of these states have public school enrollments that are more than 80 percent white. Charter school enrollments in these ten states are, on average, about 35 percent less white than in the regular public schools overall.

In terms of their African-American student populations, the charter schools in these ten states enroll 31 percent more African-American students on average than do the public schools. In Illinois, for example, African-American enrollment in the eleven charter schools is, on average, 48 percent greater than in the regular public schools, while the white population is nearly 60 percent lower. The Latino student population in the charter schools in these ten states tends to be closer to the state averages, with a few states enrolling 9 percent or more greater Latino populations. Thus, in these ten predominantly white states, charter schools tend to enroll a disproportionate number of students of color.

Meanwhile, of the eight states/jurisdictions with charter school enrollments that are either higher or similar (within five percentage points) to the proportion of white students in the public schools,²⁰ six of them have general K–12 public school populations that are less than 60 percent white. For instance, California, which has a general public school population that is only 44 percent white, has a charter school population that is almost 55 percent white. While this percentage of white enrollment in charter schools is similar in terms of absolute percentage to the white enrollment in charter schools in states such as Massachusetts (58 percent), Michigan (50 percent), and Minnesota (52 percent),

the latter three states have a much higher percentage of white students in their general public school population—78 percent, 81 percent, and 82 percent, respectively. Thus, the charter schools in these states serve a disproportionate number of African-American and/or Latino students, while the California charter schools serve a disproportionate number of white students (see Table 6.3). In other words, the larger context from which charter schools draw their enrollments give the racial/ethnic breakdown numbers their meaning. Therefore, it appears that there might be a relationship between a state context in which the public schools as a whole are predominantly white, such as Connecticut, Illinois, Michigan, Minnesota, and Pennsylvania, and a demand for charter schools that serve students of color.²¹ On the other hand, there also appears to be a much weaker relationship between the demand for charter schools that serve white students and statewide public school demographics that are more diverse. Georgia provides a good case in point (see Table 6.3). There, according to Department of Education data, the K–12 public school population was about 56 percent white and 40 percent African American. Meanwhile, the aggregated data on Georgia charter schools show that almost 70 percent of the students were white and about 23 percent were African-American. In this state, therefore, white students were overrepresented in charter schools while African-American students were underrepresented. Thus, we see these interesting but uneven demographic relationships across states, with many of the racially diverse states enrolling relatively more white students in charter schools and most of the predominantly white states enrolling a higher percentage of students of color in charter schools than in the regular public schools.

Still, five of the twenty-one states—Texas, Colorado, Florida, Louisiana, and Kansas—do not fit this analysis. Colorado and Kansas have predominantly (greater than 60 percent) white public school populations in general and a very slight overrepresentation of white students in charter schools. Texas, Florida,²² and Louisiana, on the other hand, have K–12 school-age populations that are less than 60 percent white and charter schools that enroll a disproportionately *high* percentage of students of color. But sixteen of the twenty-one states with the largest charter school enrollments fit the profile of either predominantly white states with

TABLE 6.4. COMPARISON OF ENROLLMENT IN CHARTER SCHOOLS AND ALL PUBLIC SCHOOLS IN THE TWENTY-ONE STATES WITH ONE THOUSAND OR MORE STUDENTS ENROLLED IN CHARTER SCHOOLS, 1998-99

States	# of students in charter schools ^a /# of charter schools ^b	% white enrollment in public schools/difference in % white enrollment in charter schools	% black enrollment in public schools/difference in % black enrollment in charter schools	% Hispanic enrollment in public schools/difference in % Hispanic enrollment in charter schools	% public school students who qualify for free and reduced-price lunch/difference in % of charter school students who qualify	% public school students who are LEP ^c /difference in % of charter school students who are LEP ^c	% public school students with disabilities/difference in % of charter school students with disabilities
California	73,905/143	44/+10.5	8.4/+2.4	36.4/-9.8	42.4/-11.3	24.6/-3.3	9.6/-3.2
Arizona	32,209/155	54/+1.1	4.5/+3.3	31.3/-7.9	40.1/+3.1	11.9/-4.1	9.2/-0.7
Michigan	25,294/121	81.3/-31.3	12.7/+28.7	3.3/+1.3	28.7/+10.6	1.6/+1.2	10.8/-5.3
Georgia	18,611/25	55.6/+14.0	39.5/-16.2	3.0/-0.4	40.6/-10.3	1.1/+0.8	9.7/-1.5
Texas	18,590/72	48/-24.9	13.9/+20	36.3/+3.2	46.1/+16.1	13.4/-3.8	11.4/-2.0
Colorado	13,911/57	72.4/+ 4.2	4.5/+1.5	19.8/-5.8	27.8/-9.6	7.4/-5.3	9.6/-1.6
Florida	10,561/60	56/-7.2	28.6/+11.7	13.8/-4.2	43.9/-1.5	12.2/-10.7	13.4/+4.3
Massachusetts	9,673/32	78.4/-20.4	8.7/+11.4	9.0/+4.8	25.6/+11.8	4.7/-1.1	15.6/-4.3
North Carolina	9,513/51	62.4/-14.0	31.8/+15.5	2.6/-1.0	36.5/-2.2	2.0/-0.6	11.5/+2.3
Pennsylvania	5,474/22	82.3/-57.2	12.9/+46.2	3.2/+10.6	31.1/+33	n.a./n.a.	11.2/+1.1

Minnesota	4,670/37	2.2/+19.5	3.0/0.4	26.8/+33.3	3.4/+6.6	10.9/+2.7
New Mexico	4,601/5	2.1/0	49.3/+7.5	49.6/-12.1	24.0/+1.6	13.7/+1.8
New Jersey	4,001/21	7.7/+44.4	12.5/+1.0	28.3/+32.9	4.0/-3.4	15.1/-7.9
Dist. of Col.	3,364/14	8.5/-12.2	7.1/+12.8	60.0/+2.3	6.2/+13.1	9.5/-3.8
Illinois	3,333/11	9.4/+60.8	9.3/+13.9	30.8/+37.5	6.0/-4.5	12.5/-4.2
Ohio	2,509/7	1.0/+35.8	1.4/-0.4	28.7/+39.9	0.7/-0.7	11.2/+5.7
Wisconsin	2,060/26	8.8/+7.2	3.2/-0.5	24.9/+3.5	2.6/-1.7	11.3/-1.8
Alaska	2,047/13	2.5/0.1	1.7/0.9	25.7/-21.4	27.7/-27.5	12.1/-6.5
Connecticut	1,613/16	1.3/+30.7	11.8/+9.2	22.8/+24.6	3.8/-0.8	13.0/-6.2
Louisiana	1,589/10	9.9/+24.5	1.1/-0.7	59.3/+1.6	0.9/-0.6	10.9/-5.6
Kansas	1,545/14	6.5/-5.3	6.0/0.4	31.7/-0.9	2.8/-1.9	10.7/-0.6

* The enrollment numbers include data for 1,010 charter schools that are based on responses from all 1975 o

supplemented with data from state departments of education (see page 18 of the source).

^b These numbers are based on responses from only 927 of the 975 open charter schools that responded to the survey (see p. 33 of the source). No explanation is given for why the other 48 schools are not included in the table.

^c Limited English proficiency.

Note: The shaded rows mark those states in which the charter school enrollment is disproportionately less white (by 5 percent of more) than that of the statewide public school enrollment for that state.

Source: *The State of Charter Schools 2000: Fourth-year Report*, conducted by RPP International (Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement, February 2000).

charter schools that enroll a disproportionate percentage of students of color or more racially diverse states that enroll a disproportionate percentage of white students in their charter schools.

It is also important to note, however, that in the eight states/jurisdictions where charter schools enroll the same or a higher percentage of white students than the public schools, their demographics, on average, tend to be less distinct from their statewide averages. In contrast, the racial/ethnic breakdowns of charter schools in the thirteen states where one or more “minority” groups were overrepresented were, in general, more distinct from the racial/ethnic breakdowns of the statewide public school enrollment (see states on the right side of Table 6.2). For instance, these states are more likely to have one or two racial/ethnic groups that are higher or lower than the state averages for those groups by more than 10 percent.

Furthermore, in terms of geographic distinctions, the eight states/jurisdictions with white charter school enrollments equal to or greater than the state population as a whole are all western, southern, and/or southwestern states/jurisdictions. Because the southern and western regions of the country tend to have geographically larger, countywide school districts, there could in fact be a relationship between the size *and* diversity of local school districts and the interest on the part of white parents and students in engaging in charter school reform. On the other hand, the majority of the thirteen states in which charter schools enroll a higher percentage of students of color are located in the north, east, and northeastern regions of the country. These states are more likely to have smaller and more racially homogeneous school districts.²³

Thus, we can only speculate as to why the data look the way they do. For instance, one possibility is that in predominantly white and wealthy northeastern states such as Connecticut, where smaller city and suburban school districts have remained highly separate and unequal, the vast majority of frustration with public education is vested in the poor, urban school districts where most of the students of color reside. On the other hand, the more southern and western states, such as Arizona, have overall school-age populations that are more diverse—about 54 percent white and 31 percent Latino in Arizona—and less segregated across the larger, countywide school districts. Here, frustration with the public

educational system could be less concentrated exclusively in poor, urban neighborhoods, as some white and more middle-class parents and students find themselves in school districts that are perceived to be not as good. In fact, in many places in these states it is more likely that white and wealthy parents and communities no longer see the public schools as places “for people like them.”²⁴ And as we point out below, some of the strongest evidence in terms of intradistrict racial/ethnic segregation is emerging from research in California and Arizona.

