

Initial Response to

Action on Research and Innovation: The Future of Charter Schools in Alberta

Alberta Education, March 2011



Preamble

The Alberta Teachers' Association (the Association) appreciates the opportunity to comment and reflect on Alberta Education's *Action on Research and Innovation: The Future of Charter Schools in Alberta* and recent policy directions articulated in the legislature by the minister of education pointing to permanence for charter schools in Alberta. These recent directions have the potential to dramatically reshape the face of a vibrant public education system in the province.

The Association has established detailed policies on charter schools in Alberta, as documented in Appendix A. These policies are clear and have evolved through democratic discourse for well over a decade. As our policy suggests, the Association believes that public education is responsible to society through government, including publicly elected school boards, and that education governance should continue to be provided by publicly elected school boards. Alberta's public charter schools do not have publicly elected school boards, and thus in the Association's eyes, operate on a deeply flawed governance model.

As the voice of Alberta's teaching profession, the Association submits this initial response in order to provide some questions, perspectives, understanding of historical context, policy stances and key observations related to the future vision for charter schools in Alberta. It is respectfully given to the minister of education as advice and perspective related to *Action on Research and Innovation: The Future of Charter Schools in Alberta* and the policy decision to make charter schools permanent.

Questions and Considerations

The Association poses the following questions for consideration by Alberta Education and the Government of Alberta:

- Given the history and experience of the charter school movement in the United States, to what extent will this policy shift toward charter school permanence and centres of educational research diminish and weaken Alberta's vibrant and world-class public education system?
- Will limits be set on the number of Alberta charter schools (both permanent and "chartered"), or will we see the rapid emergence of several new charters and small school authorities across the province?

- What process will be used to grant permanency to charter schools, and will there be a transparent public window on these decisions?
- Will the request for charter school permanence first go to a public school jurisdiction to see if there is interest in establishing or refusing the alternative program before it goes before the minister?
- To what extent will the move towards charter school permanence create a process whereby a charter school could obtain infrastructure faster than public and separate school boards?
- In the event that the rationale for granting permanence to charter schools is to make them educational research centres, several issues arise:
 - If we are to have an informed transformation of the education system in Alberta, then indeed credible educational research, with integrity to the published record, must be a core driver of this work. Given this, how will research integrity of charter schools engaged in educational research be assured? How will the research be credible in its method and design, and to what extent will the findings adhere to a rigorous scholarly review?
 - Educational research often relies on the will and interest of stakeholders to partner, conduct research and share findings. What if the research agenda of charter schools is not of interest to faculties of education, school jurisdictions, the Association or other education stakeholders in Alberta? How will this impact the potential and quality of research partnerships for the “permanent” charter school(s)?
 - To what extent will charter school research activities be generated or driven by market forces (eg, technology companies)? To what extent will the research agenda be designed to justify the existence of the charter (successful or not) so that permanence is attained?
 - Given that charter school teachers are not legislated active members of the Association, how will issues of professional conduct be attended to in relation to educational research, ethics and human subjects?

Overview

The Association is concerned that the government, in responding to purported concerns of charter schools for permanence, does not take steps that further undermine public education in Alberta. The Association is also highly conscious of the changing dynamics in the United States, where the tide is now turning against the charter school movement. In this context, enhancing charter schools may not be seen as innovative, transformational or constructive or as a commitment to equity.

Rather than focusing on charter schools as beacons of educational research (a concept highly offensive to public and separate schools), charter schools might focus on purpose and innovation. To be clear, proposed charters in the future must be required to be innovative. The purpose of the charter should be to reflect some form of educational innovation. This is different from a centre for educational research: it focuses on purpose, not process—a significant and important distinction. The evaluation of the charter would focus on the innovation it brings to the education system. Given the recent 50 per cent reduction in funding for the Alberta Initiative for School Improvement (AISI), any provision of additional funding to charter schools for educational research, beyond those resources already made available to public and separate school boards, would be seen as unfair, and an affront to capacity building, collaboration and teacher research in the public system.

Charter school permanency, especially in relation to school infrastructure, is oxymoronic to the very foundation of Alberta's charter schools. By its very nature, a charter is purpose driven, and its future is subject to the successful completion of its chartered goals. If a charter school wants permanence, it should renounce its status and become a private school in the province or merge with a public or separate school board. Taking a position where government provides infrastructure for charter schools or devising a process that might lead to a charter school's obtaining infrastructure faster than public and separate school boards, again serves to undermine the public education system.

