

ISSUE BRIEF

CHARTERS WITHOUT BORDERS

Using Inter-district Charter Schools as a Tool for Regional School Integration

Halley Potter | September 16, 2015

In 1966, Gertrude Wilks, a black mother in East Palo Alto, California, was fed up with the inadequate teaching methods and scarce resources in her son's predominantly black high school. Then she had an idea. Wilks started a grassroots "sneak out" movement that would send her son—and a hundred other children—to schools in the neighboring predominantly white and wealthy Palo Alto school district. Wilks and the other black parents partnered with white Palo Alto residents who lent their addresses to register the students. Twenty years later, this grassroots movement to fight the racial and socioeconomic segregation of school districts—and the unequal opportunities it created for students—led to the creation of a legal inter-district transfer program for East Palo Alto students that is still in place today.¹

Nearly fifty years later, some parents still go to great lengths to escape segregated, low-performing school districts. In 2011, Kelley Williams-Bolar, a black mother living in Akron, Ohio, used her father's address to

enroll her children in the neighboring suburban school district of Copley-Fairlawn. In Akron, Williams-Bolar's daughters were assigned to schools in which more than 95 percent of students came from low-income families and which were failing almost all of the state's academic standards. In Copley-Fairlawn, no school had more than 16 percent low-income students, and every school in the district met state standards for all subjects and grade levels. Like Wilks, Williams-Bolar saw that crossing district lines could be the key to providing better options for her children. Her problem and her approach to solving it are not unique, but her story received national attention because of her dramatic punishment: Williams-Bolar was convicted on criminal charges for fraud and served jail time.²

Today—just like in 1966 or 2011—it is pretty much universally recognized that the school a child attends has a huge impact on that child's educational opportunities, but the truth is that, for most families, there just are not that many options for escaping

This brief can be found online at: <http://apps.tcf.org/charters-without-borders>

racially isolated, high-poverty, poor-performing school districts. The struggles for school integration that grew out of the civil rights movement have resulted in inter-district integration plans in a handful of American cities, and they have delivered strong results for students. But these programs are few and far between, they have long waiting lists, and they are for the most part struggling to retain funding and popular support in a political climate that has largely forgotten about school integration. We should support the continuation and expansion of these programs, but we also need more approaches to inter-district integration.

Charter schools can and should be part of the solution to addressing inter-district segregation. Although charter school supporters and school integrationists may seem strange bedfellows, there is a growing subset of charter schools committed to school diversity. Furthermore, the charter school model comes with flexibility, funding, and political viability that could be huge assets in the fight for integrated schools.

This issue brief provides an overview of inter-district segregation and existing inter-district integration plans, argues that charter schools should play a greater role in encouraging inter-district integration, and recommends policies and actions to further inter-district integration using charter schools.

THE PROBLEM OF INTER-DISTRICT SEGREGATION

More than sixty years after *Brown v. Board of Education*, our public schools remain de facto segregated by race and class.³ In the Northeast, more than half of all black students attend hyper-segregated schools in which 90–100 percent of students are black or Latino. In the South, where the percentage of black students in 90–100 percent minority schools is now the lowest, still one in three black students attend hyper-segregated schools. The likelihood of Latino students attending

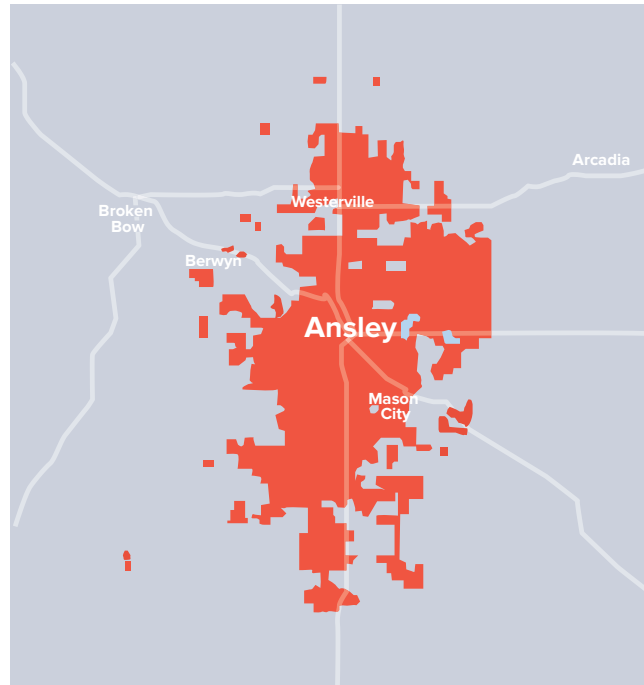
90–100 percent black or Latino schools is nearly as high. And black and Latino students are much more likely than their white and Asian peers to also attend high-poverty schools—a phenomenon that researchers from the Civil Rights Project at UCLA have dubbed “double segregation.” If you are a student in a 90–100 percent black or Latino school, there is an 80 percent chance that at least 70 percent of the student body is low-income. If you are a student in a predominantly white and Asian school (10 percent or less black or Latino), there is less than a 10 percent chance that your school has a poverty rate that high.⁴

Importantly, the differences among school districts are more to blame for this stratification than the imbalances within school districts. According to one estimate, differences among school districts are responsible for more than 80 percent of the racial segregation in public schools.⁵ That is, individual school districts are much more demographically homogenous than broad regions that include multiple districts. Other research finds similar results.⁶

Inter-district school segregation is in part a reflection of residential segregation. The concentration of poverty in neighborhoods has been steadily on the rise since 2000, with over 11 million Americans living in neighborhoods in which more than 40 percent of residents live below the federal poverty line.⁷ And the “double segregation” seen in schools is similarly rooted in neighborhoods. Controlling for family income, black and Latino families are more likely than white and Asian families to live in poor neighborhoods. The average black family earning \$50,000 per year lives in a poorer neighborhood than the average white family earning just \$20,000 per year.⁸

However, segregation among school districts often goes beyond simply reflecting the realities of residential segregation. In the political battles that forge district lines, sometimes poor neighborhoods get pushed out, or rich neighborhoods get pulled in. The results of this process are visible in an interactive mapping by

