North Carolina Insight

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Evaluating Charter Schools in North Carolina

Also:

How Stands the Public Behind the State's Public Schools?

North Carolina Center for Public Policy Research

N.C. Center for Public Policy Research

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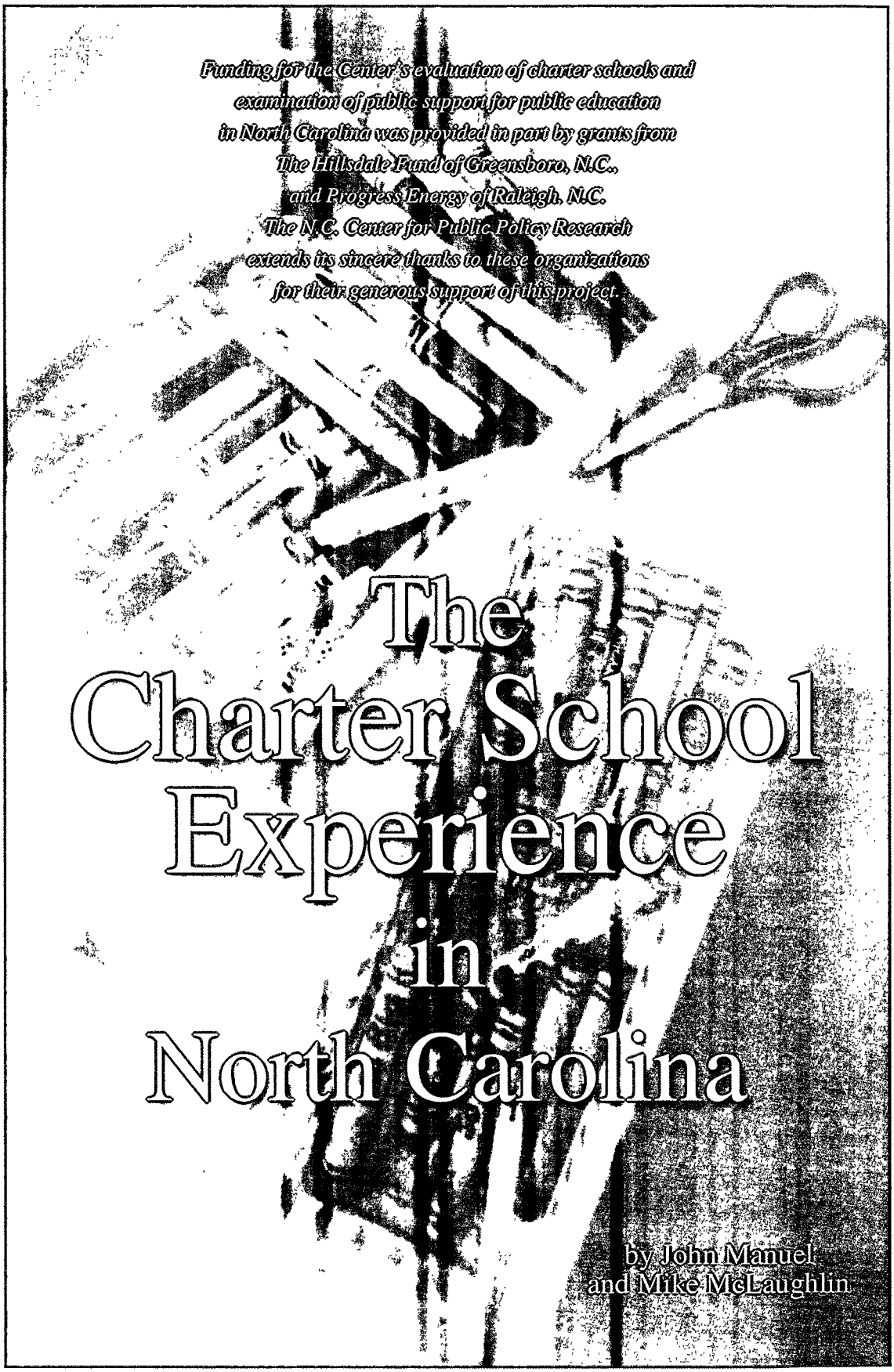


The Charter School Experience in North Carolina

by John Manuel and Mike McLaughlin

Karen Tam

Executive Summary

In 1997, the first charter schools opened in North Carolina. These non-traditional public schools, freed of many state rules and regulations and operating under an independent charter, promised to provide both innovation and competition for existing school systems. Five years later, the state's experiment with charter schools has reached a crossroads. The 1996 state law that allowed charter schools included a cap of 100 schools. That cap now has been reached, with more applicants for charters than available openings. Pressure is mounting on the General Assembly to raise the cap and allow more of these schools, which though public and required to take all comers, are released from many of the regulations governing traditional public schools. In addition, the existing schools are seeking greater flexibility and more public funding for capital construction. The Center believes it is necessary to evaluate how these schools have performed compared to the traditional public schools before deciding whether to raise the cap and allow for greater numbers of charter schools.

North Carolina's charter school law ranks in the top third nationally (12th among the 38 states that allow charter schools), according to the Center for Education Reform, a Washington, D.C., pro-charter school think tank that annually ranks states according to the strength of their charter school laws. The state gets high marks for its eligibility criteria for charter applicants, the number of new starts allowed each year, and guaranteed full per-pupil funding. Now that the state's 100-school cap has been reached, however, new starts will be severely limited. In addition, a chief concern among charter advocates in North Carolina is that, unlike the traditional public schools, they do not get money for new construction.

Among the ranks of charter schools are some of North Carolina's top performing schools, including one, Magellan Charter, that received the highest end-of-grade test scores in the state. Many charter schools are focusing on helping special populations that may not have been well served by the public schools. Charters appear to be highly popular with parents and staff. They also include some of the lowest performing schools in the state.

One measure by which charter schools can be graded is how they perform on end-of-grade tests. On average, the charter schools do not perform as well as their public counterparts on end-of-grade tests in reading, writing, or arithmetic. For the 2000–2001 school year, 15 charters (19 percent) achieved exemplary growth in test scores, seven charters (9 percent) matched expected growth, 43 (55 percent) received no recognition, and 13 (17 percent) were low-performing. This compares poorly to the traditional public schools, of which 24 percent achieved exemplary growth, 36 percent saw expected growth, 39 percent got no

recognition, and 1 percent were deemed low- performing. However, proponents of charter schools argue that it is unfair to hold them to the same yardstick as the traditional public schools because they are serving different kinds of students and trying to innovate and move beyond the state's standard course of studies.

Ranking charter schools by composite ABC scores along with traditional public schools, the charter advocates say, is misleading because charters vary so greatly in size. A low-performing charter school might have only a few dozen students while a low-performing public school may have 500. Both could be counted in the bottom 10, but the traditional public school would represent many more students. Another way to examine performance is by actual percentages of students attending schools placed in various performance categories under the ABC plan. The N.C. League of Charter Schools notes that in the 2000–2001 school year, the majority of charter school students subject to the ABC plan (50.05 percent) attended schools that achieved recognition in at least one category of distinction on end-of-grade tests. An additional 39.6 percent received no recognition, while 10.36 percent attended low-performing schools.

Charter schools have made large gains on state writing test scores, although they are still below the state average as a group. For the 2000–2001 academic year, 53.6 percent of charter school fourth graders passed the writing test, up from 36.2 percent the previous year. For seventh graders, the passing rate increased from 55.2 percent to 62.8 percent. For tenth graders, the passing rate increased from 23.4 percent to 36.8 percent. The state averages for all public schools on the 2000–2001 writing test were 68.8 percent passing for fourth graders, 73.3 percent passing for seventh graders, and 53.9 percent passing for tenth graders.

The state charter school evaluation report found in a three-year cohort study that charters do not perform as well as their traditional public school counterparts on end-of-grade tests, even when students with similar academic and demographic backgrounds were compared. Charter school advocates counter that (1) the cohort study was limited to a small number of schools, (2) the first year of charter operations was included in the study, and the first year often finds charters mired in start-up difficulties, and (3) many charter schools have a mission to serve students at high risk of academic failure. Having a disproportionate number of high-risk students makes it difficult to post high end-of-grade scores, say advocates. An analysis by the Office of Charter Schools within the Department of Public Instruction found that when the first year of operations is excluded, charter schools actually show more academic growth than do their cohorts in the traditional public schools. Nonetheless, at the end of the three-year period, they remain behind their public school peers. Charter advocates argue that this is in part because many charter schools target at-risk students who do not perform as well on standardized tests, and in part because the ABC accountability program is not appropriate for charter schools, which seek to innovate yet are tied by the test to the state curriculum.

For the 2000–2001 school year, six of the 10 worst performers on end-of-grade tests were charters, as were two of the 10 best performers. Most of the charter schools at the bottom of the low-performing list are predominantly if not entirely African-American. The state's charter school evaluation report finds that charters are doing a worse job than the traditional public schools in educating African-American youth, despite their attractiveness to minorities. This has resulted in an expansion of the achievement gap between black and white students enrolled in charter schools. "In other public schools, the achievement gap has been approximately the same size each year, and it has been smaller than the gap in charter schools," the report indicates. However, DPI's Office of Charter Schools finds that excluding the first year, African-American youth show greater academic growth in charters than in traditional schools.

Charter schools often incorporate ethnic themes that, combined with discontent over how African-Americans have been served in the traditional public schools, lead to greater numbers of schools that are disproportionately minority. This could be called "black flight" and runs counter to fears that charter schools would be vehicles for "white flight"—or efforts by white students to escape racially diverse schools. The charter school evaluation report found 20 schools to have a higher percentage of non-white students than the range for their school districts at the end of 2000. The report indicates that the percentage of high-minority charter schools where white students account for less than 25 percent of the student body has been approximately four times higher than those among the traditional public schools. However, the report also notes that the number of North Carolina's traditional public schools that are high minority has been growing steadily over time.

Of 97 charter schools operating in 2000–2001, 30 had student populations more than 80 percent non-white—most populated almost exclusively by African-American students despite state law indicating charter schools must reasonably reflect the racial makeup of their local school district. The state evaluation of charter schools found 20 schools to lie outside the range of their local school district in having a higher percentage of non-white students than the traditional public school in the district with the highest percentage of non-white students. Seven of these schools had no white students. In addition, the evaluation found eight charter schools to have a lower percentage of non-white students than any traditional public school in the district.

Fiscal problems, management, and governance have been an issue for some charter schools, as have the numbers and percentages of certified teachers. A total of 14 charter schools have closed their doors since the program began in 1997, at least eight for fiscal reasons as nonprofit groups struggle to organize and operate a school. Several more are just scraping by, though supporters say these schools typically operate much more smoothly after an initial year of struggle.

In January 2002, the State Board of Education decided that it would recommend that the General Assembly raise the cap on charter schools to 110 in 2003, provided a range of conditions are met. The board also recommended that charters spend their first full year planning before enrolling students to assure that they have administrative matters under control. In addition, the board asked that issues around certification of teachers be clarified by the General Assembly and recommended that local school districts be partially compensated in the first two years when a new charter school opens within a school district.

The N.C. Center for Public Policy Research, in analyzing whether charter schools should be allowed to expand, revisits six goals that were laid out for charter schools in enabling legislation passed in 1996. The Center finds charter schools have met or partially met three of the six goals. The three areas of success for charter schools are (1) giving teachers expanded professional opportunities, (2) providing parents expanded choice for their children's education (though 47 counties still do not have a charter school so this goal can be judged only partially met), and (3) being held accountable on performance-based tests. Charters are yet to fully prove themselves on the other three goals: (1) improving student learning—while some students excel, the schools as a whole are not performing as well as the public schools, (2) increasing learning opportunities for all students, with a special emphasis on at-risk or gifted students—charters have not been selecting based on whether a student is academically gifted and so far have not proven they can better serve at-risk students, and (3) providing innovative teaching that can be adapted to the traditional public schools. Here, charter school practitioners say that they are constrained by adherence to the state's standard course of studies, which is necessary to perform adequately on end-of-grade tests.

The Center identifies three key issues that prevent it from endorsing expansion of the charter school movement in North Carolina. These are (1) academic performance, where charters lag the traditional public schools; (2) racial diversity, in that too many schools exhibit too little diversity; and (3) concerns about fiscal management, which has contributed to the closure of at least eight schools.

Based on its findings, the Center recommends (1) that the state retain its current cap of 100 charter schools until it has in hand five full years of data and this data can prove the worth of the charter experiment; (2) that the State Board of Education not grant any more charters that target a narrow racial or ethnic population; (3) that the General Assembly implement financial reforms to require that charter schools spend one year planning and getting their financial affairs in order before opening to students; and (4) that the 2005 General Assembly—armed with adequate data about charter school performance—consider whether to raise the cap on charter schools and, if so, by how much.

Karen Tam

It is a typical day at Raleigh's Exploris Middle School. Students clad in blue jeans and T-shirts lounge on couches, at tables, and even on classroom floors in the relaxed setting of a former church adjacent to Exploris children's museum. But the casual atmosphere proves deceptive. Students launch into a computer exercise with the same enthusiasm others might attack a video game. They divide up in groups to produce a poem with undisguised zeal. To even the casual visitor, it soon becomes evident that at Exploris, learning is fun. And the excitement about learning bears results. Since the school's inception, it has posted far better end-of-grade test results than the typical North Carolina middle school, becoming a mainstay on the state's list of "Schools of Excellence."

Only a few blocks away, in a former dormitory on the grounds of Saint Augustine's College, students at SPARC Academy already have started their day with "unity drumming" to call the children into the village of learning. It is the school's fifth location since it opened in 1998, though SPARC moved four times in its initial year and has been in the same location now since 1999. The students—dressed in the school uniform of a blue-and-white batik shirt and blue pants—later will tackle social studies with the aid of African folk tales. The enthusiasm for learning is there, but SPARC Academy still has a ways to go by the measure of the end-of-grade test results. Still, the school is making progress.

Such is the dilemma of the charter schools movement in North Carolina. The schools are providing tailored instruction in smaller classes within smaller schools and enrolling enthusiastic students and parents. But they are not always delivering academic success as measured by end-of-grade tests, and financially, some of them are standing on shaky ground. Thus, while charter advocates clamor for more schools and what they consider a fair share of resources, others counsel a more cautious approach.

Launched with legislation passed in the summer of 1996, North Carolina's charter schools movement is now five years old. With the first schools opening for the 1997–98 school year and more opening every year since, the state now has reached the maximum, or cap, of 100 charter schools allowed by the enabling legislation (the actual number fluctuates in the 90s with various closings). George Noblit, a Ph.D. researcher at the University of North Carolina at Chapel Hill's

John Manuel is a free-lance writer residing in Durham, N.C. Mike McLaughlin is editor of North Carolina Insight.

School of Education operating under contract with the N.C. Department of Public Instruction, completed an evaluation of the state's charter schools in the fall of 2001. The State Board of Education reviewed the document at its December meeting.

The report's authors found the primary innovation among charter schools to be small school and class size.[1] The report suggested that on the whole, charters had not delivered on instructional innovation that could be tailored to the public schools, but the authors did observe innovations in leadership among charter school staff and significant levels of parental involvement at the schools. The authors also reported that outside the area of finances, they found little friction between charter schools and local school districts and concluded that competition for students is not a major issue.