Issues with respect to the relationship with other members of the profession can be addressed easily by government by amending the *Teaching Profession Act* to require charter school teachers to be active members of the Association. This would legislate a common and unified professional requirement across public, separate, francophone and charter schools, and all teachers would be subject to the same conduct and competence standards established by the teaching profession. Such an amendment would also open up professional development

opportunities in specialist councils and teachers' conventions and through personal learning networks (among other opportunities) and would integrate Association professional services and programs for all charter school teachers in Alberta.

Perhaps three directions—focusing on purpose and innovation, not on centres of educational research; providing limited government guarantees for construction loans for successful charters; and conferring active membership in the Association on charter school teachers—would effectively address the charter school lobby's concerns about innovation, permanence and professional status in ways that do not seriously undermine public, separate and francophone schools.

The Past

Alberta's charter school movement began in May 1994 when Bill 19, *School Amendment Act, 1994*, was proclaimed into law. In October 1995, then minister of education Halvar Jonson stated that "these first charter schools in Alberta and in Canada will implement innovative or enhanced education programs [and] provide the opportunity to look at innovative ways to improve our public education system as a whole" (Government of Alberta 1995). At the time, the minister seemed to intimate that the public education system was not engaging in innovative teaching and learning practices. Fifteen years later, the charter school movement has failed to achieve its primary goals of increasing choice and innovation within the education system. In an analysis of the impact of charter schools as they have evolved in the contemporary Alberta setting, "choice" has largely been relegated to the urban centres, and the innovative practices anticipated through the creation of charter schools remains unrealized for the public education system as a whole.

Alberta's contemporary public education system is recognized internationally for its ability to engage in thousands of teacher site-based research projects and thus improve schools across the system. As Dr Andy Hargreaves and others have suggested in *The Learning Mosaic* (2009), "AISI is a unique, world-leading strategy for developing innovation, and improving professional quality and engagement in teaching" (p. 107). However, after several successful three-year cycles (2000–09), AISI's future may now be in question as it goes into the final year of its fourth cycle, 2009–12, with a massive reduction in public funding.

The Present

Albertans enjoy a kindergarten to Grade 12 public education system that is recognized internationally for its strong teacher research projects and for the ability of local school communities to be innovative and creative in enhancing student learning. The system will continue to innovate into the future with the recommendations and actions emerging from *Inspiring Education: A Dialogue with Albertans*.

Alberta's public education system does not need charter schools as pilots or incubators of educational research. Given the international accolades for our novel ability to innovate and improve across the public education system in Alberta, what is the problem that these charter schools will allegedly fix? Questions of equity, sustainability and innovation, however, do exist for the charter school movement in Alberta.

Charter schools should not be isolated from our innovative public education system. Future directions for the charter school experiment in Alberta should be to fully integrate them into the public education system so that they can benefit from a world-renowned network of improvement and innovation that is built on strong, lateral, teacher-driven change.

Indeed, the entire foundation of the charter school movement across North America is coming into question. The first detailed national assessment by Stanford University (2009), covering over 70 per cent of the students attending charter schools in the United States, finds that students in American charter schools are not faring as well as students in traditional public schools. As the report suggests, "Our national pooled analysis reveals, on the whole, a slightly negative picture of average charter school performance nationwide. On average, charter school students can expect to see their academic growth be somewhat lower than their traditional public school peers" (p 45). It appears as though policy-makers in the United States are now accountable for a charter school experiment that has seemingly bargained increased choice and flexibility for a decline in student achievement.

Renowned international scholars and research centres are rejecting the charter school experiment at the same time as real estate investment trusts embrace charter schools, many of them struggling with infrastructure costs, as vehicles for profit:

- Dr Diane Ravitch, a highly esteemed American education scholar, former assistant secretary of education in the first Bush administration's Department of Education and board member

of several national research groups that influenced government to improve schools through accountability and choice, now categorically states that these very ideas have destroyed the public education system and weakened American society. Once very influential in supporting the charter school movement, Dr Ravitch is now deeply critical of charter schools, identifying them as a faddish trend that undermines public education. As she notes in her recent book *The Death and Life of the Great American School System*,

As originally imagined, charters were intended not to compete with public schools, but to support them. Charters were supposed to be research and development laboratories for discovering better ways of educating hard-to-educate children. . . .