FIGURE 1
GERRYMANDERED SCHOOL DISTRICT BOUNDARIES
Ansley Public Schools, Nebraska



Source: USBoundary.com website, <http://www.usboundary.com/Areas/Unified%20School%20District/Nebraska/Ansley%20Public%20Schools/515618>.

nonprofit EdBuild of the poverty rate for each school district in the United States, which highlights several particularly egregious examples of gerrymandered school districts. In Nebraska, for example, the district outline for Ansley Public Schools looks like a slice of Swiss cheese surrounded by a scattering of crumbs (see Figure 1). Ansley has a higher poverty rate than the other districts in the area, thanks to bizarre boundaries that tack on poorer neighborhoods in outlying areas as islands for Ansley and punch holes within Ansley’s main geographic area to send wealthier neighborhoods to other districts.⁹

Inter-district segregation poses more bureaucratic and geographic challenges than other types of school segregation. When schools *within* a district are segregated, the leadership of superintendents and

school board members is usually required to institute new enrollment patterns that will create student populations more representative of the district as a whole. To be sure, achieving integration within a district is difficult, and developing the political will to address the problem is no small feat. But because the power to enact these changes resides locally, grassroots efforts can be effective.

When schools *among* different districts are segregated, however, a much larger set of challenges exists. The leadership needed for solutions, for example, typically must come from the state or federal level, or through voluntary cooperation by multiple districts. Depending on the size of the districts involved, some students may have to travel considerable distances to new schools to achieve integration. And the political backlash for

disrupting the attendance patterns that suburban families take for granted can be fierce.¹⁰

EXISTING INTER-DISTRICT INTEGRATION STRATEGIES

Despite the logistical and political barriers to inter-district school integration, there are a handful of successful regional integration plans in effect across the country. Major inter-district integration programs exist in eight metropolitan areas—St. Louis, Milwaukee, Boston, Rochester, Minneapolis, Hartford, Omaha, and East Palo Alto (New York). All of these programs rely on voluntary inter-district transfers that offer disadvantaged students in urban areas the chance to transfer into suburban schools. And several of these programs also include opportunities for transfers in the other direction through the creation of urban magnet schools that draw students from more affluent districts into urban schools with popular educational themes.¹¹

These inter-district desegregation programs have shown positive results for students of color as well as for white students. A major study of Hartford's inter-district magnet schools, comparing lottery winners who were randomly selected to attend magnet school with those who applied but were not selected, found positive academic effects for students at both the middle and high school levels.¹² And a comprehensive review of the urban-suburban transfer program in St. Louis found that black students who participated in the program had higher graduation rates and test scores and reported more a more positive outlook for their future than their black peers who did not transfer.¹³ Likewise, these programs have been shown to change racial attitudes and improve tolerance among white residents in suburban receiving districts.¹⁴ Furthermore, waiting lists for these programs remain long. Boston's METCO program has a waiting list of about ten thousand students for roughly 300–375 slots each year.¹⁵

One of the challenges that inter-district programs must overcome is geographic distance. All of these metropolitan programs provide transportation for students, sometimes at significant cost. In Hartford, for example, the state pays between \$1,300 and \$2,000 per student per year to cover transportation to regional magnet schools.¹⁶ Although many inter-district transfers involve relatively short bus rides for students, longer commutes are needed to connect some of the highest- and lowest-opportunity districts in highly segregated areas. In cases of long commutes, students may need additional supports to be successful. In Milwaukee and St. Louis, suburban districts started “Host Family Programs” to pair urban students, who were often traveling long distances to suburban schools, with suburban families with whom they could spend the night or afternoon if needed.¹⁷ These host programs are at once creative solutions and reminders of the significant sacrifices students sometimes make to participate in inter-district transfer programs.

But in most cases, political barriers, not distance, are the biggest obstacles to the implementation of inter-district integration. While the success of these existing programs stems in part from grassroots support of parents and community leaders standing up to fight for better options for their children—a tradition that extends back to the civil rights movement—these coalitions often faced significant objections from suburban school districts in the long legal and legislative battles that led to program creation. Three of the eight programs—those in Boston, Rochester, and Omaha—resulted from state legislation and local action, when elected officials took a stand to promote integration in their schools. But in five of the eight cases, state or federal court rulings were the catalysts needed to require all involved parties to cooperate with the plan.

Indeed, it is worth noting the contrast between the small number of inter-district integration programs across

the country and the prevalence of open enrollment laws, which have been passed in almost every state. Unlike inter-district integration plans, open enrollment laws take a free-market approach to school choice, allowing students to transfer into other school districts as a way to spur competition among districts. However, because these laws lack any consideration of student or district demographics, they have on average actually increased segregation across districts, by transferring more-advantaged students into higher-achieving school districts.¹⁸

Despite their strong results for students, the future of these inter-district integration programs is uncertain. Many of these programs have shrunk significantly since their peak enrollment—despite high demand from families and support from the very suburban districts that originally opposed them—due to strained state and district budgets. And starting new programs like these is no easy task. At the federal level, legal challenges to inter-district segregation are particularly difficult to win after the 1974 Supreme Court decision in *Milliken v. Bradley*, which found that the court could not mandate integration across district lines unless there was evidence that district boundaries had been drawn for the explicit purpose of segregation. Furthermore, most of these programs are products of another era in education reform. Only two of the eight major inter-district desegregation programs, Minneapolis’s The Choice Is Yours program¹⁹ and Omaha’s Learning Community, were founded since the year 2000.

We should absolutely continue to fight for programs with strong track records for integration and improved student outcomes, but we cannot wait for renewed political attention or favorable courts to keep pushing forward. Today, the eight major inter-district integration plans utilizing urban-suburban transfers and magnet schools—the successful results of hard work over decades of effort—serve only about 40,000 students a year.²⁰ But there are 11.7 million students

across the country—nearly a quarter of all students in public schools, in fact—enrolled in high-poverty schools, in which more than 75 percent of students are low-income.²¹ We need new strategies to expand existing programs and provide more opportunities for integration across district lines.