Obviously, these issues need to be explored more carefully and in greater depth in future cross-state studies of charter schools.

POVERTY RATES IN STATE-LEVEL DATA. Compared to the data on the racial/ethnic make-up of charter schools, the socioeconomic data, as measured by eligibility for free and reduced-price lunch, are slightly more disparate. For instance, at the aggregated state level—only five of the twenty-one states with the largest charter school enrollments have smaller percentages (by 5 percent or more) of poor students in charter schools than in the regular public schools. In fact, all five of these states had a smaller percentage of poor students by *at least* 10 percent in charter schools.

While these are only five of the top twenty-one states with charter schools, they contained 45 percent of all students enrolled in charter schools nationally in 1998–99. Meanwhile, the six states that had equal (within five percentage points) low-income enrollments in charters and regular public schools were home to another 24 percent of the nation’s charter school students. Thus, nearly 70 percent—more than two-thirds—of all charter school students were enrolled in the eleven states that had either fewer or an equal percentage of low-income students enrolled in charter schools than in the regular public schools. Once again, analyses of the aggregated national data can appear misleading upon closer examination of where the charter school students are located because these analyses include data on relatively nonpoor states that enroll very few charter school students.

^u **THE RELATIONSHIP BETWEEN THE PERCENTAGES OF POOR STUDENTS IN PUBLIC AND CHARTER SCHOOLS.** Similar to the findings on enrollments by race/ethnicity, charter schools are somewhat more likely to serve poor students in states with fewer poor

students in the public schools overall. In the eleven states in which charter schools serve a lower or equal percentage of poor students than the regular public schools, the overall percentage of students who qualify for free and reduced-price lunch is higher, on average, than in the other ten states. For instance, in seven of these states, 37 percent or more of students qualify for free or reduced-price lunch—thus at or above the average for all the states with charter schools studied by the Department of Education. Meanwhile only two of the ten states in which the percentage of poor students in charter schools is higher than the state average have more than 37 percent of their overall public school students eligible for free or reduced-price lunch (see Table 6.5).

What is perhaps most interesting, however, is the range of differences in poverty rates between the public schools and charter schools. For instance, as Table 6.5 illustrates, the difference between the percent of all public school students who qualify for free or reduced-price lunch and the percent of all charter school students who qualify is quite large in the less poor states. In fact, on average, the number of poor students enrolled in charter schools in these ten states is about 26 percent higher than in the public schools. Indeed, in five of these states, the difference is more than 30 percent.

In Ohio, for example, where almost 29 percent of all public school students are from low-income families, nearly 69 percent of charter school students are poor. And in Illinois, charter schools enroll on average about 37 percent more poor students than the regular public schools (68 percent poor students in charter schools almost 31 percent poor students in the regular public schools). As noted above, Illinois is a state with very low white enrollment in charter schools (9 percent of charter school students as opposed to 69 percent of all students in the public schools) and very high African-American enrollments (almost 67 percent of students in charter schools as opposed to only 19 percent in all public schools).

In comparison, in the five states in which charter schools enroll a smaller percentage of low-income students than do the public schools in the state, the average difference in the percentage of poor students between the charter schools and the statewide public school system is half that of the less poor states—about 13 percent (see Table 6.4). Therefore, as with the data on racial and

TABLE 6.5. CHARTER SCHOOL ENROLLMENTS BY STATES AND AND POVERTY RATES

STATE	STATES ^a IN WHICH THE % OF STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE LUNCH IN CHARTER SCHOOLS IS LOWER THAN OR THE SAME AS (BY 5 PERCENT OR MORE) THE REGULAR PUBLIC SCHOOLS OVERALL IN THAT STATE		STATES IN WHICH THE % OF STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE LUNCH IN CHARTER SCHOOLS IS HIGHER THAN (BY 5 PERCENT OR MORE) THE REGULAR PUBLIC SCHOOLS OVERALL IN THAT STATE		
	% DIFFERENCE	TOTAL ENROLLMENT	STATES	% DIFFERENCE	TOTAL ENROLLMENT
California	-11.3	73,905	Michigan	+10.6	25,294
Arizona	+3.1	32,209	Texas	+16.1	18,590
Georgia	-10.3	18,611	Massachusetts	+11.8	9,673
Colorado	-9.6	13,911	Pennsylvania	+33	5,474
Florida	-1.5	10,561	Minnesota	+33.3	4,670
North Carolina	-2.2	9,513	New Jersey	+32.9	4,001
New Mexico	-12.1	4,601	Illinois	+37.5	3,333
Dist. of Col.	+2.3	3,364	Ohio	+39.9	2,509
Wisconsin	+3.5	2,060	Connecticut	+24.6	1,613
Alaska	-2.4	2,047	Louisiana	+16	1,589
Kansas	-1.9	1,545			
Average difference = -5.5; combined enrollment = 172,327		Average difference = +25.6; combined enrollment = 76,746			
% of total enrollment/21 states = 69		% of total enrollment/21 states = 31			

^a Of the 21 states with total enrollment in charter schools of more than 1,000.

Sources: The State of Charter Schools 2000; Fourth-year Report, conducted by RFP International

ethnic enrollment in charter schools, the data on poverty rates suggest that in the states with more poor students enrolled in charter schools, poverty rates of students in the charter schools differ more from the statewide public schools than in states with fewer poor students overall.

SUMMARY OF STATE-LEVEL DATA. The overarching finding here is that context matters. The tendency appears to be, with a few exceptions, that in states that are whiter and wealthier overall, charter schools are more likely to be serving a relatively high percentage of low-income students and students of color. In states that are more racially diverse overall and that have even a slightly higher percentage of low-income students enrolled in their public schools, charter schools are more likely to be drawing a relatively higher percentage of white and nonpoor students. This is not a perfect pattern; in fact, four of the twenty-one states—Texas, Colorado, Louisiana, and Kansas—do not fit *either* the race/ethnicity or the poverty trends. But in one way or another, the remaining seventeen states do.

As we noted above, we do not yet know what this means or why these phenomena are occurring. But we can begin to speculate from these data that in states where the public schools are organized into smaller school districts that are often more separate and unequal and the white and wealthy families are fairly content with their mostly segregated suburban schools, charter schools could be perceived mainly as a reform designed to help the most desperate students in poor, urban public schools. In more racially, ethnically, and socioeconomically diverse states where there are fewer white and wealthy public school district enclaves, charter school reform may represent more of a mixture of forces, including efforts by middle-class and white parents to create more quasi-private public schools, thereby pulling away from the larger public system. In doing so, these parents often create more racially/ethnically and socioeconomically homogeneous schools, whether they intend to or not.

These are possible explanations for a complicated pattern of charter school enrollments across states. Still, all of the data discussed thus far are aggregated at the national and state levels. Below we present data from several studies that look more closely at charter schools and their districts to suggest that even in states where charter school enrollment in the aggregate is more closely aligned to the statewide racial/ethnic averages in public schools, there is no evidence that white students

and students of color or poor and nonpoor students are being served in the same charter schools.

District- and School-Level Data: Charter Schools within Their Local Contexts

The disparate state-level data point to the need to look more carefully at what is happening locally in school districts and in the charter schools within them. Thus it is clear that we need to know—despite the state averages—how many of the predominantly white charter schools are in school districts populated mostly by students of color. This is a very different picture than one in which the predominantly white charter schools are in predominantly white school districts.

In some states there are data that allow us to examine these issues—for example, reports that compare charter schools to their surrounding districts or, less frequently, nearby public schools within a local section of these districts. These reports tend to show a great deal of racial segregation across charter schools. Thus, even those states with relatively low percentages of white students enrolled in charter schools still often have some virtually all-white charter schools. They may also have many virtually all-African-American or all-Latino charter schools. Hence, it is extremely important to break down the state-level information when asking questions about racial/ethnic and social class segregation.

RACIAL DIVERSITY: COMPARING CHARTER SCHOOLS TO THEIR LOCAL DISTRICTS. The Department of Education's Fourth-Year report on charter schools states that 69 percent of all charter schools operating in twenty-seven states during the 1998–99 school year had white student populations that were within twenty percentage points (plus or minus) of their local school districts' average percentage of white students.²⁵ This was up from about 60 percent of all charter schools in the 1996–97 school year.²⁶ Meanwhile, another 17 percent of charter schools had a distinctly higher percentage of students of color and a lower percentage of white students than their surrounding districts. Thus, according to the report, only 14 percent of charter schools had a lower percentage of students of color and a higher percentage of white students than their districts.²⁷

Unfortunately, the 20 percent range that the Department of Education report used to define charter school distinction along racial/ethnic enrollment lines seems quite broad compared to other reports that address these issues. Furthermore, the Department of Education's Fourth-Year Report fails to provide any further information on comparisons of charter schools to districts. For instance, there is no information on whether charter schools that are racially or ethnically distinct from their surrounding districts in one way or another are clustered in particular states or types of school districts—for example, urban or suburban. Nor is there any helpful school-level data to shed light on the racial makeup of individual charter schools as they compare to nearby public schools, and compared to districtwide averages.