Now charters compete for the most successful students in the poorest communities, or they accept all applicants and push the low performers back into the public school system. . . . It matters not that the original proponents of charter schools had different goals. It does matter, though, that charter schools have become in many communities a force intended to disrupt the traditional notion of public schooling. (2010)

- In 1994, then minister of education Halvar Jonson pointed to the United States as an example for the Alberta charter school model; however, in the past decade, much has changed with this experiment south of the Canadian border. For example, Entertainment Properties Trust (known as EPR on the New York Stock Exchange), a company that owns megaplex movie theatres, vineyards and entertainment retail centres across the United States, has invested over US\$167 million to run charter schools for over 10,000 children. In these schools, taxpayers are paying rent on tax-exempt school properties. While some of the public charter schools incur debt, Entertainment Properties Trust may garner a 10 to 12 per cent return on its “investment.” This charter school model is being run at significant cost to the public.

The Future

In discussing a vision for charter schools, Alberta Education suggests that “the next generation of charter schools would act as pilots or incubators and could let the Minister test the best of these ideas. . . . In the new vision for charter schools, charter school teachers and administrators could play a more significant role in the professional development of others. They could serve as mentors to teachers and administrators in other schools” (2009). This new vision represents an outdated approach to 21st century learning and builds upon a simplistic and questionable view of schools as clinical laboratories for the minister of education.

- Any action or policy shift that isolates one school from another in this province is fundamentally oriented in a direction opposite to that of high-performing school systems around the world. What is needed is increased attention on a provincial network of improvement and innovation built on strong, lateral, teacher-driven change that is already resident in the public education system through AISI. This work contributes to a strategy that also creates new knowledge in support of increased innovation for Albertans. In introducing Bill 27 of 2009, *Alberta Research and Innovation Act*, the Government of Alberta stated, “Work to align and support Alberta’s research and innovation is even more important now, in light of the global economic situation. It will help the system to become stronger and more efficient than ever” (2009).
- It is not sound research practice to attempt to draw generalizable conclusions from a limited and particular sample such as that represented by charter schools. To research a charter school that specializes in, say, “science” education and that the population has self-selected to join, does not allow for the transfer of the findings across a more diverse and dynamic public education system. The very notion of these specialized charter schools being centres of research excellence would not be grounded in good research practice(s).
- Contemporary educational research on school improvement and change recognizes educational contexts as complex and dynamic entities in which a learner (embedded in a social learning environment) is always in constant change. Therefore, a view of informed transformation (or educational change) and professional development through controlled scientific experimentation, in which a universal constant truth is believed to exist, is a naïve notion far removed from a more sophisticated, credible and trustworthy approach to educational research. There are no perfect approaches to school improvement that can be deduced to their essence and then disseminated as if one size fits all. Alberta’s public schools are complex entities that are nested in very dynamic communities and structures; they are not some form of imagined isolatable clinical education laboratory.

The Funding for Innovation

Since their establishment, charter schools were intended to be a mechanism to stimulate innovation throughout the education system. As Alberta Education indicates, “one of the original purposes of charter schools was that they would be centres of innovation and would share innovations with the rest of the system. This purpose has largely not been realized” (2009). Such a failure must not go unnoticed, even as charter schools have actively garnered additional funds

through AISI grants to foster innovation. Charter school funding in Alberta is also supported in specific cases by a varied collection of learning and technology project research grants from Alberta Education:

- The Foundations for the Future Charter Academy Charter School Society, which focuses its charter on direct instruction, standards and mastery learning, received \$314,571 per year between 2006 and 2009—an additional \$940,000 for one school in a three-year period. This particular charter academy, prior to the 50 per cent cut in AISI funding, was scheduled to receive a total of \$1,146,000 between 2009 and 2012 (AISI Cycle 4) to improve learning targets and increase teacher knowledge and capacity for utilizing balanced assessment practices. These same balanced assessment practices represent an example of a site-based research activity that already received a great deal of attention and activity within the public education system and therefore is not unique to the province as a whole. In many respects, the work of the public schools has informed the balanced assessment practices across the system, a complete reversal of the original intent of “innovative” charter schools to inform the public education system.
- Millions of dollars have been allocated through AISI grants between 2000 and 2012 to all of the Alberta charter schools in order to additionally fund their mandated focus on innovation. Now the government is considering further structural changes that will add new educational research funding to these same charter schools that have received over a decade of investments through the publicly funded AISI program.