THE ROLE FOR CHARTER SCHOOLS

Charter schools and inter-district desegregation may not seem a natural fit. School integration advocates have typically been wary of charter schools. They are rightfully skeptical of free-market choice models that historically have been shown to exacerbate segregation, as the charter sector’s record on school integration as a whole has been mixed at best.²² Furthermore, school integration has not been part of the standard rhetoric of the charter school movement, which has often focused instead on supporting high-performing, high-poverty schools and proving that poverty need not be destiny.

But because the charter school model is about flexibility, charters come in many shapes and sizes. And there is a new wave of charter schools specifically committed to socioeconomically and racially diverse enrollment. These include schools such as Morris Jeff Community School in New Orleans and City Neighbors in Baltimore, which were both started by racially diverse coalitions of parents who wanted public schools as diverse as their neighborhoods, or Brooklyn Prospect Charter School in New York and High Tech High in California, which were founded by educators who were committed to integration. The National Coalition of Diverse Charter Schools, a grassroots group formed in 2014, now includes twenty-eight member schools and networks that together operate more than one hundred charter schools across the country. Each of these members has diverse enrollment as a central part of its mission statement. No single racial or ethnic group makes up more than 66 percent of the student

body across any of the member schools or networks, and most of the members enroll student bodies that are between 40 percent and 70 percent low-income.²³

The growth of intentionally diverse charter schools presents an opportunity for the school integration community to find common ground within a powerful education movement. In terms of both policy and politics, there are several reasons why the charter model is well suited to address inter-district segregation:

1. *Available funding.* The charter model has a preexisting funding stream that could be capitalized to promote desegregation. The major inter-district integration programs all required legislative or judicial action to create new funding streams. By contrast, charter school laws already exist in forty-three states and the District of Columbia, with funding formulas that could be applied under the right circumstances to advance integration.

2. *Enrollment flexibility.* In most cases, charter schools already have the flexibility to enroll students from multiple school districts. Out of the forty-three states with charter school laws, thirty-six allow inter-district enrollment, without required preference for in-district students, at some or all of the charter schools in the state.²⁴

3. *Educational innovation.* Charter schools have the freedom to choose educational approaches that will appeal to families of different backgrounds. When they are designed to do so, charters can function like magnet schools in this respect.

4. *Independent management.* As independently operated public schools—that is, run by a board that can be comprised of members from multiple school districts rather than from just

one—charter schools are not beholden to the interest of any one district when considering matters such as school siting and enrollment.

5. *Political support.* Bringing charter schools into the fight to desegregate public school districts is a smart political move for supporters of school integration. Inter-district integration programs face periodic political battles to retain funding. While charter schools face their own political challenges, well-organized networks of charter supporters at the federal and state levels have strong track records on fighting and winning political battles. And from the perspective of the charter school community, there is also a strong argument for making inter-district integration an intentional strategy. Enrolling integrated student bodies means an opportunity to bring a broader base of support to the charter school movement, including middle-class families with social and political capital: the large body of research on the benefits of school integration and the positive outcomes for participants in inter-district integration programs shows that integration can be a strong strategy for boosting student achievement. In addition, the charter school movement can benefit politically from making alliances with the traditional civil rights community, which has had an uneasy relationship with the sector. Moreover, the charter school community also has a chance in pursuing integration to take a moral stand against inequity and strengthen the social justice ties of its work.

The argument here is not that charter schools are *more* suited to inter-district integration than district schools or inter-district magnet schools but rather than that are an additional tool to achieve integration. With respect to educational innovation, for example, district and magnet schools have their own advantages—and have

longer track records of schools that have pioneered successful school models and attracted diverse families to enroll. Using charter schools for integration creates the potential to tap into a new network of support. But advocates of using charter schools for integration should also be aware of the political liability of being associated with a controversial movement and a host of tangential other lightning rods in education policy—from teacher unions to testing—that some charter schools have come to symbolize. Rather, the point is that some charter schools are trying—and succeeding—in supporting integration, and these successful models have too much to offer for policymakers and integration advocates to ignore.

EXISTING EXAMPLES OF INTER-DISTRICT, INTEGRATED CHARTER SCHOOLS

Despite the potential, very few charter schools so far have shaped themselves specifically as vehicles for intentional inter-district integration. Two examples stand out, however, as successful “charters without borders” and guides for how this model might work in practice: the Rhode Island Mayoral Academies and the Interdistrict School for Arts and Communication in Connecticut. The first is a group of charter schools with suburban and urban locations that was started six years ago as a result of new state legislation, demonstrating how inter-district integration can be built into charter laws. The second is a single school located in an urban district that grew out of the magnet school movement nearly two decades ago, showing how an existing charter model can be effective fit for magnet-style integration.

Rhode Island Mayoral Academies

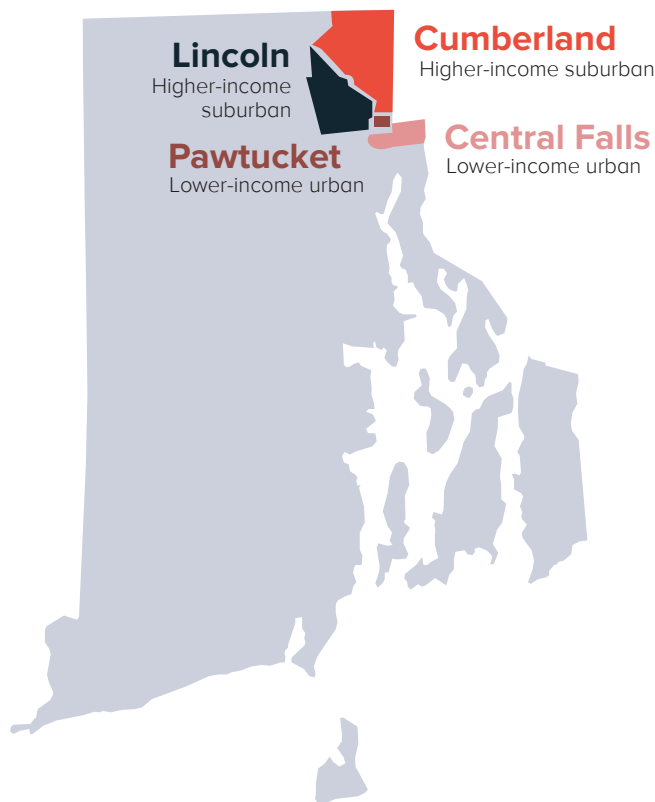
In 2008, Daniel J. McKee—the mayor of Cumberland, Rhode Island, who later became the state’s lieutenant governor—began working closely with adviser Michael Magee to come up with a new school model to improve

educational outcomes in their state, which at the time had the largest Latino-white student achievement gap in the country. The pair envisioned a new kind of charter school built on regional partnerships between urban and suburban communities, enrolling geographically, socioeconomically, and racially diverse student bodies. As Magee has stated, “Perhaps new schools of choice could strategically ignore the old boundaries.”²⁵ In 2008, the “mayoral academy” charter school model was written into Rhode Island state law, at the urging of a bipartisan coalition of mayors.