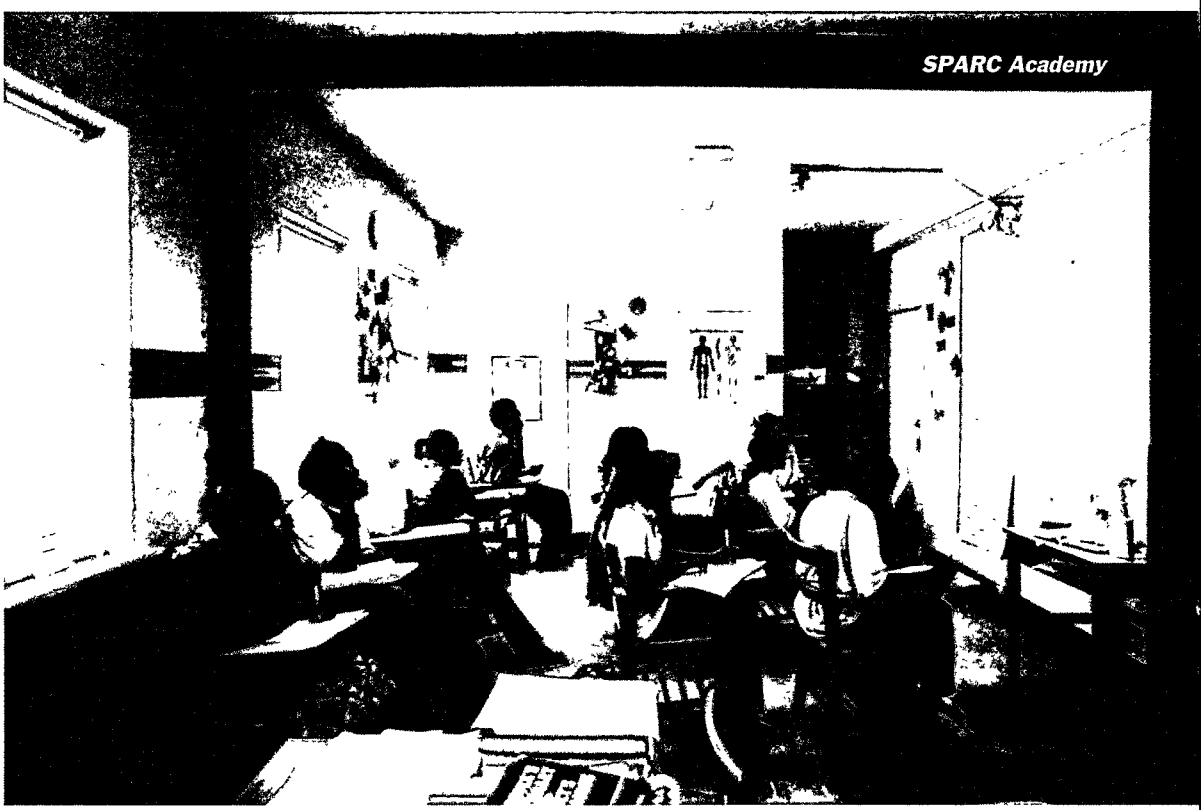
The authors' most strongly worded findings, however, were in the area of student achievement, where the report indicated that charter schools trail the traditional public schools in student achievement as measured by state accountability testing. "When compared to traditional public schools, charter schools as a group do not demonstrate better performance; in fact, their students tend to trail those in other public schools, even though their students as a group appear to have exhibited higher achievement scores prior to entering the charter schools."[2]

While the evaluation has been judged "too narrow" by the State Board of Education's Charter School Advisory Committee, the Board has issued a series of recommendations calling for fixes before allowing any significant expansion.

Meanwhile, at least 17 groups have submitted applications for new charters. An amendment to raise the cap to 135 schools has been introduced to the General Assembly, while another proposal would eliminate the cap altogether.[3] Legislators will need to decide whether charter schools represent a valuable addition to the education system deserving of analysis, emulation, and support, or whether charters merely are a sideshow to be tolerated.

An Experiment Begins

Born roughly a decade ago, the charter schools movement emerged in the U.S. as part of the general dissatisfaction with the quality of public education at the elementary and secondary school levels. While the nation has long struggled with the mission and quality of public education, the current wave of reforms can be traced back to the 1983 publication of *A Nation at Risk: The Imperative for Educational Reform* by the National Commission on Excellence in Education, which pronounced, "[T]he educational foundations of our society are presently



SPARC Academy

Karen Tam

"When compared to traditional public schools, charter schools as a group do not demonstrate better performance; in fact, their students tend to trail those in other public schools, even though their students as a group appear to have exhibited higher achievement scores prior to entering the charter schools."

—NORTH CAROLINA CHARTER SCHOOL EVALUATION REPORT

being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments."[4] The report issued by this high-level federal task force touched off a wave of reforms that continue to ripple through the education systems nearly two decades later.[5]

Among the reforms that have taken hold in North Carolina is the establishment of charter schools. Charter schools are nonprofit corporations run by boards of directors that have significant autonomy in determining how the schools are operated, yet they are hybrids in that they rely primarily on state funds. As nonprofits, they receive freedom from government regulations and are free to raise money from foundations, corporations, and individuals. Their governing boards are not subject to the local board of education, and they are free to go after the best teachers, who may be attracted by small class size, smaller schools, and the opportunity to have a greater say in operations. Yet charter schools are public schools in that anyone is eligible to attend, tuition is not charged, and they are guaranteed a certain level of state and local funds. Thus far, this funding has not included money for capital construction—as spelled out in original legislation, nor has it included fines and forfeitures collected by the courts at the county level and provided to other local public schools, though the North Carolina Court of Appeals recently ruled that charter schools should receive these funds. The notion behind charter schools is that freedom from various rules and regulations will create room to innovate and bring fresh ideas and enthusiasm to public education.

The schools are promoted as providing an additional choice for parents and students within the public school system, and bringing innovation in teaching methods, school and class size, and administrative policies.[6] The first charter schools opened in Minnesota in 1991. Today, 38 states allow charter schools. Arizona leads the way with more than 460 charters, followed by California, Texas, Michigan, and Florida.[7]

North Carolina began its charter school experiment with the passage of the Charter Schools Act in June 1996.[8] Applications were solicited for schools that would open in the fall of 1997. Thirty-four charter schools opened for the 1997–98 school year. The number increased incrementally in subsequent years and now stands at 100 authorized schools, the maximum allowed by law.

As the name implies, charter schools operate under a written charter that spells out the mission of the school. In North Carolina, that charter must be approved by the State Board of Education. A private, nonprofit board of directors operates each school. Each school has its own process for how board members are elected and rotated on and off. The board is autonomous from the local board of education that controls the traditional public schools, but it is accountable to the state for the expenditure of public funds, for student performance on accountability tests, and for maintaining open enrollment so that any student who wants to attend has an opportunity to be selected for admission. Charter schools also are accountable for maintaining racial balance, but through exceptions in law and policy, some are 100 percent minority.

"[T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments."

—A NATION AT RISK, 1983

Unlike private schools, charters cannot charge tuition. They receive public monies, which are allocated on a per-pupil basis. Like many traditional nonprofits that receive government funding, charter schools are subject to the whims of state politics. State laws can be amended or repealed, including the one authorizing charter schools.[9] Indeed, the Legislature's Joint Education Oversight Committee required the November 2001 evaluation of the charter schools movement in North Carolina with the implicit understanding that the charters schools could be constrained or even ended if the report found a failed experiment.

Yet in some ways charter schools are less subject to the vicissitudes of the state appropriations process than would be the case for an independent nonprofit receiving government funds. That's because as the law currently stands, state and federal education dollars follow the child to the charter school.

Charters have open enrollment, meaning they cannot discriminate on the basis of race or ethnicity. Indeed, State Board of Education (SBE) policy requires that they have a student population reflecting the racial and ethnic composition of the school system in which they are located, meaning they should vary by no more than plus or minus 15 percent of the average minority population in a particular school system.

In practice, however, the picture is different. Many traditional public schools have been allowed to resegregate, with minority populations approaching 100 percent. Charter schools have not been held to a higher standard than the school with the highest percentage of minorities in a local school district, and many charter schools have been established with a mission to serve special populations such as African-American children. The North Carolina Charter School Evaluation Report indicates that "[S]ince charter schools first opened in N.C., the percentage of charter schools that are 'high minority' (i.e., schools where white students account for less than 25 percent of the student body) has been approximately four times higher than among other public schools. It should also be noted, however, that the percentage of North Carolina schools overall that fits this description has been growing steadily over time."[10]

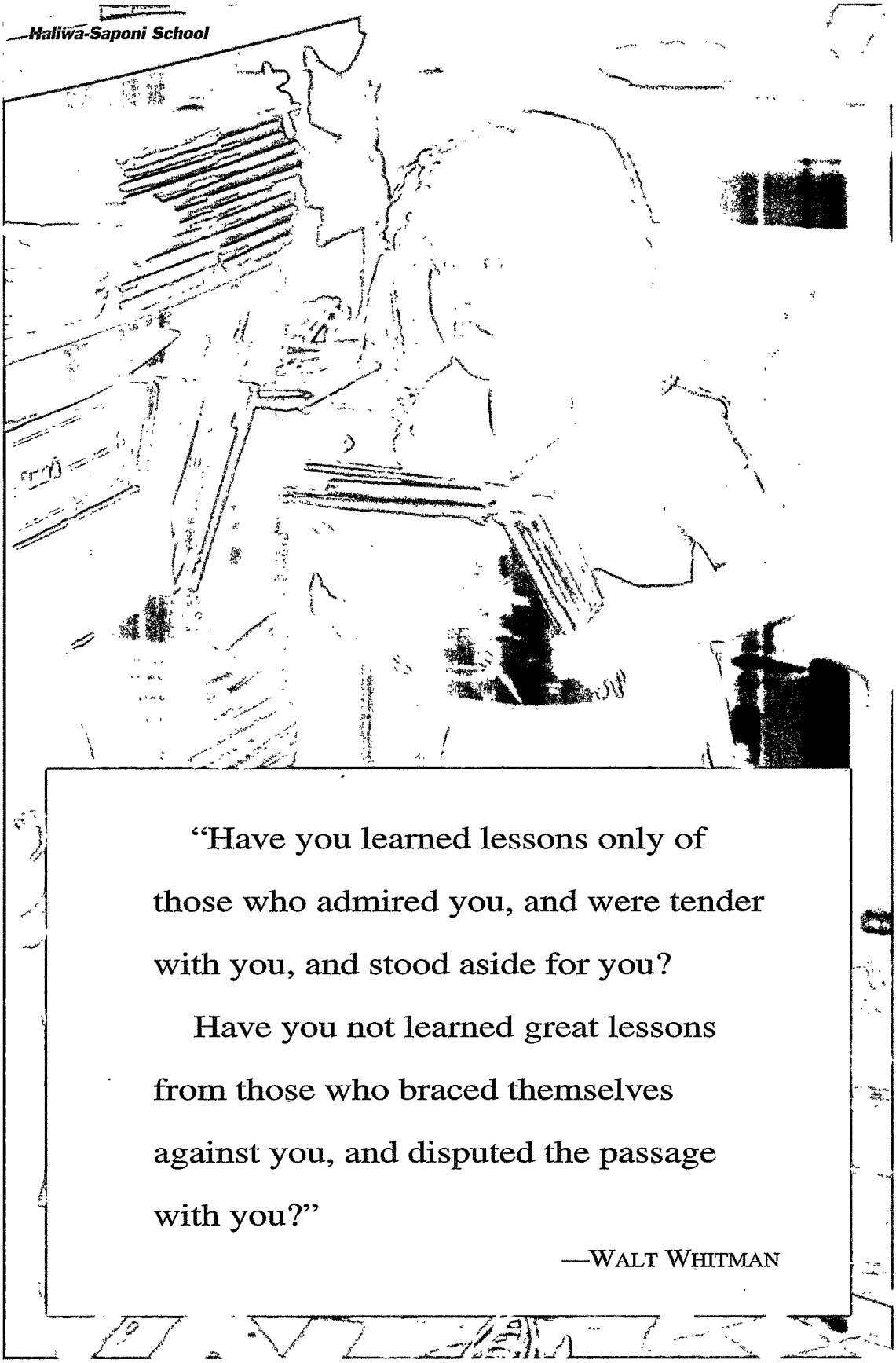
Though charter schools vary greatly in the size of their student bodies, they typically are much smaller than traditional public schools at the same grade level, averaging 193 students per school in North Carolina after the first 20-day count for the 2001–2002 school year, according to the Office of Charter Schools in the N.C. Department of Public Instruction. A typical public elementary school would have in excess of 500 students, while public middle schools and high schools may have 1,000 students or more. Charter schools pride themselves on having small classes, and a lower ratio of students to teachers than in traditional public schools—with charters providing one teacher for every 15 students.

As spelled out in their charters, many charter schools place emphasis on particular disciplines, cultures, or education paths. Some serve specific populations. The Haliwa-Saponi School in Hollister caters to the local Native American residents; Lakeside Charter at Elon College and Grandfather Academy in Banner Elk focus on youth referred by the courts or departments of social services; Healthy Start in Durham targets academically at-risk students, while John H. Baker Junior High in Raleigh focuses on incarcerated youth. Gray Stone Day School in Misenheimer, awarded a charter in 2002, will operate in partnership with Pfeiffer University—the first such university-charter high school partnership in the state. There, the school plans to provide college preparatory courses tapping the university's resources while giving Pfeiffer's School of Education students the opportunity for real teaching experiences.

North Carolina's Charter School Law

Key features of the North Carolina law include who is eligible to apply to start a charter school, who approves the applications, operational requirements, causes for non-renewal or termination, and state and local funding. As described in state law, any person, group of persons, or nonprofit corporation can apply to establish a charter school in North Carolina.[11] Applicants may seek to convert a public school to a charter with a statement of support signed by a majority of the teachers and instructional support personnel, and with evidence from "a significant number of parents of children enrolled in the school" that they favor conversion. The application may be submitted for preliminary approval to the local board of education, the board of trustees of one of 16 constituent institutions of the University of North Carolina, or the State Board of Education. Only the latter has final approval of the application. The state board may approve no more than five charters per year in one local administrative unit and no more than 100 total statewide. This maximum is called the state cap.

Despite the multiple routes to a charter, two of the three represent the path less taken, and one has



"Have you learned lessons only of those who admired you, and were tender with you, and stood aside for you?

Have you not learned great lessons from those who braced themselves against you, and disputed the passage with you?"

—WALT WHITMAN

Karen Tam

Research Shows Mixed Findings for Charter School Performance

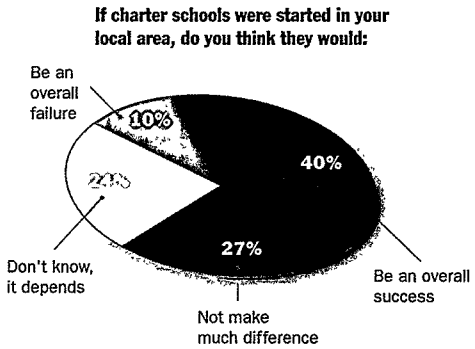
Evidence continues to accumulate regarding charter school performance at both the state and national level, yet the final word still is not in on how charter schools perform. In North Carolina, the Charter School Evaluation report commissioned by the N.C. Department of Public Instruction found charter schools performed less well than did their public school counterparts in a three-year cohort study. The report found charter school students overall did not perform as well as students in the traditional public schools, and charters particularly lagged in educating African American students.

Thus, the picture is somewhat hazy in North Carolina—with charter schools showing promise but yet to prove they can outperform the public schools. The same is true nationally as dueling studies purport to show the good and the ill of the charter school movement. The Center for Education Reform, a pro-school choice think tank in Washington, D.C., stirred the rhetorical pot with its release of a report in November 2000 concluding that five years of studies across the nation had shown charter schools are meeting the needs of underserved children while forcing traditional public schools to improve.[1] The Center concluded 50 of 53 studies since 1995 had noted positive effects of charter schools, showing charter schools to be both innovative and accountable and successful in providing new education opportunities for children.

Researchers who had been more critical of charter schools were quick to critique the Center's findings. The Center for Education, Research, Analysis, and Innovation at the University of Wisconsin-Milwaukee assembled a panel of experts to respond to CER's findings. One such expert, independent researcher Gerald W. Bracey, noted that CER had been "highly selective in what they choose to report."

Luisa Huerta, a research associate for the group Policy Analysis for the Public Schools at the University of California at Berkeley, notes that any conclusions that charter schools are improving student achievement are premature. "The big thing missing in the charter school research world is any substantial, reliable evidence that charter schools are doing any better than regular public school students. That's the bottom line."

If education researchers are divided on the promise of the charter schools movement, so is the public. In a 1999 national survey, Public Agenda, a New York nonprofit that polls the public on important public issues, asked, "If charter schools were started in your local area, do you think they would be an overall success, an overall failure, or would they not make much difference as far as the quality of education received?"



Some 40 percent of respondents said such schools would be an overall success, 27 percent predicted they would not make much difference, 10 percent predicted charter schools would be a failure, and 24 percent responded "it depends" or "don't know."[2]

—Mike McLaughlin

FOOTNOTE

[1] Darcia Harris Bowman, "Vast Majority of Charter School Studies Show Positive Findings, Report States," *Education Week*, Alexandria, Va., Nov. 8, 2002, p. 18. The CER overview is available at *www.edreform.com/pubs/charter.htm*

[2] "Charter Schools: So Far So Good," finding four of Public Agenda Foundation's *On Thin Ice*, a study of threats to the public schools, New York, N.Y. Online at *HYPERLINK "http://www.publicagenda.org/specials/vouchers/voucherfinding4.htm" www.publicagenda.org/specials/vouchers/voucherfinding4.htm*. 1,200 adults were interviewed by telephone June 11–24, 1999, for a margin of error of plus or minus 2.8 percent.