Considerations for the Future of Charter Schools in Alberta

1. Charter Schools as Inclusive Communities Based on Learning Needs

The Association supports the development of alternative programs within the public education system in ways that equitably meet the interests and needs of students. For example, the Association supports outreach education and recognizes its importance in providing educational opportunities for students whose needs are not met through traditional school environments.

The *School Act*, in its revision, should preserve expectations of choice within the public, separate and francophone school systems, which are fully funded by the public and which have historical and constitutional legitimacy, rather than contributing to the fragmentation of the system through

private and charter schools. The focus of alternative education programs should be student learning needs, not market niches designed to recruit students (or their parents).

The purpose of a charter school should not be that of a beacon of research but a specific purpose that reflects some form of educational innovation. The evaluation of the charter would then centre on the innovation and given that AISI funding is already in place, would not require additional dollars from the system. To what extent is the minister of education currently holding Alberta charter schools responsible for their lack of innovation?

Charter schools should be strictly defined by their fundamental purpose, which is the way they meet the specific learning needs of the community they serve, not as pilots for educational research. Any choice offered by charter schools should be based on meeting the learning needs and addressing the learning differences of all students as opposed to any notion of choice that might be based on religious, ethnic or socioeconomic differences. Choice is not about extending privileges or benefits to one segment of society that could not feasibly be extended to all similar segments of society.

2. Charter School Teachers, Research and the Code of Professional Conduct

A revised *School Act* would serve the best interests of the education system by fully integrating charter school teachers into the profession as full and active members of the Association. Such integration would ensure that teachers in all Alberta schools are not only certificated but also subject to the same practice review and the Code of Professional Conduct. This would support the ethical considerations surrounding teacher research and help to ensure that Albertans have teachers in their charter schools who conduct themselves toward students, colleagues and school authorities in ways that maintain the honour and dignity of the profession. It would also further open up the possibilities for more enhanced provincial professional development, networking and knowledge sharing among all certificated teachers in the province.

The current practice of keeping charter school teachers out of the Association does not allow them to benefit easily from the rigorous inquiry and research of their peers in the public system. The separation of charter schools and public schools also isolates charter school teachers from participating in the wide variety of provincial professional development activities.

3. Establish a Research Foundation for Education in Alberta

In 2003, the Conference Board of Canada published a report entitled *Solving Canada's Innovation Conundrum: How Public Education Can Help*. The report stresses that in order for Canada to have a productive society, it must become more aware of the conditions and processes that support innovation. The Alberta government's willingness to support innovation and research in the hard sciences and in medicine should be matched by a commitment to do the same in the public education system.

The government's modest supports for innovation and improvement in the basic education system stand in contrast to its commitment in the past couple of years to hundreds of millions of dollars in support of research in other sectors. Alberta Advanced Education and Technology's vision states that "Alberta prospers through innovation and lifelong learning" (2009). The government has committed to a number of significant research initiatives: the creation of a new Alberta Enterprise Corporation that received \$100 million and will boost access to capital for early-stage, knowledge-based companies; a three-year, \$178 million, private-sector plan that includes research and development tax credits and a venture capital fund; \$238 million over four years for biofuel research; \$200 million over four years to the Energy Innovation Fund; and \$950 million to the Alberta Heritage Foundation for Medical Research Endowment Fund.

Encouraging educational research across all levels of the K–12 education sector, from graduate students to national and international researchers, was a key goal of the inaugural provincial research symposium "From Research to Action," cosponsored by Alberta Education and the Association in the summer of 2008. The Association has great interest in further exploring the concept of establishing an Alberta Research Foundation for Education and advancing this goal with its education partners.

4. AISI: An Internationally Recognized Model of Innovation and Change

The Alberta government must recognize that AISI is a model of teacher inquiry and innovation that can further support change across the education system. Despite the recent reduction in funding, Alberta has been internationally recognized as supporting educational research that promotes innovation in the public education system through AISI.