Blackstone Valley Prep Mayoral Academy (BVP) opened as the first mayoral academy in 2009 with 76 kindergartners. Today, it serves almost 1,400 students in grades K–10. Many parents are drawn to the school for its college prep curriculum, character education, and extended day, and for some families, the school’s diversity is also an attraction.

BVP serves four Rhode Island school districts in the northeast corner of the state, which by design include two urban and two suburban communities (see Figure 2). Although they are geographically clustered, the four districts that BVP serves—urban districts Central Falls and Pawtucket, suburban districts Lincoln and Cumberland—represent a broad socioeconomic spread. Median income ranges from \$27,993 in Central Falls to \$72,434 in Lincoln.²⁶ And while just 22 percent of students in Cumberland and 29 percent of students in Lincoln receive free or reduced-price lunch, 86 percent in Central Falls and 75 percent in Pawtucket do so. Racial demographics across the four school districts are similarly varied: Lincoln and Cumberland have student populations that are 80–90 percent white, whereas Central Falls is roughly 75 percent Latino, and Pawtucket’s student body is roughly one-third white, one-third Latino, and one-third black. Under its current approved growth plan, BVP will eventually serve more than 2,000 students in three elementary schools,

FIGURE 2
THE FOUR RHODE ISLAND COMMUNITIES SERVED BY BLACKSTONE VALLEY PREP MAYORAL ACADEMY



three middle schools, and one high school—meaning that roughly 10 percent of students from across all four school districts will be enrolled at BVP.²⁷ At that size, BVP will also serve roughly the same number of students as some of the currently existing inter-district integration plans elsewhere in the country.

Blackstone Valley Prep draws students from all four districts and weights its admissions lottery to ensure diversity using two measures: the school enrolls evenly from urban and suburban districts, and, to ensure income diversity, the lottery is weighted to ensure that at least 50 percent of students are eligible for free or reduced-price lunch. The network’s first campus was located in Cumberland, but BVP now has schools in Lincoln and Central Falls as well. The network provides transportation for all students who attend, which it

arranges and funds out of its per-pupil dollars. Across BVP’s current campuses, roughly 65 percent of students are low income. The largest racial/ethnic groups are Latino students, who make up roughly 40–60 percent of students on each campus, and white students, who constitute 30–40 percent of the student body.²⁸

Blackstone Valley Prep has shown strong results in its first six years. In 2013–14, BVP students surpassed state averages on standardized tests in nearly every grade and subject, and the school has reduced achievement gaps. In eighth grade reading, for example, the gap in the percentage of BVP low-income versus non-low-income students passing the state test was just two percentage points, and the Latino-white score gap was just one percentage point.²⁹

In the past couple of years, the school has also started intentional efforts to build a culture that embraces diversity by thoughtfully planning professional development for new and returning staff and analyzing the canon of texts used in its curriculum to ensure it represents diverse voices. Some campuses have encouraged participation by families of all backgrounds in school events by having the family council co-led by one urban and one suburban parent. In 2014–15, the school started a blog series for teachers, parents, and students to share their reflections on race and class, what being part of an integrated school means to them, and how the BVP community can fight institutional racism.

More mayoral academies are in the works. In fall 2015, Rhode Island Mayoral Academies—the “harbormaster” or “incubator” organization created to help get mayoral academies off the ground—opened RISE Prep Mayoral Academy, serving Woonsocket (an urban district), North Smithfield (a suburban district), and Burrillville (a rural district).

In opening both BVP and RISE Prep, RIMA has faced political opposition, primarily from suburban districts with generally high-performing schools that do not see the need for a new school option, and to a lesser degree from urban districts who fear losing too many students to the network. But several political assets have helped get the support needed to open new schools and expand existing networks.

The mayoral academy model requires an elected official—either the mayor or another high-profile town administrator—from at least one of the sending school districts to sign on to approve the initial charter application. That same official—or another from a sending district—must then chair the charter school board, which must have at least one member from each sending district. These mayors and town administrators have proved useful allies in fighting for the importance

of a regional, integrated charter school option for families in their communities.

As BVP has grown, parents and families from the school have also been powerful spokespeople at state and local meetings. And BVP now has strong support from the two urban districts that it serves, not only because it is providing a strong option for some of their students, but also because BVP has partnered with these districts to share practices and lead joint professional development sessions.

Jeremy Chiappetta, BVP’s founding principal and now the network’s executive director, came to the school passionate about helping low-income students but unsure about the role of integration in meeting that goal. “What tipped the scales for me to join the diverse schools work was a conversation with a mentor—a Rhode Island urban superintendent,” Chiappetta reflected. “She suggested that if my goal was to serve urban poor kids well, then the best way to do so was to lead a truly diverse school.”³⁰

INTERDISTRICT SCHOOL FOR ARTS AND COMMUNICATION

In the mid-1990s, parents from the Regional Multicultural Magnet School, a popular inter-district magnet elementary school in New London, Connecticut, wanted a middle school magnet option in their region that would offer the same opportunity for children to learn in a racially integrated environment. They petitioned the state to create expand their magnet school into the middle grades, and when that request was denied, they turned to the state’s newly passed charter school law as an opportunity to open a new magnet-style charter school.