Karen Tam

not been taken at all. "It's worth noting that no one has applied to the UNC system [for a charter]," says John Poteat, research director at the Public School Forum of North Carolina—a nonprofit organization devoted to promoting and sustaining reforms in public education. "The original idea was for universities to sponsor 'lab schools,' but none have gotten involved yet."

In terms of operation, the law grants the nonprofit charter school's board of directors the authority to decide on the budget, curriculum, and operational procedures. Charter schools may lease space anywhere in the local school district, even from a church, provided that the classes and students are separated from any students attending a private religious school and there are no religious artifacts, symbols, or materials displayed in the classrooms or hallways. The local board of education may lease a public school building to a charter school free of charge, but in practice this rarely happens.

A charter school's instructional program must be approved in its charter application, and significant changes also need to be approved. The program must at least meet the student performance standards adopted by the State Board of Education. Charter schools must conduct the testing under the state's **A**ccountability in the **B**asics with local **C**ontrol program (commonly referred to as the ABC plan) required by the State Board of Education (or a state-approved system), and they must comply with state and federal law relating to the education of children with special needs.

In terms of employees, at least 75 percent of the teachers in grades Kindergarten through 5, at least 50 percent in grades 6–8, and at least 50 percent in grades 9–12 must be licensed to teach. Employees of the charter schools are employees of the nonprofit corporation that operates the school, but may opt in to the same benefits program available to state employees, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan.[12]

Any child who qualifies for admission to a public school qualifies for admission to a charter school. A charter school may not discriminate on the basis of ethnicity, national origin, gender, religion, or disability. A charter school may refuse admission to a student who has been expelled or suspended from a public school until the period of suspension or expulsion has expired. N.C. General Statute 115C-239.29F(g)(5) states: "Within one year after the charter school begins operation, the population of the school shall reasonably reflect

the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located." The State Board of Education may terminate or not renew a charter based upon failure to meet requirements for student performance contained in the charter, failure to meet generally accepted standards of fiscal management, violations of the law or of any of the conditions, standards, or procedures set forth in the charter, or if two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed.

With respect to funding, the State Board of Education allocates to each charter school the average state per pupil allocation for average daily membership (ADM) from the local school administrative unit allotments. This funding amount varies according to the school district where the charter is located, but a rough range is $3,800 to $4,200 per student. Charter schools also get any supplements provided by local governments. Local supplements vary widely but average approximately $1,000 per student.

Unlike traditional public schools, Charter schools do not receive capital funding. According to DPI's Office of Charter Schools, some estimates place this funding discrepancy as high as $1,000 per child when state and local funding dollars are totaled. Like non-charters, the charters do receive an additional amount for each child with special needs—about $2,600 per child, and an additional amount for children with limited English proficiency. Funds allocated by the Board may be used to enter into operational or financing leases for real property or mobile classrooms and may be used on payments for loans for facilities or equipment. State funds may not be used to purchase real property. And no indebtedness of the charter school shall involve or be secured by the full faith, credit, or taxing power of the state or its political subdivisions. For example, one may not use bonds to finance any charter schools. (See Table 1, below for a summary of state and local funds for which traditional public schools and charter schools are eligible.)

Table 1. Eligibility for State and Local Funds for Traditional Public Schools and Charter Schools in N.C.

Category	Traditional Public Schools	Charter Schools
State and local average daily membership (ADM) funding	Eligible	Eligible, but not for capital improvements
Additional state funds for qualified children with special needs up to 12.5 percent of the total number of students in a school system	Eligible	Eligible
Local fines and forfeiture money collected by the courts	Eligible	Not eligible but eligibility in dispute in court
Bond money for capital improvements	Eligible	Ineligible
Department of Transportation grants for new facilities, parking, and access roads property	Eligible	Ineligible unless state owns

Source: N.C. Department of Public Instruction

Positives and Negatives of the Law

The foundation of the charter school movement in any state is the law that sets the ground rules for how the schools may open, operate, and grow. Jeanne Allen, president of the Center for Education Reform (CER)—a pro-charter, pro school choice think-tank in Washington, D.C., says, "A strong charter law is the single most important factor in creating strong charter schools."

In 2001, CER conducted its own ranking of charter school laws, based upon 10 components that contribute to charter school development. These include such factors as the number of schools allowed, whether more than one board or agency can grant charters, and legal and operational autonomy. According to the CER's methodology, North Carolina ranks 12th of the 38 states with charter school laws, winning a B average on a scale of A-F (see Table 2, p. 16). North Carolina was one of 13 states that received a B. Seven states were awarded A's, while the remaining 18 were given C's or lower. North Carolina was given lower marks (3 out of 5) for its policies on the number of schools allowed, its degree of legal and operational autonomy allowed, and willingness to exempt charter school personnel from district work rules. It was given high marks for its eligibility criteria for charter applicants, the number of new starts allowed each year, and guaranteed full per-pupil funding.[13]

CER ranked Arizona first in strength of its charter law. That state places no limits on schools allowed, grants 15-year charters, and allows the charter schools to be operated by for-profit corporations, among other provisions. However, Otho Tucker, director of the Office of Charter Schools in the Department of Public Instruction, has reservations about the Arizona law, saying it is "too wide open" in terms of fiscal and academic accountability. Tucker favors Michigan, which CER ranks fifth, and Florida, which CER ranks eighth. Michigan provides oversight for charters through the state university system, which decentralizes its accountability process and provides a resource for the schools. Tucker praises Florida as welcoming charters to help overcome school crowding. There, public schools and the private sector have worked together well to expand classroom space through new charter facilities while limiting impact on the taxpayers, Tucker notes.

What aspects of the North Carolina law do and do not work? Charter school advocates and administrators offer praise for the multiple "points of entry" allowed into the system. Charter applicants may apply to the State Board of Education, local education administrative units (LEAs), or the public universities. Still, most applications for the first round of schools came straight to the state rather than to the local educational administrative units (LEAs) or the public universities because the State Board of Education must give final approval. "In the early years, 75–80 percent of the applications went to the LEAs, but because the State Board of Education must give final approval, virtually all of them now come directly here," says Otho Tucker, director of the Office of Charter Schools in the N.C. Department of Public Instruction.

"North Carolina's charter schools law is recognized as being one of the strongest in the nation. It allows flexibility on the one hand, while calling for accountability on the other. That's the way it should be."

—RON MATHESON, DIRECTOR OF KESTREL HEIGHTS SCHOOL IN DURHAM

But though the state's multiple points of entry win it critical acclaim, Roger Gerber of the N.C. League of Charter Schools says this feature of the law really doesn't amount to much. "Points of entry are insignificant if approval is by only one group," Gerber notes. Other critics note that the university system has yet to come forward with a charter application.

Charter school administrators appreciate that the state allocates funds straight to the charter schools rather than going through the LEAs. Administrators also praise various aspects of deregulation, including flexibility in teaching the state curriculum, freedom to negotiate teacher salaries higher or lower than the state scale, allowance for a certain percentage of non-certified teachers, and freedom to enter into purchasing contracts outside the state system.

"North Carolina's charter schools law is recognized as being one of the strongest in the nation," says Ron Matheson, director of Kestrel Heights School in Durham. "It allows flexibility on the one hand, while calling for accountability on the other. That's the way it should be."

—continues on page 18

Table 2. Number of Charter Schools in 2001 by State and Strength of Laws Governing Charter Schools

State	Allows Charter Schools	Number of Charter Schools in State	Strength of Charter Law*	Rank in Strength of Charter Law
Alabama	No			
Alaska	Yes	16	18.00	32
Arizona	Yes	437	46.50	1
Arkansas	Yes	7	15.00	34
California	Yes	350	38.05	11
Colorado	Yes	88	38.75	9
Connecticut	Yes	16	23.00	27
Delaware	Yes	11	46.40	2
District of Columbia	Yes	42	44.75	4
Florida	Yes	182	39.25	8
Georgia	Yes	46	29.00	22
Hawaii	Yes	22	18.00	33
Idaho	Yes	11	23.7	26
Illinois	Yes	28	29.25	21
Indiana	Yes	0	41.25	6
Iowa	No			
Kansas	Yes	28	13.00	37
Kentucky	No			
Louisiana	Yes	26	26.25	25
Maine	No			
Maryland	No			
Massachusetts	Yes	43	41.25	6
Michigan	Yes	188	44.45	5
Minnesota	Yes	77	45.25	3
Mississippi	Yes	1	2.30	38
Missouri	Yes	21	36.00	15
Montana	No			
Nebraska	No			
Nevada	Yes	9	23.00	28

Table 2, *continued*

State	Allows Charter Schools	Number of Charter Schools in State	Strength of Charter Law*	Rank in Strength of Charter Law
New Hampshire	Yes	0	21.50	31
New Jersey	Yes	57	32.50	17
New Mexico	Yes	21	30.00	20
New York	Yes	32	38.30	10
North Carolina	**Yes**	**96**	**37.25**	**12**
North Dakota	No			
Ohio	Yes	69	36.00	14
Oklahoma	Yes	9	29.00	23
Oregon	Yes	17	33.00	16
Pennsylvania	Yes	78	36.75	13
Rhode Island	Yes	6	15.00	34
South Carolina	Yes	9	28.75	24
South Dakota	No			
Tennessee	No			
Texas	Yes	219	30.75	19
Utah	Yes	9	21.75	29
Vermont	No			
Virginia	Yes	5	13.10	36
Washington	No			
West Virginia	No			
Wisconsin	Yes	95	32.05	18
Wyoming	Yes	2	21.75	30
Totals	**Yes = 38**	**2,317**		

* The strength of a state's charter schools law rating is from an evaluation by the Center for Education Reform, a Washington, D.C. think tank which advocates for charter schools and school choice. The group evaluates charter schools on factors such as whether a state has multiple chartering authorities, whether schools have a guaranteed source of per pupil funding, whether a school may be started without evidence of local support, whether schools have legal and operating autonomy, and the number of schools a state allows. States were awarded a letter grade as well as an overall score and ranking. For complete results, see *CER Ranks the Charter School Laws*, available on the Worldwide Web at *www.edreform.com.* Mailing address: Center for Education Reform, 1001 Connecticut Avenue NW, Suite 204, Washington, DC, 20036. Phone: (202) 822-9000.

Administrators also praise the state for making several modifications to the original law. Language in the original law was ambiguous as to whether charter school employees had to be part of the state retirement system. The state now has amended the law to allow charter employees to opt in or out of the state system. The original law was interpreted to require charter schools to provide transportation throughout the local administrative units in which they were located. The state board recognized the difficulty of this in the first year of the program, and amended the law to simply require that each charter school have a transportation plan.

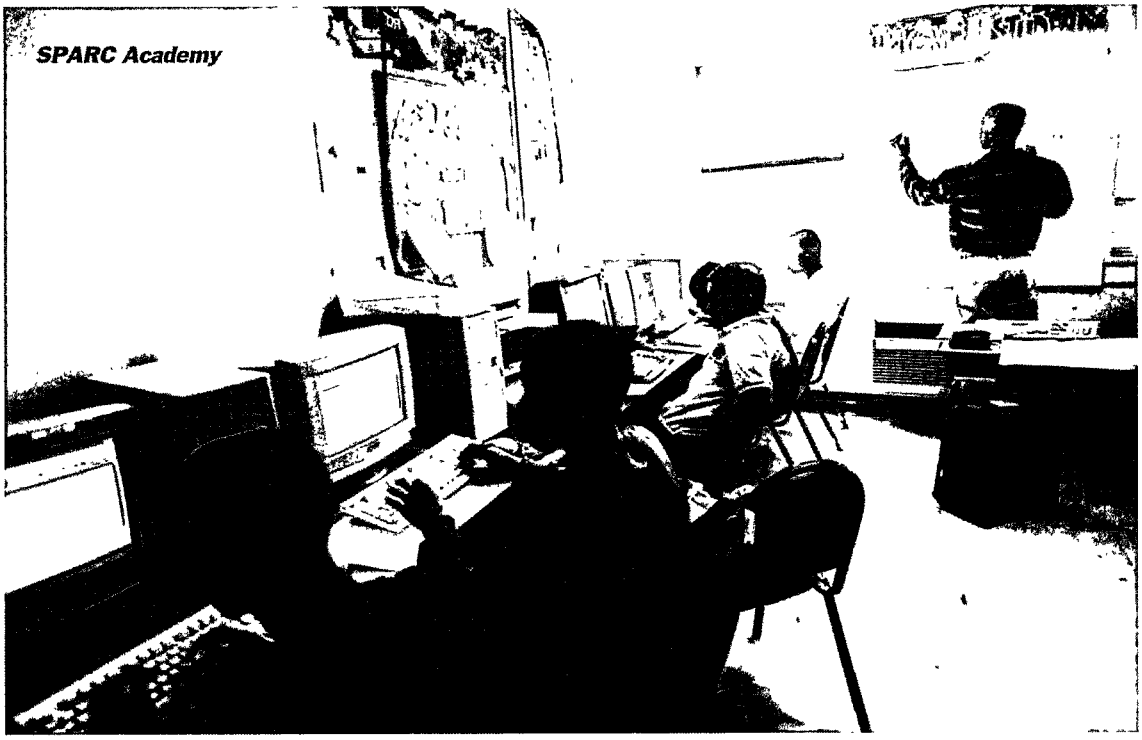
The original law allowed charter schools an increase in enrollment of no more than 10 percent per year. A number of schools wanted to increase faster than this rate. In response, the state passed an amendment allowing for increases of greater than 10 percent per year, provided that various conditions regarding finances and academic achievement are met.

Vernon Robinson, founder of the North Carolina Education Reform Foundation and a former Republican candidate for state superintendent of public instruction now seeking a seat in the General Assembly, sees both strengths and weaknesses in the law. Robinson agrees that multiple points of entry—the ability to bypass local boards of education and go directly to the State Board of Education with a charter application is a key strength. Through this process, Robinson notes, charter applicants can avoid a "hostile review process" at the local level. But Robinson softens this and any other praise of the applications process with the observation that it was a strength "until we ran out of schools" in reference to the 100-school cap in current law. Robinson does not believe there should be a cap. Instead, he says, there should be standards, and applicants who meet the standards should receive a charter.

Robinson also believes the funding mechanism in the law is a weakness, in that different levels of schooling have different costs, while all charter schools within a particular school district receive the same amount of funding per student. "There is not any school that actually costs that average," says Robinson. "Elementary schools cost less than high schools, and as a result you don't have a lot of high schools."

But Robinson's greatest criticism is that charter schools fall under the purview of the State Board of Education. He calls this a "Trojan horse" that was slipped into the law. While initially freed of many rules and regulations, charter schools incrementally get the rules and regulations back through the adoption of State Board of Education policies, Robinson says. Thus, charter schools ultimately become more

Karen Tam



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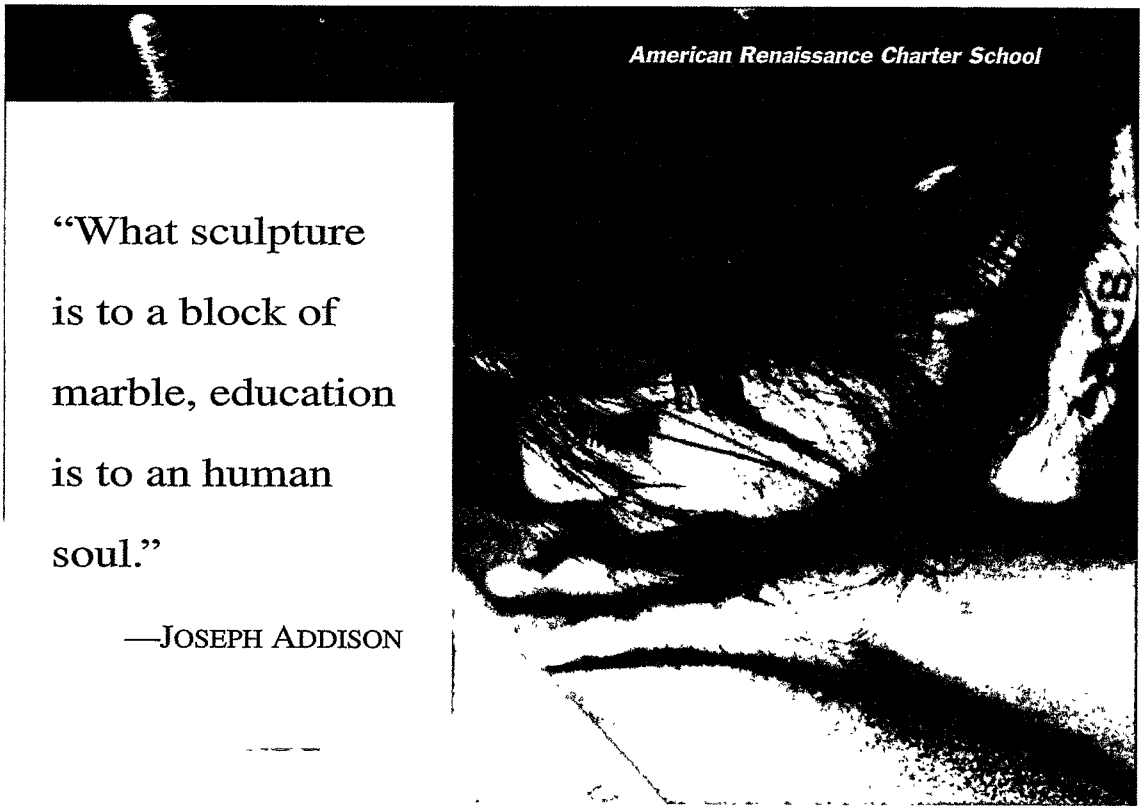
like the entities they were designed to compete with—the traditional public schools. "You've subverted the process by putting in all these legal requirements through the policies of the board," says Robinson.

