

# Should state -- not just local school boards -- have power to approve charter schools?



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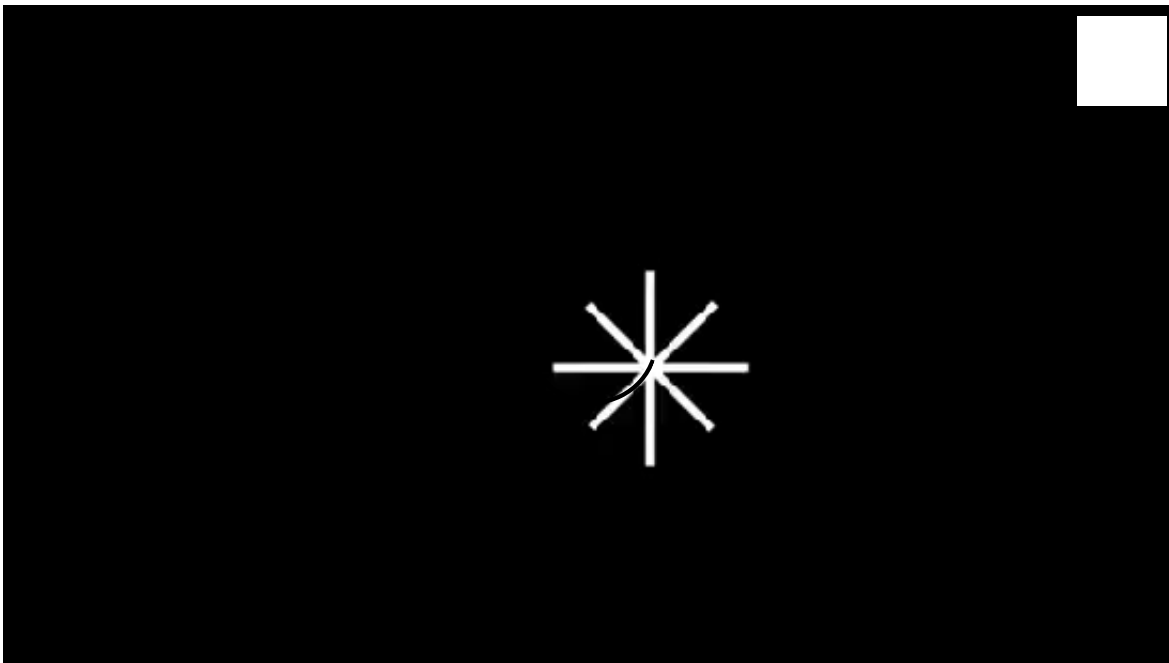
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**S**hould Virginia amend its constitution to allow the state — not just local school boards — the authority to establish charter schools?

That question could be before voters in a November 2016 referendum.

The issue has the potential to become a heated one in the upcoming **General Assembly** session, pitting school boards and an education establishment who say they want to protect existing public schools against those who say they want to bring more options to parents.

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Charter schools — which operate with public money but hold some autonomy from local school divisions — have grown in number across the country in recent years.

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But while many states have hundreds of charter schools, Virginia has only nine — seven now

operating and two on the way. That's less than 0.5 percent of the 1,823 schools statewide, 17 years after charter schools were first allowed in the Old Dominion.

That's a far lower rate than the national average.

In 2014, there were 6,440 charter schools in the United States, or 7.2 percent of the country's 89,775 public schools, according to the National Alliance for Public Charter Schools, an advocacy group. The majority of those, the alliance said, are operated by independent, locally led groups, while others are run by nonprofit organizations or for-profit companies.

### **A 'pro-kid' idea?**

Sen. **Mark Obenshain**, R-Harrisonburg, Del. Robert B. Bell, R-Charlottesville, and Del. Charles Poindexter, R-Franklin County, are pushing the legislation to hold the referendum. They contend school boards have been unduly resistant to charter schools, and that a second approval route is needed.

The proposed constitutional amendment says the State Board of Education "shall have the authority to establish charter schools within the school divisions of the Commonwealth."

That would be an alternative to the current system, in which school boards alone hold that power. Under the proposed amendment, approval for the charter schools could come from either the state or the local school boards.

"This is all about kids and providing a high-quality education," Obenshain said. "When we get down to it, this is one avenue we have to improve the quality of the education that we are providing. ... This is not a Republican idea. This is not a Democrat idea. This is a pro-kid, pro-family, and pro-teacher idea."

Though many schools do a good job, he said, "there are jurisdictions in Virginia where we are just failing our kids ... and we have a screaming need for education reform. This drops a lifeline to parents and children, and frankly to a lot of teachers."

### **Opposition exists**

Sen. **John Miller**, D-Newport News, for one, said he's opposed to the amendment, saying local school boards should retain control over the creation of charter schools within their jurisdictions.