In fact, the Department of Education's Second-Year Report included some of this information, comparing the proportion of white student enrollment in about 368 charter schools to white enrollment in all the public schools by ten percentage points—0 to 10 percent, 10 to 20 percent, 20 to 30 percent white, and so forth—in sixteen states.²⁸ This analysis showed that charter schools were much more likely to have 0 to 10 percent white enrollment than the regular public schools and somewhat more likely to have 90 to 100 percent white enrollments. Meanwhile, the public schools in these sixteen states were more likely to have 60 to 70, 50 to 60 or 20 to 30 percent white enrollment than were the charter schools, suggesting that the public schools were more racially diverse. Unfortunately, the Department of Education has not conducted this analysis in subsequent reports.

Still, these Second-Year Department of Education findings, which show that charter schools tend to be more racially isolated than the regular public schools, have been confirmed by subsequent studies conducted by other researchers. For instance, a study conducted by Carol Ascher, Robin Jacobowitz, and Yolanda McBride provides important cross-state information on charter school and district level enrollments.²⁹ They analyzed data from more than 550 charter schools in 317 school districts in twenty-six states. Like the Department of Education's Fourth-Year Report, they found that about 70 percent of all charter schools were not distinct (using plus or minus twenty percentage points) from their surrounding districts in the percentage of white students enrolled. Yet this report and others also reveal some interesting differences between the predominantly white and predominantly nonwhite charter schools, especially as they relate to their surrounding districts.

u **CHARTER SCHOOLS ARE LESS RACIALLY/ETHNICALLY DIVERSE THAN THEIR SURROUNDING DISTRICTS.**³⁰ In breaking down the data to examine charter schools in their local school district contexts, Ascher and her colleagues found that out of 552 charter schools, 27 percent had a student population that was 0 to 20 percent white. Meanwhile, another 38 percent had an 81 to 100 percent white student population. Therefore, 64 percent, or almost two-thirds, of all charter schools were either predominantly white or predominantly students of color.³¹

In comparison, the racial makeup of the 317 school districts in which these charter schools were located was more diverse. In fact, only about 10 percent of these school districts were 0 to 20 percent white, and another 37 percent were 81 to 100 percent white. Therefore, only 47 percent of the school districts were either more than 80 percent or less than 20 percent white, compared to 64 percent of the charter schools.

Thus, the percentage white is similar at one end of the spectrum, with about 38 percent of charter schools and 37 percent of their host districts enrolling 80 to 100 percent white students. Yet at the other end of the spectrum, charter schools and their districts are more disparate, with nearly three times as many charter schools enrolling 0 to 20 percent white students as their home districts.

Other reports examining charter school enrollment in different states also point to greater racial isolation in charter schools than in their surrounding school districts, although the extent to which this results in more predominantly white or more predominantly nonwhite charter schools differs across the states with several state reports showing more predominantly white charter schools.³² For instance, in a comprehensive study of the enrollment of ninety-eight California charter schools from the 1996–97 school year,³³ SRI International found that while on the whole charter schools served a population that was, demographically, fairly similar to the student population statewide, intradistrict comparisons showed greater discrepancies, especially in the predominantly white schools. More specifically, the report noted that about 40 percent of the California charter schools enrolled a disproportionately high percentage of white students in comparison to their surrounding school districts. In half of these cases, white

enrollment in charter schools exceed the district's by more than 25 percent. Meanwhile, the exact opposite was true for Latino students, who were underrepresented by at least 10 percent in almost 40 percent of all charter schools and by at least 25 percent in 18 percent of charter schools. These intradistrict discrepancies were far greater for white and Latino student populations than for African-American or Asian student populations.³⁴ This finding confirms an early finding in the Department of Education's First-Year Report on charter schools, which stated that 37 percent of the eighty-one charter schools in California during the 1995–96 school year, as opposed to 17 percent of all public schools in the state, had enrollments that were 80 to 100 percent white.³⁵

Furthermore, these patterns of segregation in California charter schools do not appear to be changing. For instance, a study by Carol Muth Crockett examining data from the 123 California charter schools operating during the 1997–98 school year found only one charter school that reflected no difference at all in “whiteness” from its sponsoring district. “Of the remaining 122 charter schools, 78 (over 63 percent) were Whiter than their sponsoring districts.” In fact, 22 of the charter schools (or 18 percent of the total studied) were at least 25 percent more white than the public schools in their districts.³⁶

Meanwhile, paralleling the SRI findings, Crockett reported that while white students were often overrepresented in charter schools, in eighteen of the charter schools (15 percent), Latino students were underrepresented by at least 25 percent. And in about one-third of these schools, or 6 percent of the total, Latino students were underrepresented by 50 percent or more. Thus, once again, the state with by far the largest enrollment in charter schools is also the state with some of the most problematic demographic data.

In Colorado, where the aggregated charter school enrollment was about the same percentage white as the statewide K–12 public school enrollment, a 1998 evaluation of thirty-two charter schools showed that while differences between charter schools and regular school districts did not appear to be as great as they were in California, African-American and Latino students were underrepresented in charter schools.³⁷ For instance, twenty-six of the thirty-two charter schools studied—or 81 percent—served a lower

percentage (by 5 percent or more) of students of color than their surrounding school districts.

On the other hand, Michigan is a predominantly white state (83 percent of the students in the public schools statewide are white; about 13 percent are African American), but white students were underrepresented in charter schools and African-American students were overrepresented. In all of the charter schools across the state combined, 50 percent of the students were white and 41 percent were African American.

A closer look at some of the preliminary data from two reports on Michigan charter schools suggests that, at least in some instances, African-American and white students were enrolling in separate charter schools.³⁸ These two studies of Michigan charter schools examined different areas of the state, and they come to different conclusions about how charter schools relate to their local districts in terms of racial/ethnic balance. Jerry Horn and Gary Miron, who studied sixty-two charter schools in all but the southeastern area of the state, showed that while there was a larger percentage of African-American students enrolled in these charter schools (39 percent) than in the state's public schools as a whole (17 percent), the percentage was lower than that of the districts surrounding the charter schools (51 percent). Meanwhile, the authors found the opposite was true in terms of white enrollment—that is, the percentage of white students enrolled in the charter schools was, on average, about 49 percent, compared to about 42 percent in the host districts.³⁹

The second Michigan report examined the fifty-five charter schools in the Ann Arbor, Detroit, and Flint metropolitan areas.⁴⁰ Contrary to the Horn and Miron study, this study found that the percentage of students of color in the charter schools was higher than in the public schools in the surrounding districts. For instance, the report states that the charter schools in this southeastern section of Michigan enrolled a combined student population that was 68 percent students of color, while the surrounding school districts were only 54 percent students of color.⁴¹ However, this analysis may have been confounded because data from one predominantly white school district that has only one charter school could have lowered this 54 percent average. Data are needed that break down these comparisons of

charter schools and the surrounding districts to the district and community levels.

A study of Minnesota,⁴² where the overall student population is predominantly white (86 percent) but the total charter school population is only about 52 percent white,⁴³ examined the range of racial diversity in charter schools and their surrounding school districts. This study found that the range of the percentage of white students enrolled was much wider in the charter schools—between 0 and 99 percent white—than it was in the host districts, where white enrollment ranged from 37 to 98 percent. This was also the case with African-American enrollment; while the surrounding or host school districts ranged from less than 1 to 40 percent African American, the charter schools ranged from 0 to 96 percent. Similarly, the range of Latino and Asian enrollments in charter schools was much wider in the host districts than in the public schools.

Following from the preliminary findings of several other reports, this study concludes that white students and students of color, for the most part, are enrolled in different charter schools. Thus, as of 1996 half of the sixteen charter schools operating in Minnesota were serving student populations that were less than 20 percent students of color, and the other half were serving more than 60 percent students of color. The authors write: “These data indicate that Minnesota charter schools, at this time, are not necessarily functioning as a desegregation tool.”⁴⁴

The third-year evaluation of charter schools in Texas conducted by a consortium of researchers, as well as the U.S. Department of Education, found that the eighty-nine charter schools operating in Texas during the 1998–99 school year enrolled a lower percentage of white students than the regular public schools overall.⁴⁵ But the report also makes clear that at the school level, the white students who were enrolled in Texas charter schools were rarely attending the same schools as African-American or Latino students. For instance, in 1998–99, the so-called at-risk charter schools had much higher concentrations of Latino and African-American students and a lower concentration of white or “Anglo” students. At the same time, the charter schools that were not targeted toward at-risk students enrolled a slightly lower percentage of Latino students and a higher percentage of

African-American students when compared to state averages. Although the percentage of white students in both types of charter schools—“at-risk” and “non-at-risk”—was lower than the statewide percentage of white students overall, they comprised 30 percent of the non-at-risk charter school population, as opposed to only 14 percent of the at-risk charter school population. In fact 84 percent of the at-risk charter schools had student populations that were less than 33 percent white. Meanwhile, 50 percent of the students enrolled in at-risk charter schools were Latino, even though Latinos comprise only 38 percent of the overall Texas public schools’ student population.