The aspect of the law most widely criticized by charter school practitioners, though, is the prohibition against charter schools getting state ADM funds for capital expenditures. Public schools systems are allowed to use ADM money for purchase of facilities, but not charters. On top of this prohibition, the N.C. Attorney General's office has rendered an opinion that counties may not issue bonds to finance the construction of charter school facilities as they do for the public schools.[14] Robinson says the opinion is based on faulty legal reasoning. He believes that "county commissioners can give money for everything" and cites their participation in economic development programs as evidence. If a county wants to lend money to a charter school to serve large numbers of students, it should be allowed to weigh that option against floating bonds to build the school itself at a higher cost. Nonetheless, no North Carolina county has tested the prohibition.

The combined effect of these policies forbidding the use of certain funds for capital construction has been to force many charters into Spartan facilities, some of which are clearly inadequate as classrooms. SPARC Academy, for example, is housed in a formerly abandoned dormitory on the campus of Saint Augustine's College in Raleigh. Classes of 15 children are taught in bedrooms designed for two people. Hallways are framed with cracked windows and leaking pipes. Principal Jackie Mburu says the building is under renovation. As with most charters, SPARC has no cafeteria, no library, and no athletic facilities, though it does have athletic teams.

Some charters have assembled respectable facilities through the use of creative financing. The Arapahoe School in Pamlico County began by building a 25,000 square-foot modular steel classroom under a five-year lease from GE Capital. After the first year of operation, the school added a 5,000-square foot module, refinancing through GE Capital. In the third year, the school built a middle school wing using a 15-year commercial loan from Wachovia, arranged by a friend who worked at the bank. In 2000, Arapahoe added a 17,500 square-foot gymnasium, community center, and classroom facility using a direct loan from the U.S. Department of Agriculture Rural Development Loan Program.

"We pay all our facility expenses with a portion of the $830 per student allocation we get from the county," says Bob Kennel, advisory committee chairman for the Arapahoe Charter School. "We're paying about $13,500 per month for everything by getting long-term loans and lower interest rates. It comes to 7 percent of our total budget,



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where traditional public schools spend between 15–20 percent." Kennel says the school was constructed at a cost of less than $37 per square foot, whereas traditional public schools in North Carolina cost well over $100 a square foot to build.

Still, Kennel resents the fact that charter schools must raise their own capital funds, when public schools get that money from the state and county. And, he resents the fact that local governments are not passing on monies to the charter schools that he feels they deserve.

Although not specifically addressed in the charter law, fines and forfeiture monies collected by the state and made available to LEAs are typically not being passed on to the charter schools. Charter schools in Buncombe and Durham counties have sued to force the LEAs to pass on these funds.[15] Those cases currently are on appeal. Meanwhile, Senator Wib Gulley (D-Durham), sponsor of the original charter school bill, introduced a bill (S.B. 409) in 2001 that would firmly establish charter schools' rights to use these funds. It is currently awaiting action in the Senate Finance Committee.

"I can't imagine that we would allow public schools access to fines and forfeiture funds and monies from permanent license plates, but not allow charter schools access," Gulley says. "In a sense, we have perpetrated a fraud on the public. We've said we want charter schools, but we've hampered them from getting the job done."

Senator John Kerr (D-Wayne), who co-chairs the Senate Finance Committee, does not share Gulley's opinions. "I'm not a great supporter of the charter schools, and I don't think we should be sending them any more money," Kerr says. "I'm concerned that if we take money away from the public schools, they'll be in real trouble."

Fiscal Impact on the Public Schools

Charter advocates, Gulley among them, claim that the opening of a charter school in a school district actually saves the local government approximately $1,000 per child per year in capital expenses. This figure is based on the average statewide cost of building new classroom facilities. Others, including Roger Gerber, president of the League of Charter Schools and a member the State Board of Education's Charter Schools Advisory Committee, say such savings apply to growing school districts. Many of North Carolina's public school systems are shrinking or stable, particularly in rural portions of the state.

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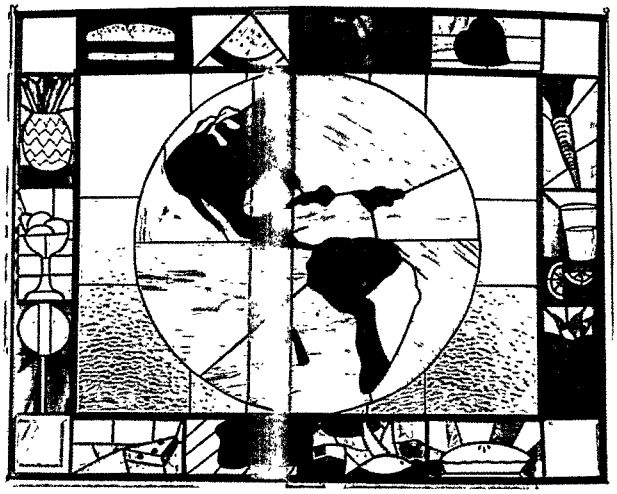
The Good, the Great, and the Struggling: An Up-Close Look at Charter Schools Across North Carolina

Exploris Middle School—Raleigh, N.C.



Karen Tam

Ask any expert in North Carolina's charter school movement to name an exemplary charter school and one of those he or she will invariably point to is Raleigh's Exploris Middle School. The school was launched in the fall of 1997 as an outgrowth of Exploris—an interactive museum about the world. It has won a School of Excellence ranking for each of the four years it has been open and gladly opens its doors to anyone to come and see what the school is doing.

Exploris Middle School is located on Moore Square in Raleigh in the former education wing of the Tabernacle Baptist Church. Visitors are immediately struck by the informality. Teachers double as receptionists. In the classrooms, students lounge on the couches, tables, chairs, and even the floors.

"We use everything as a classroom—the halls, the floors, the museum, the park," says Bonnie Farthing, algebra teacher and administrative coordinator. "We're very casual here, very nurturing."

While the approach to education may seem informal at Exploris, the students appear to be on task. In the computer room, kids pursue an assignment on how animals learn with the same enthusiasm they might devote to a video game. They talk excitedly as they call up websites, rushing back and forth to see what their classmate has found. The teacher stands off to one side, ready to answer any questions but otherwise leaving the students to their own devices. Next door, another class has divided into groups of four to compose a poem starting from a single word that the teacher has provided them. Working in groups, each student benefits from the vocabulary of the other. A third class is spread out on the floor reading to themselves, part of the daily DEAR time, short for "drop everything and read."

Asked why all of the students appear to be on task, Farthing says, "It's what we expect of them. Kids here understand it's not cool to act out. If you enjoy the process of learning, there's no reason to be doing anything else."

Students at Exploris set their own goals for what they want to learn. Goal setting is done on a quarterly basis with review sessions every two weeks to determine their progress. "Exploris students are in charge of their own education," says school director Anne Bryan. "The teachers are here to guide them."

No grades are given at Exploris. Instead, students and teachers rely primarily on evaluations of portfolios. "There's a whole different feeling about school work here," Farthing says. "You don't have kids asking, 'Can I get two more points on this test' or 'What if I fail?' They are focused on the work itself."

With the exception of mathematics and foreign languages (Spanish and French), Exploris does not break out learning into separate classes. Rather, relevant subject matter is interwoven into the teaching in students' core classes. The teachers plan out a theme (such as "know thyself") and determine what the language arts, social studies, and science elements are.

Exploris' founders believe that firsthand experience is the greatest teacher. In keeping with that approach, children go on lots of field trips and take full advantage of their location in Raleigh. They visit Memorial Auditorium to watch the North Carolina Symphony Orchestra practice, tour the art galleries around Moore Square, and play in the Children's Museum next door. Exploris also places a strong emphasis on community service.

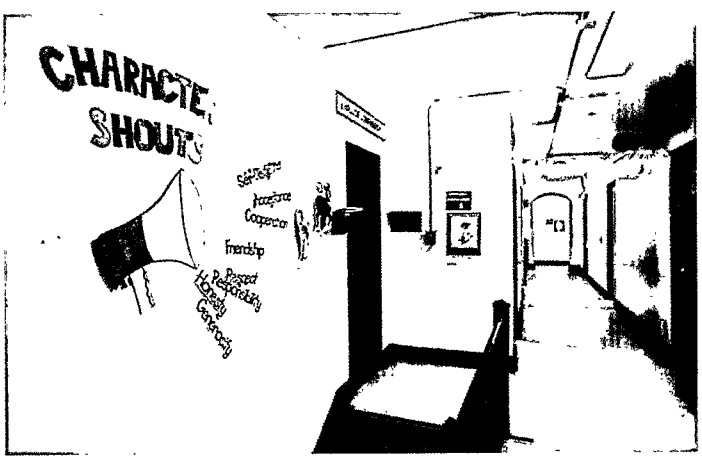
"Our eighth graders worked with the elderly at Glenwood Towers," Farthing says. "They built them a greenhouse and butterfly garden and showed them how to use computers. They even visited some of the tenants in the hospital when they got sick. The kids learned as much as they taught. I know their lives were forever changed by that experience."

Exploris also prides itself on parental involvement in the school. Parents frequently accompany the children on field trips. As part of a Friday afternoon electives course, parents come in and talk about their professions.

Asked which of Exploris' instructional methods are relevant to the public schools, director Anne Bryan says, "All of them. Not every school can or should emulate every practice, but we believe teachers and administrators will see a variety of things they can use. Schools need to decide what they believe they can do well and go after it."

SPARC Academy—Raleigh, N.C.

A few blocks east of Moore Square on the campus of St. Augustine's College, SPARC Academy presents a striking contrast to Exploris. The K–8 student body is 100 percent African-American compared to the racially and ethnically diverse student body at Exploris. The academy is housed in an ancient dormitory that is still in the process of being renovated. The school was relocated numerous times before settling in its current location in 1999.



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Principal Jacki Mburu says the disruption of the early moves caused most of the better students to leave, and the school is now populated primarily by at-risk students. "Students here are in and out of the educational system," Mburu says. "We get a lot of transfers, a lot of kids who've been bounced out of the regular schools. We have to accept everyone that applies."

To engender a sense of stability and feeling of self-respect among its students, SPARC has adopted a highly structured program based around African themes. Students wear navy blue and white batik uniforms imprinted with an African symbol that represents unity, cooperation, and interdependence. Each day starts with "unity drumming," which calls the

children into the village. "The drums signify that you've awakened to education," Mburu says.

In class, traditional African folk tales illustrating character education—or village Kijiji—are incorporated into the teaching of the standard state social studies curriculum. Students are separated by gender for their core classes, a policy that Mburu says has done wonders to improve discipline. Teachers rely primarily on direct instruction to get their points across. "We've found that for at-risk students, direct instruction combined with a lot of close supervision is the best approach," Mburu says.

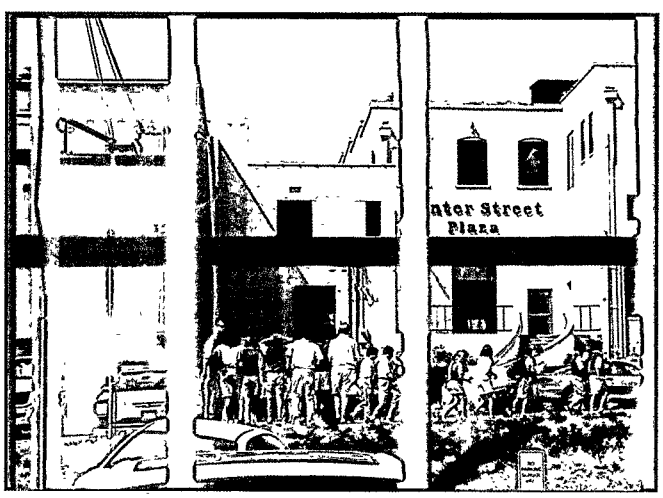
Students at SPARC haven't performed particularly well on end-of-grade tests. This is not surprising given the large at-risk population. However, the students are improving. The school had a composite score of 31.4 percent on end of grade tests in 1999–2000, but that number rose to 47.6 percent in 2000–2001. Mburu was relieved and excited when the school had its charter renewed for five more years in 2002, but acknowledges that the school needs to continue to improve. "You're not going to turn these kids around in a year or even two," she says. "You really need more time to get a school on its feet and carry a bunch of kids through. We need to be given that time to prove ourselves."

American Renaissance Charter—Statesville, N.C.

For Kate Alice Dunaway, a founding member and director of the American Renaissance Charter School (ARCS) in Statesville, the arts are key to a quality education. The failure of the public schools in Iredell County to place emphasis on the arts and on foreign languages were among the reasons she and others sought to open a charter school in Statesville.

"We know that children who participate in the arts are more successful in school," Dunaway says. "They have more self-esteem, and they relate better to others. For most of these kids, exposure to the arts is the first way they have broadened their horizons. I can promise you that every kindergartener here has been introduced to Picasso and Monet."

Located in an historic building that once housed the state's oldest Ford dealership, American Renaissance Charter provides a learning environment that is colorful, even fanciful. The former auto service area has been divided into classrooms through the use of pastel-colored partitions that define but do not isolate the spaces. The two floors are connected by means of a red tubular slide. Outside, classes are held in a Magic School bus, an old bus with wheels removed set in the midst of the Magic Garden.



Karen Tam

Every child at this K–5 elementary school attends a visual and performing arts class every day. Local musicians, potters, and storytellers are constantly dropping by to give performances. The children regularly visit area museums and plays, and they put on their own Shakespeare performance each year.

Students follow a core block program in the manner of middle and high school, going first to arts class, and then rotating to research (a combination of

social studies, technology, and communication), communication, and science/mathematics. The instructional program follows the state's Standard Course of Study, but teachers have restructured it using their own tools and methodologies. No letter grades are given. Rather, teachers evaluate students through a checklist of homework, anecdotal records, and portfolio reviews.

American Renaissance prides itself on the bonds it promotes between teachers and students' families. Dunaway requires that all of her teachers visit their students' homes at some point during the year. With an enrollment of 300 students, that is becoming difficult. But the teachers find it to be a rewarding experience for all concerned.

"It's incredibly informative to see the environment that each child is coming from," says Drew Fitzgerald, exceptional children team leader. "It also helps involve the families. It gives them an immediate connection with the school and makes a statement about who we are."

Parents get involved in ARCS in countless ways. Through the Renaissance Parents Association, parents volunteer as reading tutors, lunch supervisors, and field trip chaperones. Special celebrations are held four times a year to update parents on how their children have progressed and where they are going. Parents help supervise end-of-grade study sessions held each Saturday for five months beginning in January.

Dunaway feels American Renaissance's program is paying off in terms of academic performance. End-of-grade tests taken in June 2001 showed that 84 percent of students who had been at the school three years scored Level III or above in reading and 95 percent at Level III or above in math. This compares with a rate for first-year students of 63 percent in reading and 77 percent in math.

"This finding supports our belief that there is a close relationship between the number of years a student attends ARCS and the performance on the required end-of-grade tests," she says.

Haliwa-Saponi Tribal School—Hollister, N.C.

Karen Tam

In the same way that SPARC Academy calls on African traditions to unite and motivate African-American children, the Haliwa-Saponi Tribal School in Hollister relies on American Indian themes to inspire its largely Native American students. The charter school is located in the former Haliwa-Saponi Indian School, which closed in 1969 due to integration (students were bused to schools in Eastman and Roanoke Rapids). Some might consider the rebirth of this school as a retreat from integration. The founders consider it a return to community.