The Interdistrict School for Arts and Communication (ISAAC) opened in 1997 with a mission to reduce racial and socioeconomic segregation in an arts integrated setting, serving students in sixth through

eighth grade from over twenty different school districts in the southeastern part of Connecticut.³¹

As specified in the school's charter, ISAAC evenly splits enrollment between its urban host district, New London, and surrounding districts. New London serves a student body that is 79 percent low-income, 49 percent Latino, 25 percent black, 18 percent white, and 8 percent other races and ethnicities. By contrast, the majority of the surrounding districts that ISAAC serves enroll student populations that are less than 30 percent low-income and more than 80 percent white.³² The school holds separate lotteries for New London versus surrounding districts and allots a specific number of seats to each of the surrounding districts based on population. As a result, the student body at ISAAC is socioeconomically and racially integrated, with a population that is 66 percent low-income, 45 percent Latino, 28 percent white, 17 percent black, and 10 percent other races and ethnicities.

Over the years, ISAAC has expanded enrollment and taken on new pedagogical approaches, but it has stayed true to the focus on socioeconomic and racial integration. In a 2014 report, the advocacy group Connecticut Voices for Children found that ISAAC was one of just three charter schools in the state meeting high standards for desegregation.³³

One of the challenges for maintaining integration at ISAAC is uneven access to transportation. Each sending district decides whether or not to provide their students with transportation to ISAAC, and some districts provide transportation, while others do not.

FRAMEWORK FOR A ROBUST INTER-DISTRICT CHARTER INTEGRATION MODEL

These two examples of charter schools that are already using inter-district enrollment to achieve integration

show that the idea can work in action, but what are the key ingredients for expanding or replicating these models? While there are not enough of this type of charter school in operation to devise a full set of best practices, the experiences of Rhode Island Mayoral Academies and ISAAC point toward some basic requirements for getting inter-district, integrated charter schools off the ground. Based on these examples, four key elements emerge as necessary for a strong inter-district charter school integration strategy:

1. the ability to enroll students from multiple districts;
2. the ability to use an admissions strategy that promotes diversity, such as a weighted lottery;
3. the ability to provide transportation to students; and
4. a commitment to integration that extends through every element of the school (admissions, pedagogy, climate, governance, and so on).

Without the first element, inter-district charter schools simply are not possible. (As explained below, this is the case in some states.)

Without the last three elements, inter-district charter schools have no guarantee of advancing integration. In fact, inter-district charter schools without the lottery mechanisms, transportation, and commitment to diversity needed to support integration can actually further segregation, in the same manner that open-choice enrollment programs—which allow students to enroll in out-of-district schools regardless of their own background and without any consideration of integration—have done.

Consider a cautionary tale. Pataula Charter Academy in Georgia is located in an area in desperate need of integration, yet the school fails to help address that issue adequately. Pataula is a regional charter school serving five rural Georgia school districts. The populations of those four counties range from 46 percent to 61 percent black, with most of the rest of the population being white. However, black enrollment in those five school districts ranges from 66 percent of the student body in Early County to 98 percent of the student body in Clay County, where Pataula is located.³⁴ Most white families in the area send their children to private schools.³⁵ Pataula presented an opportunity to create a racially integrated public school more reflective of the region as a whole, if it could successfully attract students from both public and private schools in the area. But integration was not part of the mission or design of the school, and there is no consideration of diversity in the school's lottery. Pataula enrolls a student body that is 81 percent white and just 12 percent black, 5 percent Latino, and 2 percent Asian.³⁶ Without an explicit mission and mechanism to desegregate, Pataula's enrollment more closely mirrors that of the predominantly white private schools in the area than that of a racially integrated public school.

OPPORTUNITIES AND OBSTACLES IN STATE CHARTER LAWS

Creating an integrated, inter-district charter school that meets the four criteria above is in part the job of the charter school's founders and the authorizers who approve applications. But state laws also come into play in either encouraging or limiting these options:

- *Enrolling students from multiple districts.* In thirty-six of the forty-three states with charter school laws, inter-district enrollment without preference for in-district students is permitted in at least some charter schools.³⁷ However, in seven states—Alabama, New Hampshire,

New Jersey, New York, Oklahoma, Oregon, and South Carolina—in-district preferences are required for all charter schools, making it extremely difficult to create a charter school with inter-district enrollment (unless the school receives few applications from its home district).³⁸

- *Weighting a lottery to promote diversity.* At Blackstone Valley Prep, the ability to weight its lottery—both by dividing seats evenly between urban and suburban students and by reserving at least 50 percent of seats for low-income students—is a crucial tool for ensuring that the school keeps an integrated student body, even as the number of applications from different regions and populations fluctuates year to year. Whether or not charter schools may use weighted lotteries, and which factors they are allowed to weigh, varies widely among states. Furthermore, state law is often unclear, and so the final verdict frequently depends on the interpretation of the authorizer or charter school. According to a recent analysis by the National Alliance for Public Charter Schools, only four states (Arkansas, Georgia, Louisiana, and Rhode Island) specifically permit weighted lotteries, and the laws in sixteen states may be interpreted to prohibit the use of weighted lotteries.³⁹ Adding to this complexity, the U.S. Department of Education also places restrictions on the use of weighted lotteries for schools (and in some cases charter networks) receiving federal Charter Schools Program funds. The federal restrictions include the requirement that the state in which a charter school is located must expressly permit the use of weighted lotteries—which is limiting given the fact that so many state charter laws are vague with regards to weighted lotteries.⁴⁰

- *Providing transportation.* Equitable access to inter-district charter schools, or any other school with a regional enrollment model, requires providing transportation to students; otherwise, low-income families or others for whom transportation would be a hurdle may be deterred from applying or enrolling. Even for charter schools that enroll from a single district, access to funding for transportation varies widely. Only eighteen states and the District of Columbia provide charter schools with transportation funding that is similar to the funding districts receive—either by requiring school districts to transport charter school students or by giving charter schools equivalent funding to arrange for their own transportation. Six additional states provide charter schools with some transportation funding but less than is provided to districts. Funding for inter-district transportation is further limited. In a handful of states, the law specifies that charter transportation funding applies to in-district students only. Only two states, Connecticut and Pennsylvania, have clear provisions in their laws to fund the transportation of charter students who live outside the district in which a charter school is located.⁴¹ In Connecticut, school districts may be reimbursed by the state for the cost of transporting out-of-district students to charter schools, but the districts are not required to provide transportation to these students, nor do charter schools receive funds to arrange their own transportation for these students. In ISAAC’s case, some of the sending districts do provide transportation while others do not. In Pennsylvania, school districts must provide students with transportation to a charter school beyond district borders if the school is designated as regional charter school or if it is located within ten miles of the district boundary.