Furthermore, the racial/ethnic breakdown of individual Texas charter schools shows that forty-four of them, one-half of the total, had enrollments that were more than 75 percent from only one racial/ethnic group. In fact, thirty of these schools had student bodies that were 90 percent or more from one racial/ethnic group, including four that were more than 90 percent white, twelve that were more than 90 percent African American, and fourteen that were 90 percent or more Latino.

Finally, the report examined the extent to which Texas charter school enrollments were within twenty percentage points of their local school districts’ percentages for different racial/ethnic groups. The result was, once again, that Latino students are the most underrepresented group in the non-at-risk charter schools. Thus, while on average 85 percent of Texas public schools are within twenty percentage points of their district averages in terms of the percentage of Latino students, only 43 percent of the non-at-risk charter schools were within this limit. In fact, for every racial/ethnic group, enrollments in the regular public schools in Texas much more closely reflected the racial breakdowns of their local school districts than did the charter school enrollments.

In contrast, the Massachusetts data do not fully support the conclusion that charter schools are, for the most part, more racially segregated than their districts. In fact, many Massachusetts charter schools, particularly those that were predominantly white, closely reflected their school districts—that is, highly segregated by race and class. For instance, the data presented in the Massachusetts State Department of Education 1998 report show that eleven of the twenty-four operating charter schools had enrollments that

were 88 percent or more white. While the statewide average white enrollment in the K–12 public school system was only 78 percent white, ten of these eleven schools were located in school districts that were at least 90 percent white. These ten charter schools, therefore, closely reflected the racial/ethnic makeup of their districts, even though they were disproportionately white compared to statewide averages in public schools. In fact, a recent study by the researchers at the Donahue Institute also found that Massachusetts's charter schools were not significantly different from their local school districts in terms of minority student enrollment.⁴⁶

Still, even these Massachusetts data show that charter schools are segregated by race/ethnicity, even if, in this case, they are not more segregated than their surrounding school districts. Thus, the study by Ascher and her colleagues, combined with several of these state-by-state reports on charter schools, begin to show a trend of separate charter schools for white students versus students of color, even if they do not agree in terms of which types of charter schools—predominantly white or predominantly nonwhite—are more prevalent. Obviously, as with any aspect of charter school reform, more and better data are needed before firm conclusions can be drawn.

- u **PREDOMINANTLY WHITE CHARTER SCHOOLS ARE MORE SIMILAR TO THEIR SCHOOL DISTRICTS.** Similar to the phenomenon discussed above regarding the state-level data, it appears that in at least some of the states examined the greatest racial/ethnic difference between the districts and the charter schools that operate within them occurred when charter schools served mostly students of color. According to the Ascher study, in terms of the racial makeup of the students, the predominantly white charter schools tend to be more similar to their districts.⁴⁷ In fact, the authors found that the makeup of 83 percent of the predominantly white charter schools nationwide was roughly equivalent to their districts' averages. And, as we noted earlier, while 37 percent of the districts had enrollments that were predominantly (81 to 100 percent) white, about the same percentage of charter schools—38 percent—were also predominantly white.⁴⁸ Meanwhile, the contrast between charter schools and school districts enrolling mostly students of color was much greater. For instance, while only 10 percent of all the school districts in the

sample were 0 to 20 percent white, 27 percent of the charter schools were 0 to 20 percent white. The authors conclude:

The higher the percentage of white students in the charter schools, the more likely charter schools are to be equivalent to their districts.... On the other hand, nearly half of all charter schools with more than two-thirds students of color are distinct from their districts. That is, charter schools may be offering students of color a more segregated environment than their districts as a whole.⁴⁹

However, not all the research concurs on this point. For instance, in California Crockett found major differences between the predominantly white charter schools and their surrounding school districts; many of these charter schools were located in urban, predominantly nonwhite districts. She also found that 41 percent of all urban charter schools in California were more white by 20 percent or more as compared to their districts as a whole. Furthermore, she found that in urban districts, on average, the overrepresentation of white students in charter schools was two to three times greater than the overrepresentation of white students in suburban and rural charter schools.⁵⁰

Still, despite some discrepancies, it appears as though some of the state reports concur with the two central findings of the Ascher national analysis of school- and district-level data. First, charter schools tend to be more racially segregated than their surrounding districts. Second, charter schools serving mostly students of color tend to enroll a higher percentage of these students than their surrounding school districts, whereas predominantly white charter schools tend to more closely match the demographic makeup of their surrounding school districts. Two very important exceptions are California and Texas.

u **A SCHOOL-TO-SCHOOL LEVEL COMPARISON OF RACIAL COMPOSITION.** Of course, the shortcoming of this analysis is that Ascher and her colleagues were comparing the demographics of individual charter schools to those of entire school districts. Obviously, within most school districts, individual public schools could be as racially/ethnically or socioeconomically segregated as

any charter school. This issue is particularly problematic in large school districts where, despite districtwide racial diversity, individual schools are often quite racially homogeneous. Thus, a charter school enrolling mostly African-American students within a school district that is racially diverse could be located in a community in which the nearby public schools also enroll mostly African-American students.

One study by Casey Cobb and Gene Glass on Arizona's charter schools attempts to address this issue. This study employed a map analysis to compare the ethnic composition of every charter school in metropolitan Phoenix to that of "nearby" traditional public schools of comparable grade levels.⁵¹ The analysis shows that time and time again charter schools enroll student populations that are a higher percentage white than their closest public schools. For instance, when the authors focused on Scottsdale, a predominantly white suburb of Phoenix, they found that in the southern section of the district, where the small population of ethnic minorities in that district reside, charter schools were enrolling a disproportionate percentage of white students. In fact, in the area surrounding two of the K-8 charter schools in Scottsdale, no public school enrolled as high a proportion of whites as these two schools. For instance, one Scottsdale charter school served 226 students in grades K-8, 87 percent of whom were white. Meanwhile the two closest public schools that spanned the same grades were only 62 percent white and 73 percent white.⁵²

Similarly, in the suburb of Tempe, Cobb and Glass found that one elementary charter school had a higher percentage of white students enrolled than any of the nine other elementary schools in the area. A charter school serving middle-grade students in the same area was located less than a quarter of a mile from a public middle school that served nearly three times the proportion of ethnic minority students as the charter school.⁵³

The authors also note that 75 percent of the students in the metropolitan Phoenix charter schools were in schools that were 70 percent white or more. In contrast, only 45 percent of the students in the public comparison group were in schools that were 70 percent white or more.⁵⁴ They conclude:

The national and state evaluations which report that Arizona charter schools serve a proportion of ethnic

minority students at a level consistent with or greater than the traditional public schools are off the mark. Their methods produce numbers and percentages in the aggregate, techniques that conceal potential evidence of ethnic separation at the level at which it should be measured. The general picture of Arizona's charter schools is that they are significantly more segregated than the traditional public schools.⁵⁵

The Cobb and Glass paper demonstrates why it is important to disaggregate the national-, state-, and even district-level data and to place charter schools within their local, community context to better understand issues of racial/ethnic segregation and isolation. Clearly, more research needs to be done in this area.

POVERTY RATES: A SCHOOL- AND DISTRICT-LEVEL COMPARISON. In terms of poverty rates at the school and district level, the Department of Education's Fourth-Year Report on charter schools is not helpful because the data are only broken down to the state level, not to the school or district level. The Department of Education's Second-Year Report is, however, much more helpful. These data, based on 1996–97 figures, showed that in about 52 percent of nearly four hundred charter schools, less than a third of students were eligible for free or reduced-price lunch, while in 29 percent of all charter schools more than two-thirds of the students were eligible. Thus, it looks as though charter school enrollments tend to cluster in both poor and less poor schools.

Yet the Ascher study, which used 1997–98 data, showed a decline in the percentage of charter schools—from 29 percent in 1996–97 to 19 percent in 1997–98—with more than two-thirds of their students eligible for free or reduced-price lunch.⁵⁶ At the other end of the spectrum, the percentage of charter schools with less than a third of students eligible had grown from 52 percent to 61 percent during that same year.

The Department of Education's Second-Year Report also compared the percentage of students in charter schools who qualified for free or reduced-price lunch to the average percentage of qualifying students in the surrounding school districts. The report states that 50 percent of the charter schools were not distinct from their districts in the percentage of qualified students, 23 percent had a higher percentage of

students who were eligible, and 27 percent had a lower percentage of students who were eligible than their districts.

Likewise, in their more recent and broader based analysis, Ascher and her colleagues found that nearly half of all charter schools (48 percent) were equivalent to their districts in the percentage of poor students eligible for free or reduced-price lunch.⁵⁷ However, they also found that only 14 percent of charter schools had a higher percentage of students eligible, while the percentage of charter schools enrolling a smaller percentage of low-income students than their surrounding school districts had grown from 27 to 38 percent. Thus, the percentage of poor students enrolled in charter schools declined relative to the nearby public schools.