"The people of this area have long had the desire to reopen this place as a school," says Ogletree Richardson, principal of the Haliwa-Saponi School. "After the original school closed, children were forced to ride the bus either an hour to the middle school in Eastman or more than an hour to the high school in Roanoke Rapids. Parents were concerned that their

children were being exposed to violence and drugs. We felt a local school would be so much better."

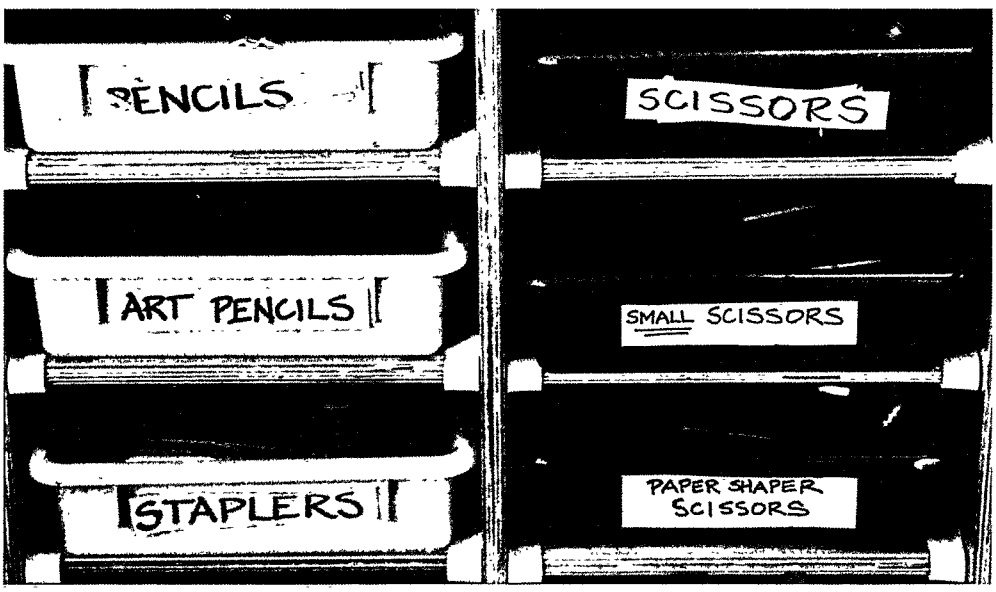
The wood frame school building had to undergo substantial renovations before it could reopen. These were paid for entirely by the Haliwa-Saponi Tribe. Ogletree asked the Halifax County School Board for assistance in providing food service, bus transportation, and access to local funds. The board agreed to provide free lunches (a parent volunteer picks them up at the Hollister School and delivers them) but declined to help with other measures. "We hoped to establish a partnership with the local school system, but that has not worked out so far," Ogletree says.

The instructional program at this K–6 elementary school is much the same as in the public schools. Children sit at their desks in neat rows, while the teacher lectures in front of a blackboard. The key difference is the small class size, averaging 18 students. Education about Native American culture is interwoven into the standard state curriculum, primarily through special projects. For example, one class made a dream catcher, a hoop-shaped object cross-hatched with netting and hung with feathers. "The children engaged their reading skills in researching the project and math skills in designing the geometric shape," Richardson says.

While maintaining an Indian focus, the Haliwa-Saponi charter school is open to all races. Half-a-dozen white and African-American students mingle with their neighbors, and Ogletree says she welcomes anyone who wants to come. Haliwa-Saponi Charter has increased its enrollment by 10 percent each year and has dreams of going K–12 within five years. That prospect rankles the local school board, which is afraid of losing students and funds. For 2000–2001, the first year the school was opened, 52.3 percent of students at Haliwa-Saponi scored at Level III or above in the combined (math and reading) end-of-grade tests—a less than stellar performance.

But many of the local citizens feel they deserve to have a choice in public education. "We felt our children's needs were not being met in the public schools," says Cynthia Silver, a parent and board member of the charter school. "They are happier and safer here."

—John Manuel



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—*continued from page 20*

Jan Crotts, executive director of the North Carolina Association of School Administrators, elaborates on the kinds of fiscal problems the loss of students to charter schools can cause in these small, rural school districts. "For a large and growing district like Wake County, the opening of another charter may be a relief because there are so many students crowding into the system, but for a small, rural district, the loss of ADM funds caused by the opening of a charter can have a very negative effect," says Crotts. "They may not be able to save anything on facilities costs and may not be able to reduce the number of teachers."

Marsha Bledsoe is Superintendent of the Surry County Schools, a rural county in the northwest corner of the state. Two charter schools, Millennium Charter Academy and Bridges, have drawn some 65 students away from the nine elementary schools in the county. Because only a few students have been drawn from any one class in any one of these schools, Bledsoe has not been able to reduce the number of teachers, much less close any buildings.

"Last year, I lost $250,000 in state and local funding to Millennium Charter and $73,000 to Bridges," Bledsoe says. "Millennium may take another 50 students this year, which means I'll lose over half a million dollars. There's no way I can make that up."

But while school systems where student populations are stable or shrinking may suffer such revenue losses, the Office of Charter Schools' Tucker says there is a tendency among local school systems to exaggerate the fiscal impact of the opening of a charter school. "To assess the true loss of revenue would require that a school system look at the number of students leaving minus any new students attending or expansion of enrollment of the LEA," Tucker says. "Most LEAs like to leave this information out to make the effect of charter opening more dramatic. In some instances, the growth is greater than the reduction due to the charter opening."

Even where non-charter schools suffer a net loss of students, they are likely to get little sympathy from charter school advocates. "Be good enough not to have students leave your school," is Gerber's reply to schools facing this dilemma.

Proposals To Ease the Fiscal Pain

Public schools have asked that they not lose any funds in the establishment of charter schools. As a compromise position, the State Board of Education at its January 2002 meeting recommended that the legislature approve a "hold harmless" clause with respect to the opening of new charter schools. Specifically, the board recommends that when a public school loses students to a new charter school, the state should continue to fund the former school at 60 percent of the lost average daily membership (ADM) the first year and 40 percent the second year. After that, there would be no further reimbursement. The recommendation builds on a hold harmless provision that is already in the law for low wealth, small school districts that lose more than 5 percent of their students to charters.

Prospects for the recommendation being adopted in the multi-year budget crisis confronting the state are slim to nonexistent. As of May 2002, the shortfall for the 2001–02 fiscal year ending June 30, 2002, had reached $1.6 billion and Governor Mike Easley had ordered most department heads in state agencies to submit budget cuts of 7 percent. Budget deficits in excess of $2 billion were forecast for 2002–03 as well, and Easley has ordered department heads to identify budget cuts as high as 7 to 11 percent of agency funding for the next fiscal year. The Department of Public Instruction, which had been largely spared the budget ax in the current round of cuts, was asked to identify 2 percent in potential cuts for 2002–03. Easley says he does not want the cuts to affect the classroom.

Even if funding were feasible, charter schools advocate Bryan Hassel says holding traditional public schools harmless is neither practical nor fair. Hassel, director of Public Impact, a Charlotte-

"For a large and growing district like Wake County, the opening of another charter may be a relief because there are so many students crowding into the system, but for a small, rural district, the loss of ADM funds caused by the opening of a charter can have a very negative effect."

—JAN CROTTS, EXECUTIVE DIRECTOR, N.C. ASSOCIATION OF SCHOOL ADMINISTRATORS

based education consulting firm, is a nationally recognized expert on charter schools and the author of the book, *The Charter School Challenge: Avoiding the Pitfalls, Fulfilling the Promise*, as well as numerous articles on charter school accountability and financing.

"From a policy perspective, fully reimbursing districts for charter losses would require taxpayers to double-pay for students, and that makes no sense," Hassel says. "Part of the idea of charters is to spur a competitive response from districts. If the fiscal impact is zero, districts have no incentive to respond."

Hassel is urging North Carolina to follow the examples of Florida, Minnesota, and the District of Columbia, which appropriate additional per pupil funds on top of the ADM to pay for building purchase or lease. Hassel acknowledges that additional funding for charter schools also is unlikely in the present budget crisis, but he maintains it should remain a long-term goal. "If policymakers want to give charter schools a chance to succeed, they should not make them dig into operating funds to pay for facilities," Hassel says.

But while funding for capital construction is a key complaint, not all charter school advocates believe charter schools should have equal access to the public purse. "I want a government guaranteed loan program but not government funding because then we'd be just like traditional schools," says Philip Adkins, board chair at Kestrel Heights School in Durham. "Right now we are a tremendous bargain to the taxpayers because we are getting nothing but operating expenses. If we were on equal footing with the traditional schools, we would not be doing anything different."

"Be good enough not to have students leave your school."

—ROGER GERBER,
N.C. LEAGUE OF CHARTER SCHOOLS

Roger Gerber, director of the North Carolina League of Charter Schools, agrees that charter schools should not receive appropriations for capital construction, particularly in the current state budget environment. If charter schools are seen as just as expensive as traditional public schools, they lose their competitive edge, says Gerber. "It's OK to have the General Assembly do things that help charter schools that cost the state nothing," he says. An example, he says, would be strengthening the

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language in the current law that authorizes local school districts to lease abandoned school buildings to charter schools for $1 per year. Where the language says "may," it could be changed to "shall," Gerber says.

Charters do have access to some financing options that are not available to traditional public schools. For example, the nonprofit Self-Help Credit Union has loaned some $20.5 million to a dozen charter schools in North Carolina as of June 2002 to help build schools through the nonprofit corporation's community facilities fund. Self-Help says charter schools provide competition for the public schools and provide school choice options for low-income children who are at greater risk of failing or dropping out of school.[16]

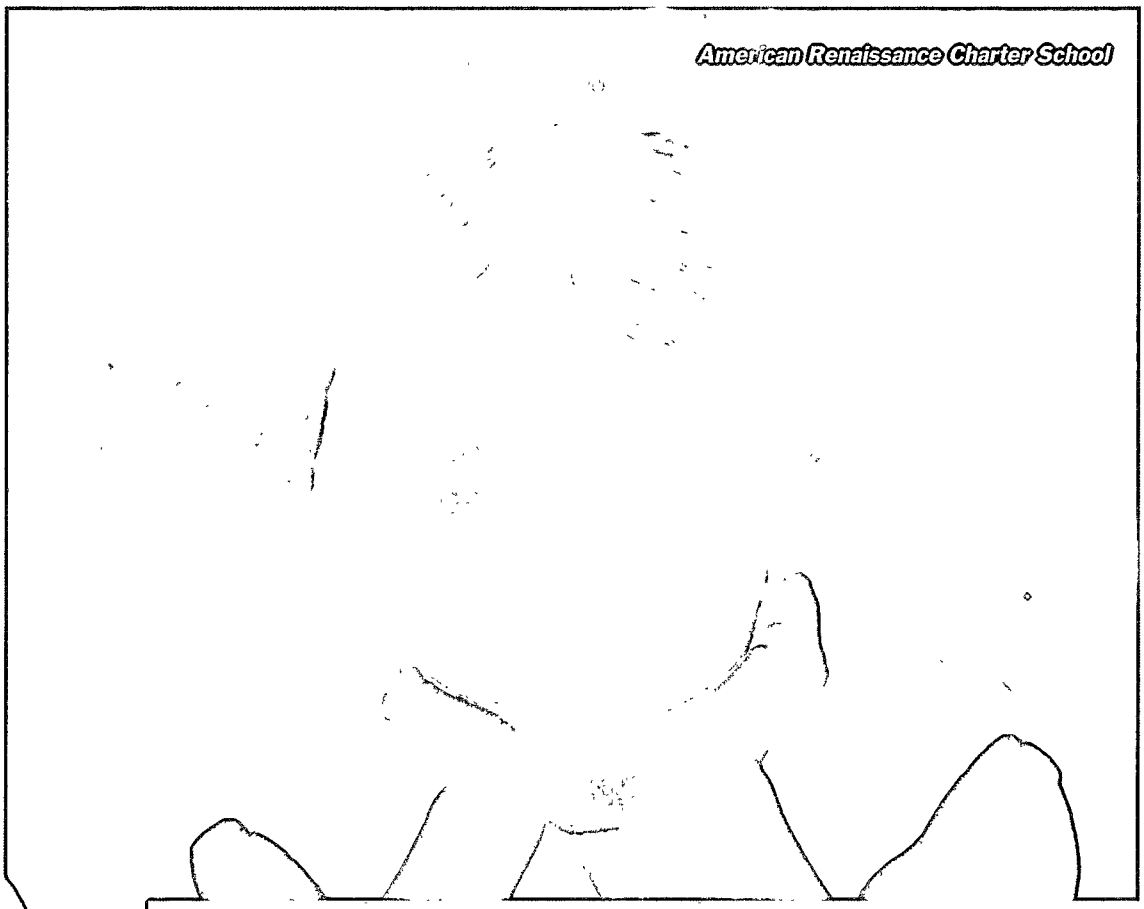
But securing financing is not always a simple matter. In 1997, several for-profit North Carolina banks attempted to establish a $5 million loan pool for charter school facilities, but the pool was contingent on the state backing the loans with $1 million in federal funds. The state indicated that legally it could not use the funds for that purpose, and the loan fund fizzled, says Roger Gerber, director of the League of Charter Schools.

Some schools, such as Arapahoe Charter School in Pamlico County, have been able to secure loans from for-profit banks, though the five-year length of the charter often frightens commercial banks away. U.S. Department of Agriculture rural development funds and loan guarantees also are available in some areas, and there are a number of national organizations that help finance charter school facilities. "Schools with a lot of wherewithal can navigate their way," says Gerber. He adds, though, that schools with less affluent boards of directors and students from less affluent families are less able to secure financing for adequate facilities. These often are schools with high numbers of at-risk students and high minority enrollment.

In addition to lack of access to capital funding and fines and forfeiture monies, charter advocates cite a host of other fairness issues with respect to funding. Bob Kennel, advisory committee chairman for Arapahoe Charter School, says charters are serving large numbers of special needs children without getting paid additional money for students beyond the limits set for traditional schools.

"All schools, including charters, get extra state and federal funding for exceptional children up to 12.5 percent of total school enrollment," Kennel says. "But many charters have far more than 12.5 percent special needs kids."

The 12.5 percent funding cap is based on state law governing special education.[17] The formula



"But what doth such a school to form a great and heroic character? What abiding Hope can it inspire? What Reformer will it nurse? What poet will it breed to sing to the human race? What discoverer of Nature's laws will it prompt to enrich us by disclosing in the mind the statute which all matter must obey? What fiery soul will it send out to warm a nation with his charity? What tranquil mind will it have fortified to walk with meekness in private and obscure duties, to wait and to suffer?"

—RALPH WALDO EMERSON, "EDUCATION"

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works by determining the number of students that represents 12.5 percent of a given school district's average daily membership (ADM), then multiplying that number times the per student allotment ($2,678.40 for the 2001–2002 school year). This determines the total amount of money available within a school district. It is divided by the number of children who formally have been identified by the state as having a special need. This determines the amount per child that will be awarded a particular school district. Because charter schools are considered part of their local school district for funding purposes, this also determines the amount per student a charter will receive. Thus, a charter could have 100 percent special needs students and still receive special needs funding for every child. Arapahoe Charter School, for example, lies within the Pamlico County Public Schools district, which is over the cap. Applying the adjustment, the school system receives $2,486.07 per child identified, as opposed to the state maximum of $2,678.40. Arapahoe receives the same $2,486.07 per child in addition to other state and local ADM funding.

The cap is intended to eliminate any incentive to identify children as having a special need in order to qualify for additional state funding. While the cap does eliminate any such incentive, critics argue that it is set too low and thus penalizes school districts that have high numbers of children with special needs that create extra costs. Critics also argue that on average it costs more than twice as much to educate a child with special needs, and state and federal dollars do not come close to covering the full cost to begin with. An additional issue for charter schools is that a single school might be less able to absorb the cost of serving a child with a particularly severe disability than would be the case for an entire school system with more resources upon which to draw.

"Charters also don't get paid if a child transfers into the school after the first month [of the school year]," says Kennel. "We get a lot of these kids because they've failed at the public schools." Kennel also points out that new public school facilities normally receive $50,000 from the N.C. Department of Transportation for access roads and bus parking, but not so for charters. Only about 25 percent of charters have built their own facilities, so most would not need these funds.