"The operation of public schools is in the purview of the local school boards, not the state," Miller said. It's the elected local boards, he said, who know their communities' needs best.

The amendment, Miller added, would do "an end run around the localities," and runs counter to longstanding provisions of Virginia's constitution favoring local decision-making. "It is just not the direction that we need to go to improve public education in Virginia," he said.

The minuscule number of charter schools in Virginia, Miller said, "really speaks to how well public schools are doing" statewide. "There's not a demand for the charter schools since the public schools are doing a really good job," he said.

The state senator said he has no objections to charter schools so long as they win approval from local school boards. "But we ought not have the state stepping in and establishing schools all over the commonwealth," Miller said.

### **Anemic numbers**

It could not be determined last week how many charter school proposals have been filed since the law allowing them went into effect in 1998. According to Virginia Department of Education numbers, there are nine charter schools currently operating or soon to open statewide.

That includes one on the Peninsula — York River Academy in York County, a high school that opened in 2002 and now has 80 students. There are also three charter schools in Richmond, two in Albemarle County, two in Loudoun County and one in Virginia Beach.

Bell, the lawmaker carrying the legislation in the House of Delegates, said those anemic numbers prove the process has failed. "The Virginia law just doesn't work," he said.

Todd Ziebarth, senior vice president at the National Alliance for Public Charter Schools, asserted that many school boards across America "have an ideological opposition to charter schools."

People who show up before school boards with proposals are often "roundly criticized and booted out," he said. "People throw up their hands and say, 'Why bother?' ... There's a chilling effect that's in place."

"This amendment would simply create an alternative to get a fair hearing," Ziebarth said. States that have a state approval route quickly see their charter school applications spike, he added.

### **Battle ahead**

In the Virginia General Assembly's last term, the resolution to put the amendment to a statewide referendum passed 21-17 in the Senate, and 58-42 in the House. (The resolution must pass in two legislative sessions — with a general election between them — before going to voters).

Both Obenshain and Miller predicted an even tougher battle this time around. "The second vote is always a more studied one," Miller said. "The second time matters. This vote will be the one on whether it moves forward or not."

Two Newport News School Board members agreed with Miller that the constitutional amendment is a bad idea.

"It's a great concern to us, because it really takes away control from local school boards and gives it to the bureaucrats in Richmond," board member Shelly Simonds said. "We are in the best position to determine what the local needs are. ... What I'm concerned about is that Richmond will be able to set priorities for us."

Moreover, Simonds said, parents need "a local, accountable body" to approach with concerns about a school. "Parents are going to come to us to complain, and what are we going to do, tell them to go drive to Richmond to talk about your problem?"

One reason charter schools aren't more popular in Virginia, she contended, is because the state traditionally gives great leeway to school systems to adopt new kinds of themed programs and schools.

Newport News, for example, has the Denbigh Aviation Academy, a marine science program at Booker T. Washington Middle School, and a public-private partnership at An Achievable Dream Academy, among other initiatives.

"Charter schools can be innovative and incubators for new ideas," Simonds said. "But our schools are already very innovative."

Newport News School Board Chairman Jeff Stodghill is also opposed to the amendment, saying local autonomy over schools "goes way, way back."

"This is deep Virginia history, and it's deep national history," he said. "It's a governance question. The logic is that the best, most representative place for something as personal and local as a school should be (a public body) vested in the people of that community."

## **No applicants**

Since he began on the board five years ago, Stodghill said, no one has come forward asking to start a charter school in Newport News.

If a proposal was filed, he said, he would give it fair consideration, particularly if it sought to meet

an unmet need for at-risk kids. "If we saw a really well-organized program that we couldn't make work that way, I wouldn't be opposed to taking it up," Stodghill said.

Still, while charter schools "have a place" in local education, he said, "they can't be a widespread solution" for serving students.

For one thing, money that would go to charter schools means "less and less money" for existing schools' operations, he said. For another, charter schools tend to attract "pools of highly engaged parents and kids," resulting in "two different classes" of students.

"You've sort of cherry-picked the kids that are more likely to succeed," Stodghill said.

Because of such concerns, he conceded, the education establishment across the state has indeed shown resistance to charter schools.

"Truthfully, Virginia has been hostile to charter schools," Stodghill said. "I think the reason has been that charter schools do represent one of the fronts of trying to take not only control but some of the mission away from the public school program."

Obenshain, for his part, said school boards would still be involved in the approval process even if the amendment passes. That is, he said, the rule will likely be that people applying for charters still must apply to the school board before going to the state.

"This will encourage local school divisions to work cooperatively with charter organizations ... and encourage a dialogue to take place," Obenshain said. "It will discourage school boards from saying, 'You need not apply.'"

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