Below, we look at more specific findings related to comparisons of charter schools to their districts in terms of student poverty.

u **CHARTER SCHOOLS TEND TO HAVE FEWER POOR STUDENTS THAN THEIR DISTRICTS.** According to the Ascher report, 54 percent of the 483 charter schools for which they had data had 20 percent of students or less eligible for free or reduced-price lunch.⁵⁸ In fact, a third of all charter schools had no students eligible. (The authors note that this finding may be due, in part, to the bureaucratic obstacles to becoming part of the federal free and reduced-price lunch program.) Meanwhile, only 23 percent of the 314 school districts for which they had data had 20 percent of students or less eligible for free or reduced-price lunch.

This suggests that at one end of the continuum—low-poverty school districts—charter schools generally had even fewer poor students enrolled than their districts. Yet at the other end of the continuum—in high-poverty districts—there was a concentration of charter schools serving a disproportionately higher percentage of poor students than their surrounding school districts: while nearly 11 percent of charter schools had enrollments in which 80 percent of students or more were eligible for free or reduced-price lunch, only about 5 percent of the school districts that housed these charter schools served a student population that was 80 percent or more poor.⁵⁹

Meanwhile, the percentage of charter schools in the Ascher study that were more socioeconomically diverse—with enrollments in which between 20 and 80 percent of the students qualified for

free or reduced-price lunch—was relatively low, at about 35 percent. This compared to more than 72 percent of the school districts in which the charter schools resided.⁶⁰ Thus, like the data on the percentage of students of color, charter schools are more likely to be found on one end of the poverty continuum or the other, and the public school districts are more likely to be in the middle, with a greater mix of students.

Meanwhile, several of the individual state reports mentioned in the section above also provide information on charter schools and student poverty rates. Most show that charter schools tend to serve fewer poor students than their districts. For instance, the SRI report found that in about 60 percent of California charter schools, students were less likely to be from low-income families than other students in their sponsoring districts. In more than half of these instances—36 percent of all charter schools—the proportion of students eligible for the lunch program was more than twenty percentage points less than that in their districts' noncharter schools. Similar patterns hold in Colorado⁶¹ and Massachusetts⁶² and, to a lesser extent, in Michigan.⁶³

The pattern of charter schools—regardless of their racial/ethnic makeup—serving smaller percentages of low-income students relative to their surrounding districts is strong. Some of this distinction between charter and noncharter public schools could be related to the subtle and often covert ways in which students and their families are recruited and admitted into charter schools. As we discuss in the following section, we learned a great deal about these practices in our in-depth study of ten school districts in California. Several other studies have raised these same issues.

SUMMARY OF SCHOOL- AND DISTRICT-LEVEL DATA. According to Ascher and her colleagues, while preliminary analyses of charter school enrollment data suggest that charter schools “mirror” their districts in the average percentage of students from different racial/ethnic or socioeconomic groups, a more careful analysis suggests that individual charter schools are serving more students at the extreme ends of the ethnicity and socioeconomic continuums. In particular, their data show that charter schools serving mostly students of color tend to be much less racially/ethnically diverse than their districts. Similarly, while a large number of charter schools do not serve very many students eligible

for free or reduced-price lunch, in disadvantaged districts charter schools may serve even more eligible students than the district average. According to Ascher and colleagues, “[A] closer analysis suggests that charter schools may be proliferating at both the low and the high end of the race/ethnicity and affluent/poverty continuums.”⁶⁴ The research from various states generally confirms these findings, although it shows some differences in terms of the specific distinctions between charter schools and their local school districts.

These findings offer an interesting twist to the story that emerged from the state-level data in the prior section. There it appeared that in states in which the overall public school enrollment was less white, charter schools were more likely to enroll an equal or disproportionately high percentage of white students. And in states where the overall public school enrollment was more white, the charter school enrollment was disproportionately students of color. The same inverse relationships between the charter schools and the statewide public schools existed, although not as strongly, for low-income students, suggesting that charter schools look different from the statewide public school system in terms of both the racial/ethnic and the socioeconomic makeup of the students who enroll.

The Ascher study as well as several of the state reports suggest that when you look at school- and district-level data, charter schools are more extreme in terms of racial and social class isolation and segregation than the districts in which they are located. Thus, in a predominantly white state such as Michigan, not only are charter schools more likely to enroll African-American students than white students, but they are also more likely to enroll a higher percentage of African-American students than their surrounding school districts—at least in the urban districts in the southeastern part of the state. Conversely, in a state such as California, in which the general K–12 public school population is very diverse, charter schools are more likely to enroll white students and more likely to have a higher percentage of white students than their surrounding school districts. The same would be true, on average, for poor and nonpoor students within their state and local context.

In this way, charter schools may well be exacerbating the racial/ethnic and socioeconomic segregation that is already quite pervasive in the public educational system. Of course, before such conclusions can be convincingly drawn, more data are needed comparing the racial/ethnic makeup of charter schools to that of nearby individual

public schools. Indeed, for those charter schools located in large and diverse school districts, the charter school to school district comparisons are far less helpful.

ACCESS AND OPPORTUNITIES WITHIN CHARTER SCHOOL REFORM

Some of the most important findings from our study of charter schools⁶⁵ in California revealed that they can subtly garner increased control over who enrolls in them through their limited and targeted recruitment efforts and selective admissions policies. Other studies of charter schools across the country describe similar phenomena. These practices may be contributing to an increase in racial/ethnic isolation and segregation in charter schools.

Targeted and Word-of-Mouth Recruitment

A few of the charter schools we studied included information about their schools in districtwide school choice brochures that went to all parents. But more often the recruitment process was highly circumscribed. For instance, many more charter schools simply posted flyers in the local community or sent out mailers to families within their attendance boundaries. A few charter school directors took out ads in the local newspaper, and many gave tours of their schools to interested students and parents. Still other charter schools advertised by sending educators and/or students to attend various meetings or public forums to make presentations about the school. Finally, several charter schools in our study relied solely on word-of-mouth efforts to attract students and parents.

Though some of these recruitment tactics are utilized by other public schools, charter school founders and operators have much more flexibility to target these efforts in specific communities because of both the charter school legislation and the nature of this reform. Their methods can be especially effective when charter schools are new, start-up schools that are not serving an established attendance area. These start-up schools, which must recruit hundreds of students very quickly, are in a better position to market themselves strategically, and we found that

many of them target specific communities, whether based on geographic location of residence, racial/ethnic composition, language proficiency, or “at-risk” characteristics.

In their discussion of such recruitment practices, David Arsen, David Plank, and Gary Sykes note that some Michigan charter schools have pursued locational, curricular, and marketing strategies that make them especially available or attractive to members of particular ethnic or racial groups. In some cases, the authors note, the “target market” is white students in districts where most of the students are members of minority groups.⁶⁶

Furthermore, we learned in California that for schools that gain good reputations, the need for formal recruitment efforts often declines and more informal, word-of-mouth networks become the primary route through which people obtain information about the school. These word-of-mouth networks, often circumscribed by race, social class, and language, limit who finds out about these schools and their admissions policies.

Other studies point to the same phenomenon occurring outside of California. For instance, a study of Arizona charter schools reported that 53 percent of surveyed parents with children enrolled in charter schools said they found out about the school by word of mouth from a friend, relative, or neighbor. Another 22 percent said they had learned about the school because of its reputation in the community.⁶⁷ Similarly, the Texas study by Gregory Weiher and colleagues found that 97 percent of the students in the non-at-risk charter schools were recruited via word of mouth, as were nearly 80 percent of the at-risk charter school students.⁶⁸

We posit that, in our segregated and stratified society, these targeted and word-of-mouth recruitment strategies, combined with the fairly selective admissions policies that charter schools employ, described below, work against racial/ethnic and socioeconomic diversity in many instances.

Selective Admissions Policies

Admissions requirements and processes exemplify another way in which charter schools have more control over their enrollments than most regular public schools. For instance, although many of the charter schools in our California study operated on a “first-come, first-served”

basis, they still gave preferential treatment to certain students—that is, students who lived nearby, who had attended before the school went charter (in the case of a conversion school), who had siblings at the school, or whose parents worked there.

Furthermore, in most cases the degree of selection went beyond these “first-come” policies and preferences in part because almost every school we visited had a waiting list of students who wanted to enroll. Thus, most of the charter schools implemented some sort of admissions requirements to help them determine which of the “first come” students and parents best “fit” the philosophy and mission of the charter school. In fact, the SRI study found that 44 percent of the ninety-eight California charter schools surveyed cited student and/or parent lack of commitment to the school’s philosophy as a factor for being denied admission.

In order to better assess the fit between the charter school and the families in terms of shared values and beliefs, several schools required some sort of pre-admissions meeting between school officials and parents and/or students. The meetings ranged, depending on the school, from informal discussions in which the school culture is described, to a more formal interview designed to assess students’ abilities and interests as well as parents’ level of commitment to education and school service. Charter school operators described to us how these meetings were often used as opportunities to assure that families would fit in at the schools.