As noted in a recent external review of the initiative by the esteemed education scholar Dr Andy Hargreaves of Boston College, AISI represents a model of change in educational

practice that has “rekindled innovation and professional respect . . . largely addresses the urgent and focused emphasis on learning and achievement for all students [and has] reenergized professionals” (2009). We are now entering a historical period given that AISI has been cut by 50 per cent in the current budget, charter school permanence has been indicated in the legislature and a vision of charter schools as centres of educational research has been promulgated. Why would the government position “permanent” charter schools in ways that undermine the international reputation and successes of AISI?

In a recent Association publication entitled *The Courage to Choose* (2011), an international consensus panel on school improvement pointed to new transformative opportunities that could be made to “link existing AISI projects with other activities at the local, regional or provincial level” (p 47) and to start providing expanded opportunities for public schools to be designated as incubator centres focused on sustained innovations (eg, performing and creative arts, trades).

5. University Faculties of Education as Partners in Educational Research

The faculties of education of the University of Alberta, Campus Saint-Jean, the University of Calgary and the University of Lethbridge have historically been committed to sound educational research and actively work both to conduct and to share this research within the Alberta K-12 education system. Given the ongoing decline in funding to faculties of education for research, any move to further fund charter schools as beacons of research may weaken these institutions and their mandated role in our society. In addition, the purported research precedence of charter schools and an enhanced role for Alberta’s research universities would poke a stick in the eye of public, separate and francophone schools. It would also artificially distance Alberta’s research universities from the public, separate and francophone schools when, in fact, their real working relationship is with these larger communities.

Any move to further fund charter schools as beacons of research would also shine a light on concerns about charter school teachers’ responsibility to vet and share their research. Will they be required to have their educational research published in peer-reviewed scholarly journals? To what extent will charter schools, and their teachers, be committed to an external review of their permanent charter as it is linked to the quality of their ongoing educational research activities and performance in peer-reviewed publications?

Conclusion

The Association recognizes this important opportunity to respond to *Action on Research and Innovation: The Future of Charter Schools in Alberta* survey and policy directions by the government to grant permanence to Alberta charter schools. We also trust that our many teacher submissions to the online survey and this response will be taken into consideration when decisions are made regarding the future of Alberta charter schools.

To further the goal of creating vibrant and humanistic learning context for our children that promotes innovation; creativity; and a healthy, content, successful and democratic society, the Association consistently advocates for a strong public education system. The Association does not advocate for a fragmented and isolated set of permanent charter school authorities proliferating across the urban and rural education landscape and playing the role of centres of educational research.

Our collective will and energies must be oriented toward supporting a robust provincial public education system that engenders the principles of inclusivity; is publicly funded and adequately resourced; promotes responsibility; and, above all, recognizes support for all of Alberta's students, not just a privileged few. A revised *School Act* must provide a clear framework in which these concepts can flourish unimpeded within a strong public education system, under the authority of the minister of education, governed by publicly elected school boards.

Appendix A: Association Policy Positions on Charter Schools in Alberta

5.A.36 No teacher should suffer a reduction in salary or in administrative status as a result of the amalgamation or regionalization of school districts or the formation of charter schools.

[1970/75/79/84/85/91/95/2001]

7.B.14 BE IT RESOLVED, that the Alberta Teachers' Association urge the Department of Education to require school boards to make available to the public financial statements detailing the revenue and expenditures of funds collected through fees, fund-raising, gifts and donations for each school operated or supervised by the board, including charter schools.

[1995/98/2001/04/07/10]

8.A.37 The Alberta Teachers' Association opposes the establishment of publicly-funded charter schools that

1. exclude students on any basis that violates human rights legislation,
2. exclude students because of the economic or social circumstances of their parents,
3. threaten the survival of local public schools by diminishing their enrolments,
4. ask for or are granted permission to operate under provincial regulations less restrictive than those applicable to public schools,
5. recruit students by offering financial or other incentives not generally available to students in public schools,
6. admit only students of higher levels of ability or achievement,
7. claim to have the right to remove students for purported violations of a special agreement and to deny further responsibility for those students,
8. seek to engage members of staff under agreements that are not subject to collective bargaining,
9. employ teachers who are not active members of the Association,
10. are dominated by any special interest group.

[1994/97/2000/03/06/09]

10.B.1 BE IT RESOLVED, that the Alberta Teachers' Association urge the Government of Alberta to amend the *School Act* to make teachers employed by charter schools active members of the Association. [1996/99/2002/05/08]

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