- *A commitment to integration.* Having the right tools for integration in place is only effective if charter school leaders, and the authorizers who hold them accountable, are committed to using inter-district enrollment to advance clear goals around diversity and integration. This intentionality will typically come from the charter school, but state laws can create the precedent for valuing integration as one of the goals of charter schools. Rhode Island’s law establishing mayoral academies, for example, requires charter school proposals to “Describe enrollment procedures including the permissible criteria for admission in accordance with applicable state and federal law, along with a policy or policies that outline outreach and recruitment programs to encourage the enrollment of a diverse student population.”⁴² According to a 2009 analysis, sixteen states had laws that permit or require charter schools to take steps to promote diverse enrollment.⁴³ In practice, these laws are rarely enforced, but that could be a missed opportunity. Some of these laws could provide support for charter schools that express integration as a goal. At the same time, other state laws designed to prevent charter schools from “creaming” advantaged students make it difficult for charter schools to establish integration as a goal. In New York State, for example, charter schools are required to make “good faith efforts” to enroll at least as great a proportion of students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch as the district in which the school is located. This requirement stems from a desire that charter schools should serve their fair share of needy students and from valid concerns that, through the selection bias of an opt-in enrollment lottery or “counseling out” students, charter schools will fail to meet the mark. But the goal of mirroring

the district shuts out opportunities for charter schools to create economically integrated student bodies in high-poverty districts. A charter school might do this fairly, without “creaming” all of the middle-class students in the district into one school, by enrolling students from multiple districts or by attracting upper-middle-class families in the district who had been choosing private schools back to the public sector. But the law in New York, as written, does not leave room for either option.

RECOMMENDATIONS

There are several ways that states, charter school authorizers, the federal government, and integration advocates can expand opportunities for inter-district charter schools.

State Governments

In states where it is not already the case, state legislators should amend charter school laws to:

- Permit inter-district enrollment with mechanisms to override in-district preferences when necessary to achieve integration.
- Specifically allow weighed lotteries used to promote diversity.
- Provide transportation funding for in- and out-of-district students attending charter schools.
- Establish integration as one of the potential goals for charter schools. In cases where states have targets for enrollment of disadvantaged students, charter schools that present socioeconomic and racial integration as a goal should be allowed to specify alternate enrollment targets, justified by their diversity plan.

State legislators could also consider proposing legislation for a specific inter-district, integrated charter school model, akin to Rhode Island’s mayoral academies.

Charter School Authorizers

Charter school authorizers should encourage applicant schools to create inter-district enrollment plans when integration would be possible. Authorizers should also look to existing language in state laws regarding diversity and integration as a guide when keeping charter schools accountable for equitable enrollment.

Federal Government

The U.S. Department of Education should revise guidance on the use of weighted lotteries to make it easier for charter schools in a variety of states to receive federal funds while using lotteries that promote diversity. The department should also continue to award extra points in competitive charter school funding grants to applicant schools that indicate socioeconomic and racial integration as a goal, as it has done in several rounds of charter school funding so far, and should consider increasing the number of points awarded for this diversity focus, to at least equal the priority awarded for schools serving large proportions of educationally disadvantaged students.

The Integration Community

Parents, educators, activists, and community groups concerned about integration—and who live in one of the thirty-six states that permit inter-district enrollment in charter schools—should consider starting inter-district charter schools with an explicit mission to integrate students. Supporters of existing inter-district transfer and magnet desegregation programs should consider how adding new charter schools in the region could bring increased capacity and funding to their integration efforts.

CONCLUSION

Parents understand the ways that school district lines can shape their children's futures. More than one in four parents report choosing where they live in part based on access to schools.⁴⁴ But that choice is heavily constrained by which houses—and districts—families can afford, and if a family cannot afford to move to a better district, there are often few options available for escaping struggling schools.

Today, inter-district integration plans utilizing urban-suburban transfers and magnet schools provide an option for some 40,000 students a year, but we need more options for the 11.7 million students across the country enrolled in high-poverty schools. Integrated, inter-district charter schools could be an additional strategy for helping to break down these divides.

Inter-district integration, through charter schools or other mechanisms, will not work everywhere. In some states, changes to charter school laws are needed to open opportunities for inter-district enrollment. And in some areas, the distances between school districts with different socioeconomic and racial compositions are too great to be overcome by a daily bus trip. But there are many areas where inter-district integration could work and simply has not been tried. A 2012 study of a sample of six states—Massachusetts, Virginia, Colorado, Nebraska, Missouri, and Florida—determined the geographic and demographic viability of inter-district integration solutions by examining what percentage of high-poverty schools in high-poverty districts could be integrated by mixing enrollment with a bordering district. The researchers found a range of potential, from 7 percent of high-poverty schools with possible inter-district solutions in Florida, to 52 percent in Nebraska.⁴⁵

It is also important to note that integrating students across district lines is the beginning, not the end, of ensuring educational equity. Students in integrated

schools may still have differential access to opportunities due to academic tracking, implicit bias in the classroom, or socioeconomic and cultural barriers to accessing extracurricular programs. The best integrated schools must constantly examine their practices and student outcomes, insuring not just a desegregated building but integrated classrooms and opportunities.⁴⁶ In suburban Lexington, Massachusetts, for example, district leaders improved the performance of the black transfer students who attended their schools through Boston's METCO program by taking a hard look at student achievement data, and subsequently altering their practices. A decade ago, Lexington's transfer students had strong graduation rates and were outperforming their peers back in Boston, but they still lagged behind white and Asian classmates in Lexington on state standardized tests and SAT scores. District leaders noticed that black students were being over-identified for special education services and began interventions to provide tutoring and change instruction methods. Today, Lexington has significantly narrowed the achievement gap between its black and white or Asian students, and the district has among the highest achievement for black students within the state.⁴⁷

In communities where geography and demography create opportunities, and where educators are willing to push for equity at the classroom level, inter-district integration can be a powerful tool to improve student outcomes. And the charter school model, when structured with integration in mind, can be an effective vehicle to get there.