Similarly, a report on charter school reform in New Jersey found that all seven charter schools studied required an interview of the applicants “to ensure that the goals and mission of the school are in concert with that of the parents and students.”⁶⁹

Another admissions requirement that gave the charter schools we studied more power to shape their educational communities were contracts compelling students and/or parents to abide by certain rules and expectations. These contracts are widespread in California charter schools. In fact, the SRI study found that 75 percent of California charter schools required a parent or adult to sign a contract with the school when enrolling a child.⁷⁰

Seven of the seventeen charter schools we studied in depth required parents to sign contracts, which asked them to conduct a variety of tasks including reading to their children, going over homework, and encouraging “appropriate” student behavior in accordance with school behavior codes. However, the most common requirement in

these contracts was that parents volunteer at the school and participate in school activities a certain number either of hours or of events per school year. Many of the schools reserved the right to ask families to leave if parents did not meet the requirements specified in the contract. They could also deny families admission to the school if parents did not agree ahead of time to fulfill the requirements of the charter. According to the SRI report, 32 percent of California charter schools had denied families admission to their schools because the parents were not able to commit to the parental involvement requirement.⁷¹

Yet even more common than the parent contracts in our study were the student contracts/requirements. All but four of the seventeen charter schools we visited had such student contracts and/or requirements in place. Educators at these schools could ask students to leave if they did not “live up to the charter” or the contract. In other words, students who were seen as not “trying hard enough,” were frequently tardy or absent, or misbehaved according to the school’s conduct code could be kicked out of their charter schools.

Again, this is not simply a California phenomenon. In fact, the Arsen report noted that some Michigan charter schools appeared to be developing increasingly aggressive strategies for selecting their students.⁷² They cite mechanisms similar to those we documented in California, including requiring parents to fill out elaborate application forms and/or participate in an interview before enrolling their child. The authors note that such practices make it possible for administrators to discourage applications from students who might disrupt the school community.⁷³

Similarly, the New Jersey study found that although each of the charter schools examined used a lottery system to ensure random selection of its students, there were several components added to the application process that undermined the intent of random selection, including parent contracts and interviews.⁷⁴ In fact, one charter school in this study listed “reasonable criteria” for admission which included “[i]nterview with parent (guardian) and child,” “[a] review of past student school performance to ascertain interest,” and “[p]arent (guardian) agreement to, and signing of, a contract regarding specific responsibilities.”⁷⁵

Setting admissions priorities for certain groups of students or requiring that students and/or parents sign a contract and/or go through an interview process illustrate some of the ways in which charter schools, as schools of choice, can decide who attends them, more so

than other public schools. It is easy to see how these recruitment and admissions practices could lead to greater racial/ethnic and social class segregation and inequality at the school level, in part because of the way in which some charter school operators use them to create more homogeneous schools and in part because of the already existing segregation and inequality within local communities. And in fact, the majority of schools we studied were more racially/ethnically and socioeconomically isolated than the school districts in which they resided. In ten of the seventeen California charter schools we studied, at least one racial or ethnic group was over- or underrepresented by 15 percent or more in comparison to their districts' racial makeup. In eight of these schools, the percentages were off by more than 15 percent for two or more racial or ethnic groups.⁷⁶

Still, we also suspect that the picture is more complicated than racial/ethnic demographic differences. We saw, for instance, how across various contexts these recruitment and admissions practices contributed to something we call "relative privilege": the way in which the ability of charter schools to control who comes to them more tightly assures that they enroll students who already have the resources, support, or best academic or behavioral records relative to other students in nearby public schools. In other words, even when charter schools look similar to regular public schools in terms of the racial/ethnic and even socioeconomic makeup of their students, they often may enroll the students from the local community with the most involved parents or the strongest support systems.

Thus, in addition to crude numbers on race/ethnicity and poverty rates, we also need to compare other characteristics of charter school and noncharter school students in the same community, especially parental support, prior achievement, and so forth. Similarly, as we discuss below, we also must compare the opportunities available to different children in different charter schools.

Opportunities to Learn across Charter Schools

Given the emerging evidence that poor students and students of color are often enrolled in separate charter schools from their more advantaged peers, a fundamental question that researchers should be pursuing is whether or not the opportunities to learn differ across charter schools,

and, to the extent they do, which students have access to which opportunities. If indeed racial/ethnic and socioeconomic diversity within charter schools is not a high priority, then the issue of equality of opportunities to learn across racially and socioeconomically segregated charter schools is of utmost importance. Yet thus far, only a handful of researchers are trying to connect demographic information on charter school enrollments to an analysis of the educational opportunities available in different charter schools.

One of the best studies addressing this issue is the Cobb and Glass paper on Arizona charter schools, in which they examined the programmatic offerings, or “educational missions,” of twenty-two charter high schools in the Phoenix metropolitan area.⁷⁷ They found that twelve of these schools offered a “college prep” curriculum, while the remaining ten offered a more vocational education program. Interestingly, the racial/ethnic breakdown of these two sets of schools is quite stark: 86 percent of the 1,865 students enrolled in the college-prep charter high schools were white, while less than 40 percent of the 1,635 students enrolled in the vocational high schools were white. The authors note that the proportion of white students in urban, college-bound charter high schools was well over two times the proportion of white students in urban, non-college-bound charter high schools.⁷⁸ Similar, although less dramatic, racial/ethnic distinctions between college-prep and vocational charter schools were found in the eleven rural charter high schools studied.

As we noted above, the Texas report by Weiher and his colleagues found that Latino students were overrepresented in the at-risk charter schools and somewhat underrepresented in the non-at-risk charter schools. Meanwhile, the student populations of the non-at-risk charter schools had two times as many white students as the at-risk charter schools—30 percent versus 14 percent. African-American students were about equally overrepresented in both the at-risk and the non-at-risk charter schools compared to their overall enrollment in the public schools statewide.⁷⁹

These demographic differences for Latino and white students are more disturbing in light of another finding from the study, which showed that while 50 percent of the students in the non-at-risk charter schools intend to go on to a four-year college after graduation from high school, only 26 percent of the students in the at-risk charter schools have such plans.

Related to this issue of opportunity to learn, we found in our UCLA Charter Study of ten school districts in California that starting and operating a charter school required a substantial amount of resources of all kinds—material, in-kind, social, and political.⁸⁰ Access to these resources varied greatly depending on the location of the charter school in a given community and the school's relationship to various institutions, including the school districts, business community, policymakers, and so forth. While we saw charter school operators across the seventeen schools we studied engaged in one or more resource-generating strategies, we also witnessed substantial disparities in the resources they were able to attract with these strategies. For example, while a governance board member at a well-resourced charter school contemplated how to utilize the abundance of computers and a business manager at another wealthy charter school reflected on its \$400,000 budget surplus, other charter schools were housed in barren facilities that sometimes had no running water, heat, or adequate classrooms for the students. In addition, usually there were very few, if any, computers or science equipment in the poor charter schools compared to the wealthier charter schools.

Generally speaking, schools located in predominantly middle- and upper-middle-class communities and serving a higher proportion of white students tended to have easier access to financial and in-kind resources due to their high-status connections. Meanwhile, educators in charter schools serving predominantly poor students and students of color were often overwhelmed by the day-to-day demands of running a school with limited resources and struggled to make similar connections. These findings raise important issues related to opportunities to learn that should be explored more fully in future research.⁸¹

Summary of Access and Opportunity Issues

It appears that many charter schools are able to engage in recruitment and admissions practices that in many cases may contribute to greater racial/ethnic and socioeconomic segregation across charter schools. These practices also seem to contribute to the self-selection of students into charter schools who are “relatively privileged” compared to students in the nearby public schools. Furthermore, there is some preliminary evidence that issues of opportunity to learn in charter

schools are leading to a separate and unequal system in which poor students and students of color have less access to a challenging curriculum.

Lacking additional data and analysis, we argue that more attention needs to be paid to the mechanisms by which inequality is exacerbated by charter school reform. In the next section of this chapter we look more closely at the state charter school laws as they relate to this and other demographic information on charter schools in each state.

LEGISLATIVE LIMBO: CHARTER SCHOOLS AND DIVERSITY

Some charter school researchers have tried to relate their findings directly to the state laws governing charter school reform. They sometimes make a connection between the specifics of the legislation and the demographics of who enrolls in charter schools, arguing that the “rules matter” in terms of who is or is not served.⁸² Given the diversity of charter school laws and charter school enrollments in different states, the search for a relationship between the two seems logical.

As part of our overall assessment of what is known thus far about racial/ethnic and socioeconomic diversity within charter schools, we also examined the charter school legislation of thirty-six states and the District of Columbia. We paid particular attention to provisions of these laws that would influence student access to charter schools, including who is eligible for charter schools, enrollment requirements and admissions criteria, selection criteria, racial balance guidelines, and desegregation compliance. We then compared what we learned about each state’s law to what we knew from the above analysis of who is enrolling in charter schools and how those enrollments relate to the demographics of the regular public schools in the same states, districts, and communities.

We argue that at this stage in the process of researching and documenting charter school reform, it is very difficult to conclude that there is a direct, causal link between the specifics of a state charter school law and the reality of who founds and who enrolls in charter schools. This is because in most states, the laws leave room for equity and access issues to be dealt with—or not dealt with—at the local level. Also, we see little evidence that this highly deregulatory reform puts in place any mechanisms to monitor the equity or racial balance provisions in the laws.