"The basic problem in the original charter school legislation is that public charters only receive the 'benefits' specifically called for in the legislation," Kennel says. "We want our share of the money, and until this changes, charters will be playing with one hand behind their backs."

But if charter schools have fewer resources than the traditional public schools, some in North Carolina have been poor stewards of the funds they do receive. Michael Fedewa is chair of the N.C. Charter Schools Advisory Committee, which advises the State Board of Education on charter schools issues and actually screens applicants for charters. Fedewa says the most common problem his committee sees with charter schools is poor fiscal management. Since the law was passed in North Carolina, 14 charters have closed, primarily for financial reasons (see Table 3, p. 31). Nguzo Saba charter school in Caldwell County is among the failed schools. According to records kept by the State Board of Education, Nguzo Saba opened its doors in Caldwell County in 1997 and was beset with problems from the start. The school's charter was revoked two years later, and the school was closed due to budget concerns, a lack of strong advocacy for the

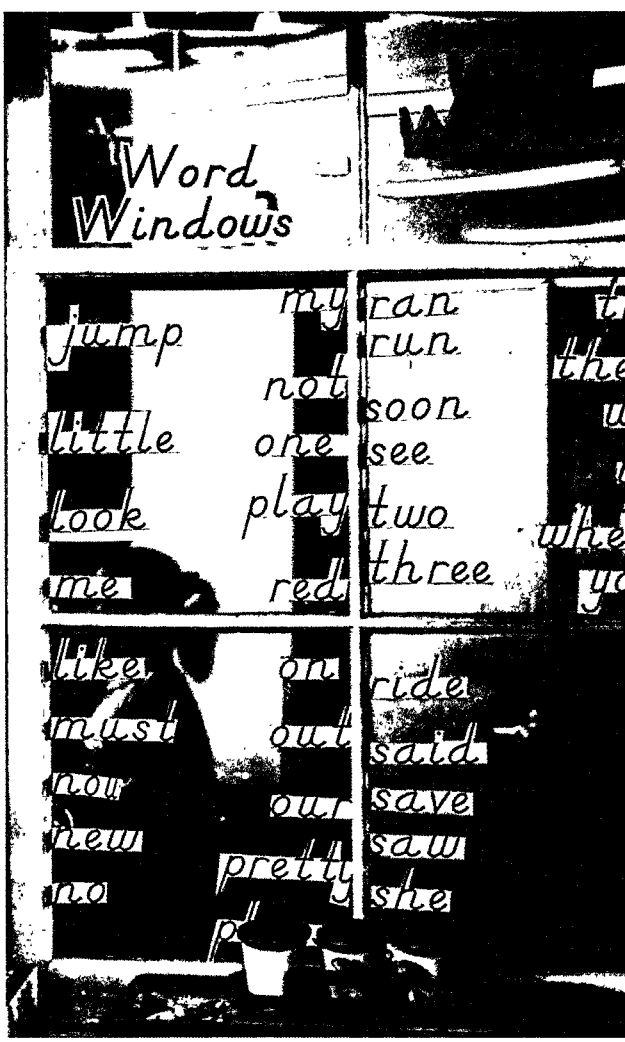

Table 3. N.C. Charter Schools That Have Closed, 1997–Present

	Charter School	County	Year Opened	Year Closed	Reason for closing
1.	Bonner Academy	Wake	1997	1998	Charter revoked by State Board of Education (first to lose) based on concerns that the school was not able to conduct a fiscally and educationally sound program. School remains open as a private entity.
2.	School in the Community	Orange	1997	1999	Voluntarily relinquished charter
3.	Change for Youth	Wayne	1998	1999	Voluntarily relinquished charter
4.	Arts and Basics Charter School	Wilkes	1998	1999	Voluntarily relinquished charter
5.	Bright Horizons	Wayne	1997	1999	Charter revoked
6.	Phase	Onslow	1998	2000	Charter revoked by SBE due to business practices
7.	Sankore	Wake	1998	2001	Voluntarily relinquished due to financial problems
8.	Harnett Early Childhood Academy	Harnett	1998	2002	Closed due to financial problems
9.	Nguzo Saba	Caldwell	1997	1999	Charter revoked by SBE due to budget concerns, lack of strong advocacy for the school, noncompliance with regard to certified teachers (one teacher certified out of five), and insufficient enrollment.
10.	Elizabeth Grinton Academy (formerly UCAN charter school)	Wilkes	1997	1999	Revoked based on lack of services delivered to exceptional children
11.	Wilkes County Technical Alternative High Charter School	Wilkes	1998	1998	Voluntarily relinquished charter due to low enrollment
12.	Right Step Academy	Pitt	1997	2000	Revoked due to the failure to maintain generally accepted standards of fiscal management.
13.	Oma's Inc. Charter School	Cumberland	1999	2001	Voluntarily relinquished charter due to financial problems
14.	LIFT Academy	Forsyth	1997	1999	Charter revoked by SBE due to financial difficulties

Note: Although, LIFT Academy's charter was revoked in December of 1999, it remained in operation through the 2000–2001 school year due to the school filing a lawsuit against the state for wrongful closure.

Charter Schools That Never Opened and County Location

The Odyssey School (Orange), Catawba Valley Academy for Applied Learning (Catawba), Tarheel Challenge-West (Mecklenburg) and Tarheel Challenge East (Sampson), Cabarrus County Charter School, Interconnections Charter High (Wake), Winston Salem Academy (Forsyth), Bear Grass Community Charter School (Martin), and Harnett Technical Academy (Harnett)

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Haliwa-Saponi School

school, and poor compliance with teacher certification requirements. Sankore charter school in Wake County and Right Step Academy in Pitt County also were among those with severe fiscal problems that led to closure. Fiscal concerns not only led to revocation decisions but also forced several charter schools to voluntarily give up their charters. Two Durham charters, Turning Point Academy and Success Academy, currently are operating under funding restrictions imposed by the state because of fiscal management and governance issues.

Aside from those charters that began operations but closed within a year or two, another eight received charters but never opened their doors. "Some people get into this business with great enthusiasm for the academic mission, but not much business sense," Fedewa says. "A charter school is really [similar to] a small business." Charter schools are really small nonprofit corporations and must pay close attention to the bottom line or they cannot remain in operation.

Initially, DPI offered little in the way of technical assistance to struggling charters, but Fedewa says the state is now doing much more in terms of training and in-service help. "In addition, we [the advisory committee] are scrutinizing charter applications much more closely to determine whether the applicants have the ability to finance and manage their schools," Fedewa says. "The applications we're forwarding now should be much better in that regard than the ones we approved in the early years."

Accountability in Educational Performance on End-of-Grade Tests

Another area of concern with respect to the Charter Schools Act has to do with measures of accountability. North Carolina law states that charters must conduct annual performance assessments using a methodology approved by the State Board of Education.[18] Charter advocates agree that the schools must be held accountable but are frustrated that the state accountability testing program known as the ABC program is currently the only method approved for such a purpose. ABC stands for **A**ccountability in the **B**asics with local **C**ontrol and dates back to the General Assembly's 1996 School Based Management and Accountability Program.[19] Under this program, students are placed under a strict testing regimen that begins in grade three. Schools are sorted into performance categories, and teachers are awarded performance bonuses based on how well their schools perform.

The General Assembly adopted its ABC pro-

gram the same year it authorized the experiment with charter schools. To date, charters as a group have trailed the traditional public schools in performance on the tests, though charter school advocates argue vehemently that they are being held to a standard that may not fit their missions. "The state is not giving a fair hearing to other accountability models," says Michael Fedewa, chair of the N.C. Charter Schools Advisory Committee. "They say any method must be at least as rigorous as the ABCs, but nothing seems to satisfy that demand."

Charter school advocate Bryan Hassel feels ABCs testing can be useful, but is not enough. "The ABCs are useful in providing a snapshot of a cohort of students," he says. "But the state also needs to follow each student over time to see what value has been added by the schools. They have the data to do that, but are not doing it as of yet.

"I would like to see the state and the charter schools form an accountability agreement at the beginning of a school's life," Hassel says. "This would look at what value the school is adding to the students. It would be the basis for measuring the school and determining whether the charter should be continued."

John Dornan, executive director of the Public School Forum of North Carolina, agrees that the state should move beyond the ABCs and end-of-grade testing to assess academic performance of charter schools, particularly those serving primarily poor-performing students to begin with. "For the charter schools with at-risk populations, the ABCs is not a good measure of performance," says Dornan. "I don't know what is, but holding them to the same yardstick as other schools is unfair. It's confusing the issue about charters."

Nonetheless, ABCs testing results are the measure for now, and even this seemingly clear-cut tool for comparison is mired in debate. The N.C. Charter Schools Evaluation Report states flatly that among schools for which sufficient data are available, charter schools are not performing as well on the test. Further, the report states that students placed in charter schools make less progress over a three-year period than students who are similar from both an academic and demographic perspective who remain in the public schools. This is known as a cohort study and provides perhaps the most damning piece of evidence against the charter experiment. But charter school advocates offer three key points of rebuttal: (1) the cohort study was limited to a small number of schools; (2) the first year of charter operations was included in this study, and the first year often finds charters mired in start-up difficulties; and (3) many charter schools have a mission to serve students at high risk of academic failure. Having a disproportionate number of high-risk students makes it difficult to post high end-of-grade scores.

Under the ABC plan, every school in the state receives a set of test-score goals each year. These goals are based on: (1) the North Carolina average growth rate in the respective grade and subject; (2) an estimate of the proficiency of students in the school; and (3) an estimate of the growth of the students' scores. The goals are based on a complicated formula that takes into account the test scores of previous classes at each school and the performance of students across the state. Each school receives a yearly goal that requires growth in test scores from the previous year.

At the end of each school year, after the Department of Public Instruction has tabulated each school's test scores, schools are placed in categories of various distinctions, depending on whether they have exceeded, met, or missed the goals set for them. To be named an *Exemplary Growth* school, the aggregate growth in student performance must be at least 10 percent higher than the goals set for the school, though overall scores may not always be exceptionally high. *Expected Growth* schools are those that meet the state's goals for a particular school but do not exceed them by at least 10 percent. Schools that fail to meet the growth goals are called *No Recognition Schools*, while those that fail to meet the goals and have less than half their students testing at or above grade level are labeled *Low Performing*. There are two additional test performance distinctions that can be awarded to schools based on the percentage of students who pass end-of-grade tests. *Schools of Distinction* are those in which at least 80 percent of students test at or above grade level on end-of-grade tests, and *Schools of Excellence* are those in which 90 percent of students meet or exceed this standard.

For charter schools generally, the results on end-of-grade testing so far have been mixed. (See Table 4, pp. 35–41 for performance of charter schools on end-of-grade tests from 1997–98 through 2000–01.) For the 1999–2000 school year, 17 charters (23 percent) achieved Exemplary Growth, eight charters (11 percent) matched Expected Growth, 30 (41 percent) received No Recognition, and 18 (25 percent) were Low Performing. This compares poorly to the public schools, for which 45 percent achieved Exemplary Growth in 1999–2000, 24 percent Expected Growth, 28 percent No Recognition, and 2 percent Low Performing.[20]

For the 2000–2001 school year, 15 charters (19 percent) achieved Exemplary Growth, seven charters (9 percent), matched Expected Growth, 43 (55 percent) received No Recognition, and 13 (17 percent) were Low Performing.[21] Again, this compares poorly to the public schools, for which 24 percent achieved Exemplary Growth, 36 percent Expected Growth, 39 percent No Recognition, and 1 percent Low Performing.

Of the 15 charter schools that achieved Exemplary Growth, five were labeled Schools of Excellence with a 90 percent or more of their students performing at or above grade level in reading and math. Raleigh's Magellan Charter, with a 99.2 percent rating, was tops in the state among all schools, both charter and traditional. And, greater numbers and percentages of charter schools are achieving expected and exemplary growth each year as measured by end-of-grade tests.

The N.C. League of Charter Schools' Gerber notes that examining the performance of the charters by school can be misleading since these schools vary greatly in size. Another way to examine performance is by actual percentages of students attending schools placed in various performance categories under the ABC plan. For example, the 15 schools achieving exemplary growth in 2000–2001 represented more than 22 percent of students in charter schools subject to end-of-grade testing. More than half the students tested attended a charter school that received at least one positive rating under the state ABCs plan, according to Gerber's analysis. "Even though the tests are inappropriate for many charters, the results show positive improvement for the children who choose to attend charter schools," says Gerber.

At the same time, 13 charters had performance composites of less than 50 percent in 2000–2001, meaning less than half of the students are reading or performing math at grade level. Seven of these had performance composites of less than 33 percent. Among the 10 worst performing schools in the state in 2000–2001, six were charters (see Table 5, p. 42).

Of these six lowest-performing charter schools, two opened in 1997, two opened in 1998, and two opened in 1999. One of the six, LIFT Academy in Winston-Salem, had its charter revoked in 1999 but remained open through 2000–2001 while it fought the revocation in court. Gerber notes that a low-performing charter school might have only a few dozen students while a low-performing public school may have 500. Both could be counted in the bottom 10 but the traditional public school would represent many more students. And, he says there is more to the story of the high number of low-performing charter schools. Of the 12 that are still open, three are special population boarding schools

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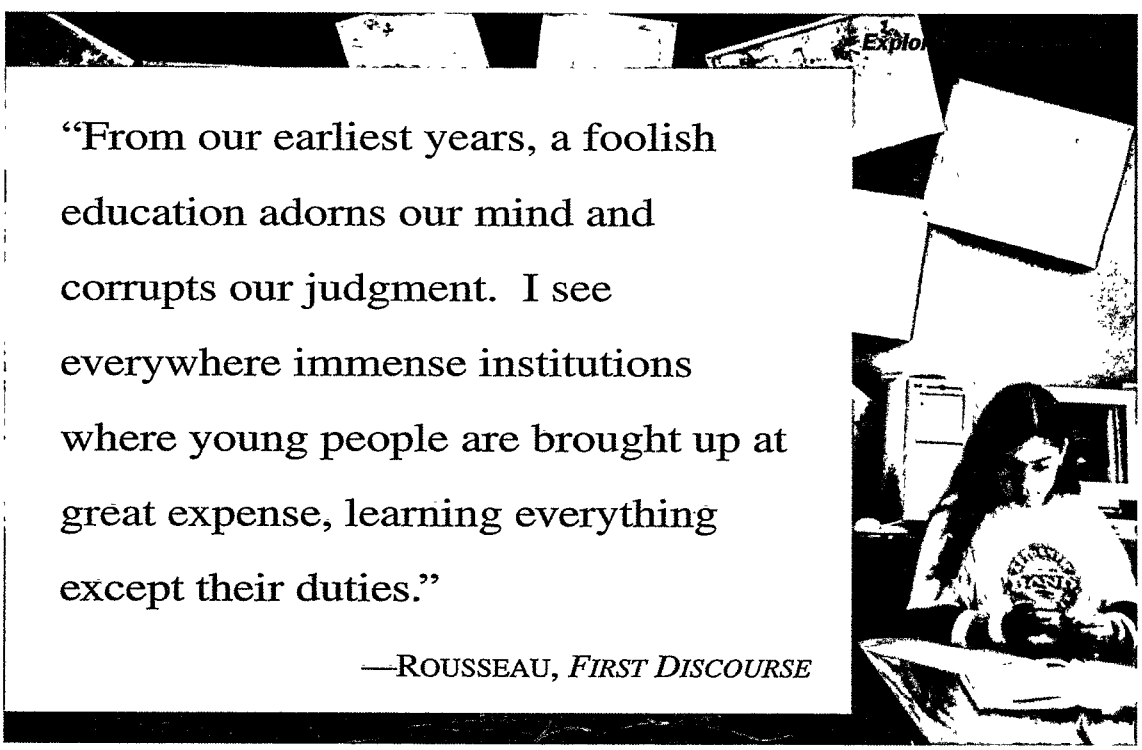

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Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01