Halley Potter is a fellow at The Century Foundation, where she researches public policy solutions for addressing educational inequality.

Notes

- 1 Kim-Mai Cutler, "East of Palo Alto's Eden: Race and the Formation of Silicon Valley," Tech Crunch, January 10, 2015, <http://techcrunch.com/2015/01/10/east-of-palo-altos-eden/>; and Amy Stuart Wells, Bianca J. Baldrige, Jacquelyn Duran, Courtney Grzesikowski, Richard Lofton, Allison Roda, Miya Warner, and Terrenda White, *Boundary Crossing for Diversity, Equity and Achievement: Inter-district School Desegregation and Educational Opportunity* (Cambridge, Mass.: Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, November 2009), 12.
- 2 Andrea Canning and Leezel Tanglao, "Ohio Mom Kelley Williams-Bolar Jailed for Sending Kids to Better School District," ABC News, January 26, 2011, <http://abcnews.go.com/US/ohio-mom-jailed-sending-kids-school-district/story?id=12763654>; Halley Potter, "When the School across Town Is Just Out of Reach," Taking Note: A Century Foundation Group Blog, February 3, 2011, <http://takingnote.tcf.org/2011/02/when-the-school-across-town-is-just-out-of-reach.html>.
- 3 Gary Orfield and Erica Frankenberg, *Brown at 60: Great Progress, a Long Retreat and an Uncertain Future* (Berkeley, Calif.: The Civil Rights Project, University of California-Berkeley, May 15, 2014), <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf>.
- 4 *Ibid.*, 16, table 7; 18, table 8; 24, table 11.
- 5 Wells et al., *Boundary Crossing for Diversity, Equity and Achievement*, 1, citing Charles T. Clotfelter, *After Brown: The Rise and Retreat of School Desegregation* (Princeton, N.J.: Princeton University Press, 2004).
- 6 Jeremy E. Fiel, "Decomposing School Resegregation: Social Closure, Racial Imbalance, and Racial Isolation," *American Sociological Review* 78, no. 5 (2013): 842, figure 7.
- 7 Paul A. Jargowsky, *Concentration of Poverty in the New Millennium: Changes in Prevalence, Composition, and Location of High Poverty Neighborhoods* (New York: The Century Foundation, 2013), 3, <http://www.tcf.org/bookstore/detail/concentration-of-poverty-in-the-new-millennium>.
- 8 Sean F. Reardon, Lindsay Fox, and Joseph Townsend, "Neighborhood Income Composition by Household Race and Income, 1990–2009," *ANNALS of the American Academy of Political and Social Science*, 660 (July 2015): 88, figure 3; and David Leonhardt, "Middle-Class Black Families, in Low-Income Neighborhoods," *New York Times*, June 24, 2015, http://www.nytimes.com/2015/06/25/upshot/middle-class-black-families-in-low-income-neighborhoods.html?ref=todayspaper&abt=0002&abg=1&_r=4. See also Patrick Sharkey, "Spatial Segmentation and the Black Middle Class," *American Journal of Sociology* 119, no. 4 (January 2014): 903–54.
- 9 EdBuild, *Dividing Lines: School District Borders in the United States*, <http://maps.edbuild.org/DividingLines.html#> (accessed September 2, 2015).
- 10 See, e.g., Nikole Hannah-Jones and Ira Glass, "562: The Problem We All Live With," *This American Life*, podcast audio, July 31, 2015, <http://www.thisamericanlife.org/radio-archives/episode/562/the-problem-we-all-live-with>.
- 11 Wells et al. *Boundary Crossing for Diversity, Equity and Achievement*; and Kara S. Finnigan and Jennifer Jellison Holme, *Regional Educational Equity Policies: Learning from Inter-district Integration Programs*, Research Brief No. 9, The National Coalition on School Diversity, September 2015.
- 12 Robert Bifulco, Casey D. Cobb, and Courtney Bell, "Can Interdistrict Choice Boost Student Achievement? The Case of Connecticut's Interdistrict Magnet School Program," *Educational Evaluation and Policy Analysis* 31, no. 4 (December 2009): 323–45.
- 13 Wells et al., *Boundary Crossing for Diversity, Equity and Achievement*, 6.
- 14 *Ibid.*, 7.
- 15 Peter Balonon-Rosen, "METCO: A Great Experience, but Only for the Few?" Learning Lab, WBUR, October 1, 2014, <http://learninglab.wbur.org/2014/10/01/metco-a-great-experience-but-only-for-the-few/>.
- 16 CT Coalition for Magnet Schools, "Frequently Asked Questions," Author, <http://www.ctmagnetschools.org/frequently-asked-questions.html> (accessed September 2, 2015).
- 17 Wells et al., *Boundary Crossing for Diversity, Equity and Achievement*, 17.
- 18 Jennifer Jellison Holme and Amy Stuart Wells, "School Choice beyond District Borders: Lessons for the Reauthorization of NCLB from Interdistrict Desegregation and Open Enrollment Plans," in *Improving on No Child Left*

Behind: Getting Education Reform Back on Track, ed. Richard D. Kahlenberg (New York: The Century Foundation Press, 2008), 156.