Our hunch therefore, based on this analysis and our own research in California,⁸³ is that the specific context of different states and communities plays a larger role in shaping who engages in charter school reform than do rather subtle differences in the state laws. Given the generally weak nature of the equity and access provisions in most charter school laws, we see little evidence that they play a major role in shaping the race/ethnicity and socioeconomic demographics of most charter schools. This does not mean, however, that amended laws, with stronger diversity requirements and provisions, could not have a large impact.

In the following sections, we look more specifically at several domains of the legislation as they relate to the enrollment of charter schools in particular states.

Admissions Criteria and Enrollment Requirements

Theoretically, one of the most important ways state laws could shape the demographics of charter schools would be through the wording of admissions criteria. Thus, we examined the wording of the laws on admissions criteria in the thirty-six states we studied and related that to the data on charter school enrollments in the twenty-one states with the most students enrolled in charter schools. We tried to make connections between what we know about charter school legislation across the country and how these trends relate to who is enrolling in charter schools in the twenty-one states.

For the most part we saw no consistent pattern between the wording of a state's legislation on this issue and the race/ethnicity and poverty rates of students enrolled in charter schools in that state. Twenty-nine of the thirty-six state laws explicitly allow charter schools to have admissions criteria (although nine of these laws specify that these criteria cannot be based on intellectual ability, measures of achievement, or "aptitude"). Among these twenty-nine states several—for example, Alaska, California, Colorado, and Kansas—enroll either an equal or greater percentage of white students in charter schools compared to the regular public schools. These same states, as we noted above, also enroll equal or fewer poor students on average than the public schools in general. Meanwhile, many of the states that enroll a disproportionately high percentage of low-income students and students of color—for example, Connecticut, Pennsylvania, and Texas—also allow charter schools to apply admissions criteria. Therefore, whether or not charter schools can have admissions criteria

does not appear to be the main variable in predicting the race/ethnicity and socioeconomic conditions of students who enroll.

It is interesting to note, however, that the majority of the nine states that allow charter schools to have admissions criteria that are not based on “intellectual ability” or “measures of achievement or aptitude” are all states in which charter schools enroll a disproportionately high percentage of low-income students and students of color. For instance, charter school laws in Massachusetts, Michigan, Minnesota, New Jersey, and Ohio all restrict the scope of charter school admissions criteria to nonacademic criteria. Thus, it may be that a more comprehensive “admissions criteria” policy that forces charter schools to select students based on nonacademic criteria impacts who enrolls in charter schools across the different contexts.

Another admissions and enrollment issue addressed in many of the laws is the selection method that charter schools can use if they are overenrolled. The vast majority of laws—twenty-five out of thirty-six—specify that students should be selected by random drawing if the school is overenrolled once the admissions criteria mentioned above have been applied. There is some variation across states, however, in terms of special preferences for various students in addition to the random selection. For instance, some laws specify that students will be selected randomly with preferences for siblings, for students living within the district boundary, or for students in particular grade levels.

But despite these particulars, once again no real pattern or relationship appears between the wording of the state laws in terms of enrollment and the demographics of the charter schools as compared to general K–12 public school enrollments. States that serve both disproportionately high *and* disproportionately low percentages of low-income students and students of color compared to the public schools in these states are among the twenty-five that call for random drawings.

Thus, there is little evidence that whether charter schools can have admissions criteria or whether they must select students randomly when they are overenrolled is a major mitigating factor in the broader demographic makeup of these schools. Additional research needs to be conducted in order to know whether a more restrictive law that forbids the use of “ability” or “prior achievement” as part of the criteria is more conducive to the development of charter schools that serve poor students and students of color. Another important part of that research agenda should be to examine “relative privilege” issues as they relate to

charter schools in any states with admissions criteria. In other words, it is important to gather more information on how even the nonacademic criteria that charter schools use in admitting students can put some students at a disadvantage, regardless of race or poverty.

“At-Risk” Focus or Priority

A popular theme in charter school legislation is for charter schools to serve so-called at-risk students. Unfortunately, the legislation rarely defines what “at risk” means. Regardless of whether or not the laws specify that charter schools should serve these students does not appear to influence the proportion of low-income students or students of color served relative to the overall state enrollment.

For instance, among the nineteen states in which at-risk students are *not* mentioned or specified in the law are Arizona, California, Georgia, and Kansas—all of which enroll the same or a greater percentage of nonpoor and white students in their charter schools as in the regular public schools. On the other hand, also among these nineteen states are Michigan, Minnesota, New Jersey, and Pennsylvania —states that enroll a larger percentage of poor students and students of color in their charter schools. Conversely, states with laws that give priority to applications for charter schools designed to increase the educational opportunities of at-risk students include Colorado, where charter schools serve mostly white and nonpoor students. Similarly, the New Mexico law states that charter school applications “must” indicate how the charter schools will serve the needs of at-risk students, yet New Mexico’s charter schools enroll students who are, on the average, significantly less poor than the students in the state’s public schools.

One possible reason for an apparent lack of relationship between legislative provisions for serving at-risk students and the demographics of charter schools in various states is that the state laws tend to be rather vague. And, as with so many aspects of charter school legislation, it is not at all clear if or how such provisions are being monitored or enforced. In fact, it may be that only the laws with more specific criteria and requirements have any impact on charter school enrollments.

For instance, an argument could be made that a more specific requirement regarding at-risk students is one of the reasons why Texas does not fit the larger trend mentioned above of states with less white

and less wealthy overall public school populations housing more charter schools that serve white and more middle-class students. Unlike legislation in other states, the Texas law specifies that the State Board of Education may grant additional charters, above the 120-school cap, if they go to schools that will serve at least 75 percent at-risk students. Similarly, Connecticut, another state in which charter schools serve a much higher percentage of low-income students and students of color than the regular public schools, also has a law that is much more specific about who will be served by this reform: the law states that preference will be given to charter school applications for schools to be located in school districts with concentrated child poverty or in which 75 percent or more of the students are “minorities.”

Another state law that stands out is that of Rhode Island. This law declares that the charter school population “must be reflective of the student population of the district, including but not limited to special education children, children at risk, children eligible for free or reduced cost lunch, and LEP [limited English proficiency] students.” More explicitly, the law states that “no charter shall be authorized” for a school that does not include such students. Unfortunately, we do not have demographic data on Rhode Island’s two charter schools because states with fewer than three schools were not included in the cross-state analysis in the Department of Education’s Fourth-Year report. Thus, we argue that states such as Texas, Connecticut, and Rhode Island should be monitored closely to assess the impact of these stronger and more specific laws on charter school enrollments.

In closing, we do not see any evidence that charter school laws that merely mention the education of at-risk students as a goal or a priority without any specific guidelines or requirements have much impact on who enrolls in charter schools. We do, however, argue that more attention should be paid to the relationship between the legislative wording and at-risk student enrollment.

Racial Balance Requirements and Desegregation Policy Compliance

In looking at the racial balance and desegregation requirements of charter school laws, once again we see little evidence that the legislation has much direct impact on who enrolls in charter schools in various states.

For instance, in terms of requiring charter schools to have any racial balance, twenty-six of the thirty-six states fall into two general categories: nineteen of the state laws say nothing about the racial balance of charter schools, and seven laws state that charter school applications should specify how the schools will achieve a racial and ethnic balance that is reflective of the population of the district in which it is located. Within each of these categories, states are mixed in terms of the students enrolled in their charter schools. For instance, under the category of states that require no racial balance are several states—including Alaska, Arizona, Colorado, Georgia, and New Mexico—in which the charter school population has an equal or higher percentage of white students and an equal or lower percentage of low-income students than the regular public schools. Yet there are also several states in this first category that have charter school populations with smaller percentages of white students and larger percentages of poor students, including Illinois, Louisiana, Michigan, and Texas. The same can be said of the second category of states, which includes California and Kansas as well as Florida, Ohio, and Wisconsin.

Of course, comparing state guidelines on the racial balance of individual schools to the aggregated data on statewide charter school enrollments is not entirely helpful because individual charter schools could be racially balanced in comparison to their local districts even if the state average for charter school enrollment is way off. But we do know from some of the state-by-state research that even in those states with laws that require charter school applications to specify how the schools will achieve a racial and ethnic balance reflective of their districts, there appears to be little compliance thus far. For instance, as we reported earlier, both our UCLA Charter School Study of seventeen charter schools in ten school districts in California⁸⁴ and the Crockett study of charter school segregation in California⁸⁵ show that in most cases, there is virtually no effort being made to assure that charter schools actually reflect the racial/ethnic makeup of their school districts.