Charter School / County/Local School District	Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite *	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
A Child's Garden School *Franklin*	K–2	108	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Alpha Academy *Cumberland*	6–8	150	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	52.7
American Renaissance Charter School *Iredell*	K–5	173	1998	NA	NA	NA	No	No	62	No	No	60.1	No	No	64
American Renaissance Middle School *Iredell*	6–8	216	1999	NA	NA	NA	NA	NA	NA	No	No	68.6	No	No	62.9
Ann Atwater Community School *Durham*	**4–9**	**180**	**2001**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**
Arapahoe Charter School *Pamlico*	K–8	283	1997	No	No	74	Yes	Yes	88.5	Yes	No	83.4	Yes	No	81.8
Arts and Basics Charter Academy *Wilkes*	K–5	NA	1998	NA	NA	NA	ID	ID	ID	NA	NA	NA	NA	NA	NA
Arts Based Elementary *Forsyth/Winston-Salem*	K–2	135	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
ArtSpace Charter School *Buncombe*	K–6	220	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bethany Community Middle School *Rockingham*	6–8	150	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	63.8
Bethel Hill Charter School *Person*	K–6	220	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	60
Bonner Academy *Wake*	K–12	NA	1997	ID	ID	ID	NA	NA	NA	NA	NA	NA	NA	NA	NA
Brevard Academy *Transylvania*	K–8	150	1998	NA	NA	NA	No	No	83.5	Yes	No	86.3	No	No	84.2
Bridges *Wilkes*	3–8	110	1997	No	No	51.8	No	No	54	No	No	53.7	No	No	68.5
Bright Horizons *Wayne*	K–6	NA	1997	No	No	56.2	No	No	42.4	NA	NA	NA	NA	NA	NA
Cape Fear Center for Inquiry *New Hanover*	K–5	176	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	89.7
Cape Lookout Marine Science High School *Carteret*	9–12	150	1998	NA	NA	NA	ID	ID	ID	Yes	Yes	41.5	Yes	No	46

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Charter School *County/Local School District*														
Carter Community School *Durham*														
K–8	306	1998	NA	NA	NA	ID	ID	ID	No	No	31.8	No	No	31.5
Change for Youth Charter Academy *Wayne*														
7–12	NA	1998	NA	NA	NA	ID	ID	ID	NA	NA	NA	NA	NA	NA
Charter Day School *Brunswick*														
K–1	176	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	ID	ID	ID
Chatham Charter School *Chatham*														
K–8	150	1997	No	No	56.1	Yes	Yes	63	Yes	Yes	81.1	No	No	73.2
CIS Academy *Robeson*														
6–10	110	1997	No	No	7.3	Yes	No	29	No	No	26	Yes	Yes	39
Clover Garden *Alamance/Burlington*														
K–8	324	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Community Partners High *Wake*														
9–12	100	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	49.2
Community School for Children *Durham*														
K–5	NA	2002	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Crossnore Academy *Avery*														
K–12	50	1999	NA	NA	NA	NA	NA	NA	Yes	No	35.8	No	No	39.7
Crossroads Charter High *Mecklenburg/Charlotte*														
9–12	300	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Developmental Day Schools *Iredell*														
K–12	30	1999	NA	NA	NA	NA	NA	NA	ID	ID	ID	ID	ID	ID
Dillard Academy *Wayne*														
K–3	200	1998	NA	NA	NA	No	No	33.3	No	No	38.1	No	No	37.9
East Wake Academy *Wake*														
K–9	480	1998	NA	NA	NA	Yes	No	81.9	No	No	62.7	No	No	76.2
East Winston Primary School *Forsyth/Winston-Salem*														
K–3	235	1998	NA	NA	NA	No	No	3.3	Yes	No	20.8	ID	ID	ID
Elizabeth Grinton Academy (formerly UCAN) *Wilkes*														
K–6	NA	1997	No	No	13.7	Yes	Yes	57.1	NA	NA	NA	NA	NA	NA
Engelmann School of the Arts and Sciences *Catawba*														
K–8	205	1997	No	No	64.3	No	No	40.5	No	No	40.8	Yes	Yes	64
Evergreen Community Charter School *Buncombe*														
K–8	204	1999	NA	NA	NA	NA	NA	NA	No	No	70.2	No	No	76.1

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Charter School / County/Local School District	Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Exploris Middle School *Wake*	6–8	168	1997	Yes	Yes	98.1	Yes	Yes	94.8	Yes	Yes	94.9	Yes	Yes	96.5
Forsyth Academies *Forsyth/Winston-Salem*	K–8	364	1999	NA	NA	NA	NA	NA	NA	No	No	61.9	No	No	63.5
Francine Delany New School for Children *Buncombe/Asheville City*	K–5	112	1997	Yes	No	70	Yes	Yes	74.6	No	No	71.1	Yes	Yes	85.4
Gaston College Preparatory (GCP) *Northampton*	5	80	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Grandfather Academy *Avery*	K–12	55	1997	ID	ID	ID	ID	ID	ID	Yes	No	37.5	No	No	34.1
Graystone Day School *Stanly*	9–12	NA	2002	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greensboro Academy *Guilford*	K–8	364	1999	NA	NA	NA	NA	NA	NA	No	No	76.4	No	No	82.3
Guilford-SABIS® Charter School *Guilford*	K–8	1386	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Haliwa-Saponi Tribal *Warren*	K–5	100	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	52.3
Harnett Early Childhood Academy *Harnett*	K–4	200	1998	NA	NA	NA	ID	ID	ID	No	No	41.8	No	No	35.7
Healthy Start Academy Charter Elementary *Durham*	K–4	450	1997	ID	ID	ID	No	No	41.9	No	No	35.2	No	No	43.9
Highland Charter Public School *Gaston*	K–2	72	1997	ID	ID	ID	ID	ID	ID	ID	ID	ID	ID	ID	ID
Hope Elementary School *Wake*	K–4	70	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Imani Institute Charter School *Guilford*	6–8	120	1998	NA	NA	NA	No	No	57.5	No	No	56.3	No	No	53
John H. Baker, Jr. High School *Wake*	9–12	25	1997	ID	ID	ID	Yes	Yes	32.4	Yes	Yes	15.9	ID	ID	ID
Kennedy School *Mecklenburg/Charlotte*	6–12	65	1998	NA	NA	NA	ID	ID	ID	ID	ID	ID	Yes	Yes	16.3
Kestrel Heights School *Durham*	6–9	160	1998	NA	NA	NA	ID	ID	ID	Yes	No	59.7	Yes	No	71.6

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Charter School / County/Local School District	Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Lake Norman Charter School *Mecklenburg/Charlotte*	5–8	600	1998	NA	NA	NA	Yes	Yes	87	Yes	Yes	88.6	Yes	Yes	93.2
Lakeside School *Alamance/Burlington*	6–12	65	1997	ID	ID	ID	No	No	7	Yes	Yes	23.7	No	No	26.1
Laurinburg Charter School *Scotland*	9–12	100	1998	NA	NA	NA	ID	ID	ID	No	No	2.9	Yes	Yes	24.7
LIFT Academy *Forsyth/Winston-Salem*	6–12	NA	1997	ID	ID	ID	ID	ID	ID	No	No	9.4	No	No	7.5
Lincoln Charter School *Lincoln*	K–6	140	1998	NA	NA	NA	No	No	76	No	No	70.9	Yes	No	80.6
Magellan Charter School *Wake*	4–8	330	1997	Yes	Yes	95.7	Yes	Yes	97.2	Yes	Yes	96.4	Yes	Yes	99.2
MAST School *Moore*	5–8	134	1997	No	No	81.9	Yes	Yes	76.3	No	No	72.3	No	No	65.1
Maureen Joy Charter School *Durham*	K–3	200	1997	NA	NA	NA	No	No	26.9	No	No	29.8	Yes	Yes	60.3
Metrolina Regional Scholars' Academy *Mecklenburg/Charlotte*	K–5	96	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	98.7
Millennium Charter Academy *Surry/Mt. Airy*	K–4	150	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	81.2
Mountain Discovery *Swain*	K–8	NA	2002	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
New Century School *Orange*	9–12	144	1998	NA	NA	NA	ID	ID	ID	Yes	Yes	52.2	No	No	26.1
Nguzo Saba Charter *Caldwell*		NA	1997	No	No	50	NA	NA	NA	NA	NA	NA	NA	NA	NA
Northeast Raleigh Charter Academy *Wake*	K–5	200	1999	NA	NA	NA	NA	NA	NA	No	No	52.6	No	No	39.8
Oak Ridge Charter School *Guilford*	K–5	405	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Oma's Inc. Charter *Cumberland*	6–12	NA	1999	NA	NA	NA	NA	NA	NA	No	No	27.3	NA	NA	NA
Omuteko Gwamaziima *Durham*	K–12	100	1999	NA	NA	NA	NA	NA	NA	No	No	29.6	No	No	30.5

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Charter School / County/Local School District	Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Orange County Charter School *Orange*	K–8	216	1997	No	No	78.4	Yes	Yes	78.6	Yes	Yes	82	No	No	86.8
Phase Academy *Onslow*	K–8	NA	1998	NA	NA	NA	No	No	49.3	No	No	54.8	NA	NA	NA
Phoenix Academy *Guilford*	K–2	72	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	79.1
Piedmont Community School *Gaston*	K–5	240	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	59.9
PreEminent Charter School *Wake*	K–2	200	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	ID	ID	ID
Provisions Academy *Lee*	6–12	132	1999	NA	NA	NA	NA	NA	NA	No	No	20.2	No	No	39
Quality Education Academy *Forsyth/Winston-Salem*	6–8	73	1997	No	No	26.4	Yes	Yes	53.6	No	No	52.5	Yes	No	57
Queen's Grant Community Schools *Mecklenburg/Charlotte*	K–5	405	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Quest Academy *Wake*	1–12	100	1999	NA	NA	NA	NA	NA	NA	Yes	Yes	94.3	Yes	Yes	93.5
Raleigh Charter High School *Wake*	9–10	250	1999	NA	NA	NA	NA	NA	NA	Yes	Yes	87.6	Yes	Yes	92.7
Research Triangle Charter Academy *Durham*	K–5	315	1999	NA	NA	NA	NA	NA	NA	No	No	31.4	No	No	49.1
Right Step Academy *Pitt*	6–12	NA	1997	No	No	18.1	No	No	13.9	No	No	17	NA	NA	NA
River Mill Academy (Formerly River Mill Charter) *Alamance/Burlington*	K–12	312	1998	NA	NA	NA	No	No	51.2	Yes	No	62.5	Yes	No	66.3
Rocky Mount Charter Public School *Nash/Rocky Mount*	K–6	816	1997	No	No	52.5	No	No	52.5	Yes	No	51.9	Yes	Yes	65
Rowan Academy *Rowan*	K–5	200	1999	NA	NA	NA	NA	NA	NA	No	No	37.4	Yes	Yes	36.4
Sallie B. Howard School *Wilson*	K–7	402	1997	No	No	51.4	Yes	No	45.8	No	No	45.7	Yes	No	60.1
Sandhills Theatre Arts Renaissance School (STARS) *Moore*	K–4	110	1999	NA	NA	NA	NA	NA	NA	No	No	46.6	No	No	54.3

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Charter School / *County/Local School District*	Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Sankore School *Wake*	6–8	NA	1998	NA	NA	NA	No	No	32.3	No	No	40.7	NA	NA	NA
School in the Community *Orange*	9–12	NA	1997	ID	ID	ID	ID	ID	ID	NA	NA	NA	NA	NA	NA
SPARC Academy *Wake*	K–8	200	1998	NA	NA	NA	ID	ID	ID	No	No	31.4	No	No	47.6
Stanly County Community Outreach Charter School *Stanly*	K–2	100	1999	NA	NA	NA	NA	NA	NA	ID	ID	ID	ID	ID	ID
Sterling Montessori Academy *Wake*	K–7	250	1997	ID	ID	ID	Yes	Yes	75.6	Yes	Yes	78.6	No	No	76.8
Success Academy *Durham*	7–12	30	1999	NA	NA	NA	NA	NA	NA	ID	ID	ID	No	No	6
Success Institute *Iredell*	K–5	100	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	45.3
Sugar Creek Charter School *Mecklenburg/Charlotte*	K–5	550	1999	NA	NA	NA	NA	NA	NA	No	No	26.6	No	No	41.1
Summit Charter School *Jackson*	K–8	180	1997	Yes	Yes	87.2	No	No	80.6	Yes	Yes	80	No	No	85.7
Tar Heel Charter High School *Bladen*	9–12	300	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
The Carter G. Woodson School of Challenge *Forsyth/Winston-Salem*	K–8	225	1997	No	No	37.8	No	No	38.6	Yes	No	44.8	No	No	42.6
The Children's Village Academy *Lenoir*	K–5	129	1997	No	No	30.4	Yes	Yes	55.1	No	No	54.9	No	No	47
The Community Charter School *Mecklenburg/Charlotte*	K–5	108	1997	No	No	35	No	No	40.5	No	No	46.2	No	No	57
The Downtown Middle School *Forsyth/Winston-Salem*	5–7	540	1997	No	No	84.3	No	No	81.4	No	No	79.4	No	No	79.5
The Franklin Academy *Wake*	K–5	550	1998	NA	NA	NA	No	No	64.8	Yes	Yes	81	No	No	82.5
The Laurinburg Homework Center Charter School *Scotland*	9–11	100	1999	NA	NA	NA	NA	NA	NA	No	No	33.3	No	No	15.4
The Learning Center *Cherokee*	K–8	90	1997	No	No	56.1	Yes	No	68.6	No	No	57.8	No	No	77.1

Table 4. Performance of All N.C. Charter Schools on End-of-Grade Tests from 1997–98 through 2000–01, *continued*

Grade Span	Enrollment	Year Opened	1997–1998 Met Expected Growth	1997–1998 Met Exemplary Growth	1997–1998 Performance Composite	1998–1999 Met Expected Growth	1998–1999 Met Exemplary Growth	1998–1999 Performance Composite	1999–2000 Met Expected Growth	1999–2000 Met Exemplary Growth	1999–2000 Performance Composite	2000–2001 Met Expected Growth	2000–2001 Met Exemplary Growth	2000–2001 Performance Composite
Charter School *County/Local School District*														
The Mountain Community School *Henderson*														
K–6	115	1999	NA	NA	NA	NA	NA	NA	Yes	Yes	90.7	No	No	88.4
The New Dimensions School *Burke*														
K	66	2001	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
The Village Charter School *Orange/Chapel Hill-Carrboro*														
K–6	216	1997	Yes	No	77	Yes	Yes	74.1	No	No	67.1	No	No	73.1
The Woods Charter School *Chatham*														
4–12	210	1998	NA	NA	NA	ID	ID	ID	No	No	62.1	Yes	Yes	81.8
Thomas Jefferson Classical Academy *Rutherford*														
8–12	150	1999	NA	NA	NA	NA	NA	NA	No	No	81	No	No	83.3
Tiller School *Carteret*														
1–6	75	1998	NA	NA	NA	Yes	Yes	74.4	Yes	Yes	77	Yes	Yes	87.8
Turning Point Academy *Durham*														
K–8	200	1998	NA	NA	NA	ID	ID	ID	No	No	28.8	No	No	35.9
Union Academy *Union*														
K–4	300	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	No	No	84.2
Vance Charter School *Vance*														
K–6	194	1999	NA	NA	NA	NA	NA	NA	No	No	72.9	No	No	73.3
Washington Montessori-A Public Charter School *Beaufort*														
K–3	100	2000	NA	NA	NA	NA	NA	NA	NA	NA	NA	ID	ID	ID
Wayne County Technical Academy *Wayne*														
9–12	200	1999	NA	NA	NA	NA	NA	NA	Yes	Yes	8.5	No	No	5.8
Wilkes County Technical Alternative Charter High *Wilkes*														
9–12	NA	1998	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

* Performance composite takes into account student performance on all end-of-grade tests for a particular school.

NA = School not opened during testing or scores not available.

ID = Insufficient Data as reported by the N.C. Department of Public Instruction.

Source: N.C. Department of Public Instruction

—*continued from page 34*
such as schools for sexually abused children, two were started with a mission to serve exceptional children, and the remaining seven serve at-risk students, including five that serve at-risk high school age students.

School Performance and Racial Diversity in Charters

The preponderance of low-performing schools raises a touchy question for charter schools—race and the diversity of student bodies. White flight—the notion of whites fleeing the traditional public schools to escape racial diversity—has been largely absent in the North Carolina charter school experiment. However, there is clear evidence of what could be called black flight—African Americans fleeing to charters to avoid public schools that have done a poor job of educating black students. The Charter Schools Act states that the population of any charter school shall "reasonably reflect" the racial and ethnic composition of the general population residing within the local school administrative unit or the racial and ethnic composition of the "special population" that the school seeks to serve residing within the local school administrative unit.[22]

Of 97 charter schools operating in 2000–2001, 30 had student populations more than more 80 percent non-white—the vast majority populated almost exclusively by African-American students. The state evaluation of charter schools found 20 schools to lie outside the range of their local school district in having a *higher* percentage of non-white students than the traditional public school in the district with the highest percentage of non-white students (see Table 6, p. 45). In addition, the evaluation found eight charter schools to be outside their school district's range by having a *lower* percentage of non-white students than any traditional public school in the district.