- 19 As of 2015, Minneapolis's inter-district transfer integration program is in a period of transition, and its future is uncertain. Although the program still exists, it is no longer called "The Choice Is Yours," and the recruitment, enrollment, and student support services previously provided by a dedicated collaborative have now been taken over by the individual districts participating in the program, with varying degrees of fidelity to the original model. Anthony Galloway, e-mail to author, September 9, 2015.
- 20 Finnigan and Holme, *Regional Educational Equity Policies*, 2.
- 21 U.S. Department of Education, National Center for Education Statistics, Institute of Education Sciences, *Digest of Education Statistics 2014*, December 2014, Table 216.60, https://nces.ed.gov/programs/digest/d14/tables/dt14_216.60.asp?current=yes.
- 22 Research has generally shown that charter schools have higher concentrations of poverty and greater racial isolation than district schools, both on average nationally and in a number of regions across the country. For a review of the research, see Richard D. Kahlenberg and Halley Potter, *A Smarter Charter: Finding What Works for Charter Schools and Public Education* (New York: Teachers College Press, 2015), 47–50.
- 23 The author is an adviser for the National Coalition of Diverse Charter Schools. See <http://www.diversecharters.org/>. Profiles of a number of diverse charter schools are available in Kahlenberg and Potter, *A Smarter Charter*.
- 24 See later in this brief, "Opportunities and Obstacles in State Charter Laws: Enrolling Students from Multiple Districts."
- 25 Michael Magee, "The Mayors' Charter Schools: Innovation Facilitates Socioeconomic Integration and High Performance," *EducationNext* 14, no. 1 (Winter 2014), <http://educationnext.org/the-mayors-charter-schools/>.
- 26 United States Census Bureau, American Community Survey (ACS), 5-Year Estimates, 2009–2013, <http://www.census.gov/quickfacts/>.
- 27 U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), 2012–13 data, <http://nces.ed.gov/ccd/elsi/>.
- 28 *Ibid.*; National Alliance for Public Charter Schools, The Public Charter Schools Dashboard, <http://www.publiccharters.org/dashboard/home>.
- 29 Rhode Island Department of Education, InfoWorks! Rhode Island Education Data Reporting, Student Achievement/NECAP Assessments, 2013–14, <http://infoworks.ride.ri.gov/search/schools-and-districts>.
- 30 Jeremy Chiappetta, "The Diverse Schools Dilemma—Book Review," BVP Musings, November 30, 2012, <http://bvpprep.blogspot.com/2012/11/the-diverse-schools-dilemma-book-review.html>.
- 31 Mary Ellen Flannery, "Identity Crisis: Maybe 'Unionized Charter School' Is Not a Contradiction in Terms," *NEA Today*, March/April 2012, <http://www.nea.org/home/38152.htm>; and Interdistrict School for Arts and Communication, "About ISAAC," <http://www.isaacschool.org/page.cfm?p=583> (accessed September 2, 2015).
- 32 U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), 2012–13 data.
- 33 Johanna Somers, "Report: Segregation Levels Differ at Magnet, Charter Schools," *The Day*, April 9, 2014, <http://www.theday.com/article/20140409/NWS12/304099936>; and Robert Cotto, Jr., and Kenneth Feder, *Choice Watch: Diversity and Access in Connecticut's School Choice Programs* (New Haven, Conn.: Connecticut Voices for Children, April 2014), <http://www.ctvoices.org/sites/default/files/edu14choicewatchfull.pdf>.
- 34 U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), 2012–13 data.
- 35 Maureen Downey, "Learning Curve: Race Debate Still in Play," *AJC*, February 8, 2010, <http://www.ajc.com/news/news/opinion/learning-curve-race-debate-still-in-play/nQcMz/>.
- 36 National Alliance for Public Charter Schools, The Public Charter Schools Dashboard, <http://www.publiccharters.org/dashboard/home>.
- 37 Some of these thirty-six states require preferences for in-district students in some but not all cases. In Arizona, Colorado, Massachusetts, Nevada, and Tennessee, a preference for in-district students is required for certain types of charter schools (usually depending on their location and the authorizer); however, it would be possible in these states to create a new charter school that specifically has the ability to enroll across districts. In Texas and Pennsylvania, district or geographic preferences in the lottery are required, but charter schools have some flexibility to define a preference

that encompasses multiple school districts. Note that this analysis excludes the District of Columbia, since it is all one school district.

38 National Alliance for Public Charter Schools, *Measuring Up: A Tool for Comparing State Charter School Laws and Movements*, “12. Clear Student Recruitment, Enrollment, and Lottery Procedures,” <http://www.publiccharters.org/law-database/clear-student-recruitment-enrollment-lottery-procedures/> (accessed September 2, 2015); Alabama Legislature, Alabama School Choice and Student Opportunity Act, Act No. 2015-3.

39 Lauren E. Baum, *State Laws on Weighted Lotteries and Enrollment Practices* (Washington, D.C.: National Alliance for Public Charter Schools, 2015), http://www.publiccharters.org/wp-content/uploads/2015/06/NPC035_WeightedLotteries_Digital_rev.pdf.

40 See Charter Schools Program, Title V, Part B of the ESEA, Nonregulatory Guidance, U.S. Department of Education, January 2014, section E-3, <http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc>; and Baum, *State Laws on Weighted Lotteries and Enrollment Practices*.

41 National Alliance for Public Charter Schools, *Measuring Up: A Tool for Comparing State Charter School Laws and Movements*, “18. Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding,” <http://www.publiccharters.org/law-database/equitable-operational-funding-equal-access-state-federal-categorical-funding/>.

42 Rhode Island Statutes, Chapter 16-77.4, Mayoral Academies, §16-77.4-

2(10).

43 Erica Frankenberg and Genevieve Siegel-Hawley, *Equity Overlooked: Charter Schools and Civil Rights Policy* (Berkeley, Calif.: The Civil Rights Project/Proyecto Derechos Civiles, University of California-Berkeley, November 2009).

44 Grover J. “Russ” Whitehurst, *The Education Choice and Competition Index: Background and Results, 2012* (Washington, D.C.: Brown Center on Education Policy at Brookings, December 2012), 2, http://www.brookings.edu/~media/multimedia/interactives/2012/ecci/pdfs/ecci_report_whitehurst.pdf.

45 Ann Mantil, Anne G. Perkins, and Stephanie Aberger, “The Challenge of High-Poverty Schools: How Feasible Is Socioeconomic School Integration?” in *The Future of School Integration*, ed. Richard D. Kahlenberg (New York: The Century Foundation, 2012), 194, 197.

46 See Kevin Welner and Carol Corbett Burris, “Alternative Approaches to the Politics of Detracking,” *Theory Into Practice* 45, no. 1 (2006): 90–99; and Kahlenberg and Potter, *A Smarter Charter*, 135–38.

47 Karin Chenoweth, “What Can Happen When a District Takes Responsibility for Its African American Students,” Huff Post Education, August 5, 2015, http://www.huffingtonpost.com/Karin-Chenoweth/what-can-happen-when-a-di_b_7942006.html.