Still, as with the at-risk requirements discussed above, some state legislation is more directive when it comes to racial balance requirements than others. And once again, the Connecticut legislation stands out as being more forceful on this issue than virtually any other state's legislation. The Connecticut law includes three provisions that should promote racial balance in charter schools: First, the law stipulates that once a charter has been approved at the local level (for district charters),

the state review board must approve the charters as long as they do not have segregative effects on student assignments. Second, the law requires that charter proposals specify how the schools involved will promote a racially diverse student body. And third, the annual report that the state requires of each charter school must describe the schools' racial and ethnic composition and efforts taken to increase diversity. Thus, the Connecticut legislation stands out in terms of its stronger emphasis on creating more racial balance in charter schools. And as we have noted, large percentages of African-American and Latino as well as poor students are enrolled in charter schools in this state. Still, we currently do not have data to confirm whether or not these Connecticut charter schools are any more or less racially diverse than their local districts or nearby public schools.

In terms of the intersection between the relatively new charter school legislation and existing school desegregation policies, the charter school laws are particularly weak in the vast majority of states. A total of twenty-five state laws do not specify that charter schools must comply with school desegregation court orders or policies. And these twenty-five states are a mixture serving both more low-income students and students of color in the charter schools—for example, Connecticut, Massachusetts, Minnesota, and Texas—and those states with equal or more white students and/or fewer low-income students—for example, Alaska, California, Georgia, Kansas, and New Mexico.

The relatively small number of states with legislation that is more directive in this area are again a mixture of those states with charter school populations that are more and less reflective of the general public school populations, including Colorado, Louisiana, and Michigan. Yet once again, while no clear pattern emerges in terms of charter school racial balance and the specifics of the state legislation, it is also clear that we currently lack the more systematically collected data needed to examine these relationships.

Transportation

The final aspect of the legislation that potentially can have a strong impact on who is able to enroll in charter schools is whether or not transportation is provided for students. We found six states with legislation that guaranteed all students transportation to their charter

schools. The laws in these states—Colorado, Illinois, New Mexico, New York, South Carolina, and Virginia—require charter schools to provide a plan for meeting the transportation needs of their students. Laws in another five states—Nevada, North Carolina, New Hampshire, New Jersey, and Pennsylvania—require charter schools to adhere to the same transportation policy as the district in which they are located but do not specify who pays for it. Only two states—Arizona and Minnesota—provide funds to help cover some of the cost of transportation for some students.

Another eight states have laws that require the charter schools or their local school districts to provide transportation to distinct groups of students—for example, those students residing in the district where the charter school is located or poor students who live a certain distance from the charter school. Again, these eight states represent a mixture of student enrollments, from Connecticut with its disproportionately high percentage of poor students and students of color in charter schools to Kansas with its disproportionately high percentage of white students and equal percentage of low-income students enrolled in charter schools as the regular public schools. Meanwhile, the laws in several states, which also have a mix of enrollments in their charter schools—including those of California, Georgia, and Michigan—require no transportation for charter schools.

Summary of Legislative Limbo

While we would never argue that the specifics of state legislation do not matter, when state charter school laws are so consistently weak in terms of student access, equity, and racial balance the relationship between the laws and students' experiences are more tangential. In other words, we see little correlation between the provisions of a charter school law with regard to admissions criteria, racial balance, at-risk focus, school desegregation compliance, or transportation provisions and the demographics of charter school enrollment.

Therefore, although Ascher and colleagues suggest that charter school enrollment in states such as Georgia and Minnesota may well be related to the weak equity provisions in the Georgia charter school law and the stronger provisions in the Minnesota law,⁸⁶ we see several examples that work in the other direction. For instance, the Colorado

law is relatively strong in terms of an at-risk focus and required compliance with desegregation laws, but the charter schools underserve low-income students and (to a lesser extent) students of color. Meanwhile, Michigan is weak on the at-risk focus provisions but appears to enroll large percentages of poor students and students of color in its charter schools—students who, according to some definitions, are more likely to be at risk of failing in school.

It seems that the context of this reform as it interacts with the history and politics of each state and school district often has more to do with who is enrolled in charter schools and how the demographics of the schools relate to those of regular public schools than does the language in often vague and fairly deregulatory state legislation. At the same time, some of the particularly strong equity provisions in certain state laws—that is, the racial balance criteria in Connecticut and the at-risk focus criteria in Texas and Rhode Island—could very well have a direct impact on who enrolls and who is served by charter school reform.⁸⁷

POLICY IMPLICATIONS AND CONCLUSIONS

The country is now at an important juncture, uncertain about what, if anything, will replace old race-specific policies, such as school desegregation, and address ongoing racial and social class inequality in our educational system and larger society. In part, charter school laws reflect this ambiguity. Charter schools could play an important role in setting an agenda around these issues, but only if policymakers and charter school movement leaders agree that such issues are worth addressing and amend charter school laws accordingly. If they do not, charter schools across the country will continue to reflect a wide range of local reactions to racial inequality and the national confusion about race and educational policy. Some, perhaps most, of these reactions will exacerbate existing problems.

This will occur because the state laws do not, for the most part, establish the support systems that many of the most disadvantaged students would need—for example, free and accessible transportation or a dissemination system to inform *all* parents about charter school options. Instead, most of the state laws allow charter schools to have some sort of admissions criteria, such as required parent involvement, which often are more difficult for the poorest and most disenfranchised parents to

fulfill. And virtually all charter schools have a very limited and narrow method of recruitment that tends to tap into relatively better-off families, even in the low-income communities.

Meanwhile, the legislation generally does not encourage or provide support or incentives for charter school operators to serve a diverse group of students. Therefore, the vast majority of charter schools are created to serve students from a particular cultural or geographic community or those who share a similar educational philosophy or view of parental involvement. Thus, through various subtle recruitment and admissions mechanisms, charter schools are able to attract and admit more homogeneous—along several different dimensions—student bodies.

Layered on top of this are the state and local contexts that have shaped parents' and students' experiences in the regular public schools and their demand for alternatives. We argue that charter schools grow out of a strong sense of frustration with the regular public schools, wherever that frustration may be lodged. In predominantly white and wealthy states with smaller, more separate and unequal school districts—the profile of many of the northern and eastern states—we believe that frustration is housed primarily in the segregated and isolated urban school districts. Thus, we are likely to see charter schools serving poor students and students of color. In more racially and socioeconomically diverse southern and western states that generally contain larger and more diverse school districts, the frustration is likely to transcend a wider range of communities as whites in large urban school districts also want to participate in this reform. Obviously the racial/ethnic and social class inequality in the larger society has framed these frustrations, and if charter school legislation remains as *laissez-faire* as it has been, this will not be the reform to overcome such inequalities. In fact, it may well be the reform to exacerbate them.

For those charter school supporters who would like to see this reform movement achieve the more progressive goals of greater racial/ethnic and socioeconomic equality for all students, the first step is to reevaluate some of the popular rating systems that are currently applied to charter school laws. For instance, the conservative Center for Education Reform conducts a state ranking of charter school legislation in which the so-called strong laws are the more deregulatory laws that foster the “development of numerous genuinely independent charter schools.”⁸⁸ The main criteria for these “strong” laws are that they place no (or a very high) limit on the number of charter schools that can

open, provide for multiple charter granting agencies, allow students from all over the state to attend, and give schools a great deal of operational autonomy and whether laws allow for an “automatic” waiver from state and district laws and regulations. So-called weak laws, therefore, are those that are more regulatory in terms of all these criteria. The Center ranks all the state charter school laws according to these criteria, thereby designating the “strong” versus the “weak” laws.

Not mentioned in these rankings are any legislative provisions that advance equity or redistribute resources and opportunities to the students who have been the least well served by the public schools. Nor is there any value placed on provisions that would promote what the majority of parents say they want in their public schools—racial and ethnic diversity.

While the Center for Education Reform’s ranking system appears to be popular with conservative backers of charter school reform, there are other more liberal and leftist charter school constituents who might be interested in supporting alternative ranking systems. One such system would give states more credit for legislation that requires a certain percentage of charter schools in a state to be racially/ethnically and socioeconomically diverse and then provides financial and resources incentives and supports to allow educators and parents to create such a school. A strong equity-focused law would provide money and resources to allow these diverse charter schools to have broader outreach and recruitment of students from different communities and to provide transportation for each student to and from school. It would restrict the use of parent contracts and disallow the use of admissions criteria, especially criteria based on perceived “ability” and prior achievement. It also would assure that white and wealthy families were not able to use charter school reform to escape racially and socioeconomically diverse public schools and school districts by creating predominantly white charter schools. Meanwhile, it would allow for the creation of some charter schools to enroll mostly African-American, Latino, American-Indian, or other students whose history and culture is often ignored in the regular public schools.

Extra resources and support services would be provided to such schools located in low-income communities to make up for the greater difficulty they face in raising the private resources available in wealthier communities. Still, these laws might want to restrict such extra resources to only those low-income charter schools that are run by community-

based educators and parents as opposed to large for-profit educational management organizations (EMOs). Stronger and more specific legislative language giving preference to charter schools serving the most disadvantaged students is also needed.

While we believe that it is not fair to label charter school reform as an elitist movement, we are also aware that it is not realistic to declare charter schools, in their current manifestation, a viable solution to the inequitable educational opportunities available to poor students and students of color within the public schools. We fear that unless charter school laws change to promote more equity, access, and diversity within these more autonomous schools, this reform will become yet another sorting machine that exacerbates the existing system of segregation and isolation along racial/ethnic and social-class lines.