Aside from academic concerns in the traditional public schools, black discontent may be fueled in part by the desire to attend school close to home and to incorporate ethnic themes that are hard to instill in predominantly white schools. "A number of these

Table 5. 10 Lowest Performing Schools on End-of-Grade Tests, 2000–2001

County, School District, or State School	School Name	Grade Span	Overall Score
1. Wayne County	Wayne Technical Academy*	9–12	5.8
2. Durham County	Success Academy*	7–12	6
3. Forsyth County	Lift Academy*	6–12	7.5
4. N.C. Department of Health and Human Services	Eastern N.C. School for the Deaf	Ungraded	11.2
5. N.C. Department of Juvenile Justice	Juvenile Evaluation Center	Ungraded	13.6
6. Scotland County	Laurinburg Homework*	8–12	15.4
7. Weldon City Schools	Weldon High School	9–12	24.7
8. (tie) Alamance County	Lakeside School*	6–12	26.1
8. (tie) Orange County	New Century Charter*	9–12	26.1
10. Charlotte/Mecklenburg Schools	West Charlotte High School	9–12	26.9

* Denotes charter school

Source: N.C. Department of Public Instruction

SPARC Academy

Karen Tam

schools have an Afro-centric curriculum which generally limits their appeal," notes the Public School Forum's John Poteat. He also points out that charter schools are "schools of choice" and have less control over integrating their student bodies than do many public schools that have been allowed to resegregate.

Otho Tucker, director of the Office of Charter Schools in the N.C. Department of Public Instruction, agrees. "The curriculum chosen and the location of the school are the major factors that drive the choice of parents," notes Tucker. A number of traditional public schools have been allowed to virtually resegregate. Critics of the charter movement are concerned that charters will become vehicles to further this resegregation, though few predicted that most of the resegregation would occur in all black or mostly black charter schools.

"The majority of charter schools in Durham are populated by African-Americans," says Kathryn Meyers, a member of the Charter Schools Advisory Committee and chair of the Durham County School Board. "That surprised everyone who thought charters were going to be white flight schools. The message for us is that there are as many minority parents as white parents who feel their children are not well served in the traditional public schools."

"Diversity is an issue, but the first thing we've got to do is get these kids satisfied with themselves," says Mburu, whose SPARC Academy is 100 percent African-American. "Once we build their self-esteem, then they can reach out to other groups."

While acknowledging certain benefits of schools aimed at helping targeted populations, State Superintendent of Public Instruction Michael Ward worries that charter schools may, indeed, become a mechanism for resegregation. "I'm not suggesting that lack of diversity is unacceptable in all instances, but we should not accept these kinds of student enrollment patterns without asking some pretty probing questions," Ward says. "I fear we may some day look back on this period as the early Balkanization of our society."

"Diversity is an issue, but the first thing we've got to do is get these kids satisfied with themselves. Once we build their self-esteem, then they can reach out to other groups."

—JACKIE MBURU, SPARC ACADEMY

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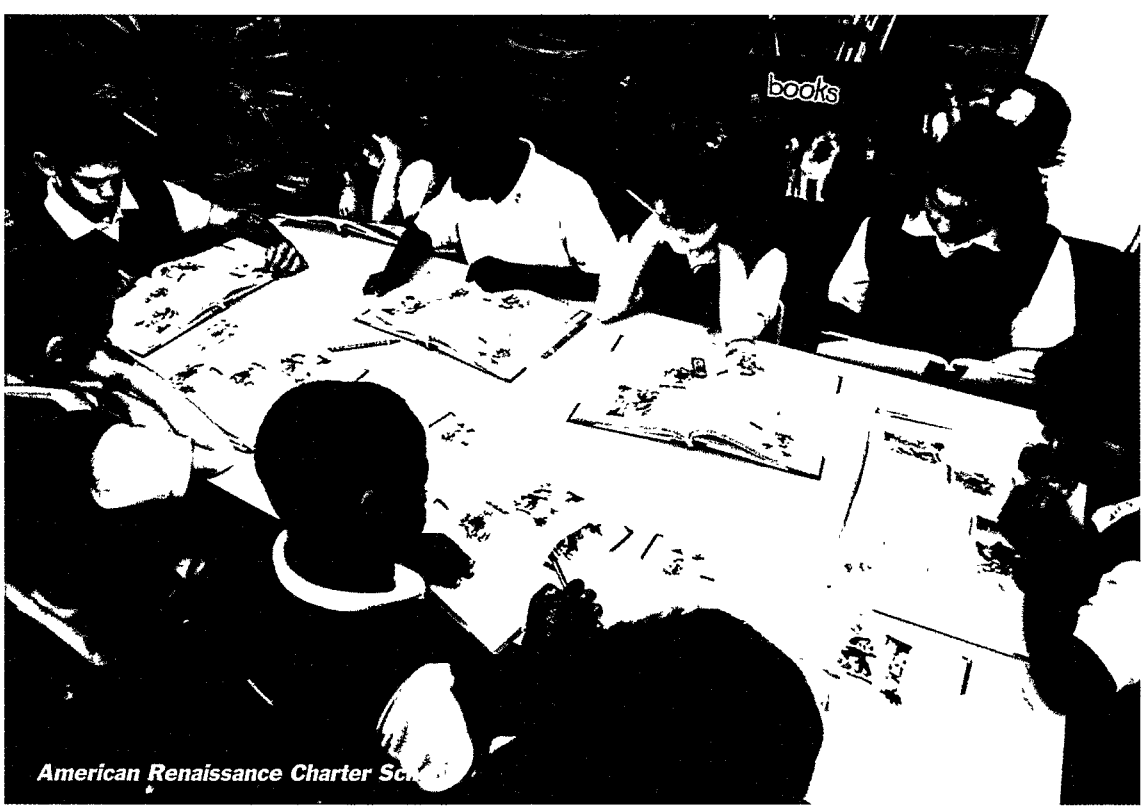
—MICHAEL WARD, STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

And, if the traditional public schools are producing mediocre results for African-American students, the performance of charters is far from sparkling. Gerber of the League of Charter Schools remains unapologetic. "You need time to fix the problems caused by non-charters," he notes.

The state's evaluation of charter schools indicates that charters are doing a worse job than the public schools overall, but particularly in educating African-American youth. "[T]he achievement gap between black and white students was larger in 1998–99 and in 1997–98, and even larger in 1999–2000," the report's authors indicate.[23] "In 2000–01, however, the gap in charter schools receded to levels closer to those of 1997–98 and 1998–99. In other public schools, the achievement gap in reading and math has been approximately the same size each year, and it has been smaller than the gap in charter schools."

However, Tucker, director of the state Office of Charter Schools, examined the performance of black students from a different perspective—amount of academic growth over the course of a school year as measured by end-of-grade tests. Excluding the first year of actual operation, 1997–1998, African-American students in many instances showed greater growth in charter schools than did their counterparts in the traditional public schools. Tucker's analysis also yielded this finding: "[O]f the charter schools that are still in operation in the fourth year, the percent of low-performing schools has dropped from 25 percent in year one to 0 percent in year four."



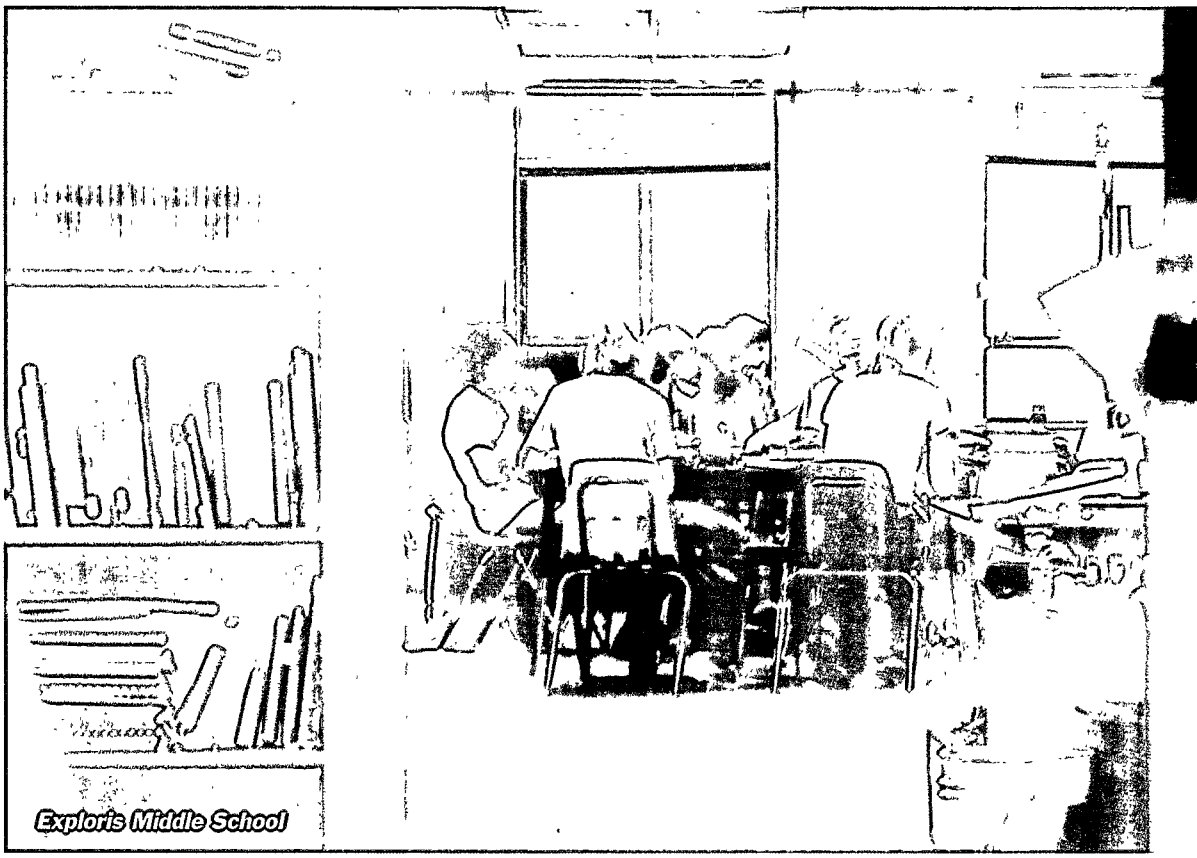
American Renaissance Charter Sc

Karen Tam

Table 6. Charter Schools Where Percent of Non-White Students in the School is Higher or Lower than Any Traditional Public School in Its Local School District

Schools	County Where School is Located	Percent Non-white in 1999–2000 School Year	Average Percent Non-white for Local District Schools	Range of Percent Non-white Students in Local Schools
A. Charter Schools with More Non-white Students than Any School in District:				
Laurinburg Charter	Scotland	100.0%	58.5%	39.1–88.6%
Omuteko Gwamazima	Durham	100.0	65.9	21.4–99.7
Quality Education Academy	Forsyth	100.0	45.0	13.3–99.6
Carter G. Woodson School of Challenge	Forsyth	100.0	45.0	13.3–99.6
East Winston Primary	Forsyth	100.0	45.0	13.3–99.6
SPARC Academy	Wake	100.0	35.3	11.6–78.2
Success Academy	Durham	100.0	65.9	21.4–99.7
Healthy Start Academy	Durham	99.8	65.9	21.4–99.7
Right Step Academy	Pitt	98.0	54.2	21.5–78.5
Harnett Early Childhood	Harnett	97.7	38.5	25.9–67.3
Stanly Community Outreach	Stanly	97.0	22.8	1.2–71.7
Baker Charter High School	Wake	96.9	35.3	11.6–78.2
Highland Charter	Gaston	95.5	23.6	3.9–74.5
Sankore School	Wake	94.7	35.3	11.6–78.2
Phase Academy	New Hanover	89.3	34.6	2.2–64.8
Provisions Academy	Lee	88.6	42.8	31.4–65.4
Northeast Raleigh Charter Academy	Wake	81.3	35.3	11.6–78.2
Village Charter	Orange (Chapel Hill/ Carrboro Schools)	51.5	30.7	22.9–51.4
Grandfather Academy	Avery	33.3	1.7	0–5.9
Crossnore Academy	Avery	21.4	1.7	0–5.9
B. Charter Schools with Fewer Non-white Students Than Any School in District:				
Vance Charter School	Vance	26.5	68.2	46.3–98.3
Arapahoe Charter	Pamlico	16.4	36.7	46.3–98.3
Orange County Charter	Orange	10.3	27.8	5.9–41.8
Lincoln Charter	Lincoln	9.2	16.4	17.1–40.8
Franklin Academy	Wake	4.8	35.3	11.6–78.2
Quest Academy	Wake	4.0	35.3	11.6–78.2
Lake Norman Charter	Mecklenburg	5.1	51.7	5.7–99.1

Source: North Carolina Charter School Evaluation, published under contract for the State Board of Education, November 2001, pp. II–14 through II–16.



Karen Tam

The progress on end-of-grade test scores indicates that many charter schools are able to find their footing after an initial year of struggle. However, some charter schools have performed admirably from the beginning. Two of the top 10 performing schools for the 2000–2001 school year were charters, including the number one school in Wake County's Magellan (see Table 7, p. 49). Magellan and another Wake County Charter School, Exploris, have ranked among the top 10 schools in academic performance statewide since their inception, and they have achieved these results with student bodies that are more diverse than many in the Wake County Public Schools system. Yet another charter, Metrolina Regional Scholars' Academy in Mecklenburg County, notched one of the highest performances in the state but did not meet its state-determined growth goals. In addition, greater numbers and percentages of charter schools are achieving expected and exemplary growth each year as measured by end-of-grade tests.

Eight of the top 10 performers are from the state's most urban counties, Wake and Mecklenburg counties. The lowest performers—including both charters and traditional public schools—are heavily weighted toward largely rural and relatively poor Eastern North Carolina.

Charter schools have made large gains on state writing test scores, although they are still below the state average as a group. For the 2000–2001 academic year, 53.6 percent of charter school fourth graders passed the 2000–2001 writing test, up from 36.2 percent the previous year. For seventh graders, the passing rate increased from 55.2 percent to 62.8 percent. For tenth graders, the passing rate increased from 23.4 percent to 36.8 percent. The state average for all public schools on the 2000–2001 writing test was 68.8 percent passing for fourth graders, 73.3 percent passing for seventh graders, and 53.9 percent passing for tenth graders.[24]

Asked about the results, Tucker says, "When you're looking at the performance of charter schools, you have to consider the populations they have chosen to serve. A lot of charters are serving at-risk populations, and it will take some time to turn these children around.

"You also need to consider that a lot of the schools have only been in operation for a year or two," Tucker continues. "A lot of time is spent in the early years just setting up and operating the

school, attracting students and hiring faculty." Tucker's point is supported by his own analysis of testing data used in the N.C. Evaluation of Charter Schools three-year cohort study, and his calculations were verified by staff in the Evaluation Section of the Department of Public Instruction's Accountability Services Division.

For the 1997–98 school year, Tucker found that charter school students did not make expected or exemplary growth, while their non-charter school peers did. However, when looking at years two and three only, Tucker found that charter school students actually showed greater academic growth than similar students in non-charter schools.[25] In 1998–99 (year two), the charter and non-charter groups each made expected and exemplary growth. However, the charter school students exceeded their academic growth expectations to a greater degree than did their peers in the non-charter public schools. In 1999–2000, the charter school students in the study registered expected and exemplary growth on the study while the non-charter students they were compared too only made expected academic growth. "We'll get a much better picture of performance five or six years down the road," Tucker says.

Lou Fabrizio, director of DPI's Accountability Services Division, notes that while the analysis does show greater growth for charter students in years two and three, the overall performance of the charter school students trailed that of their non-charter cohort at the end of the three-year period. "My understanding of the data is that you can't just throw out that first year," says Fabrizio. "It did exist. Over the whole time period, those kids still did not do as well as the other [non-charter] kids.

" I don't think the data represent a victory for charter schools," says Fabrizio. But he does see the results as "encouraging" as to charters' ability improve their performance after a difficult first year.

"When you're looking at the performance of charter schools, you have to consider the populations they have chosen to serve. A lot of charters are serving at-risk populations, and it will take some time to turn these children around.

—OTHO TUCKER, DIRECTOR,
N.C. OFFICE OF CHARTER SCHOOLS

"It's very difficult to evaluate schools that have been open only two or three years, and that's one of the shortcomings of the Charter School Evaluation."

—JOHN DORNAN,
PUBLIC SCHOOL FORUM OF N.C.

Dornan believes the short time-frame of the state's charter school evaluation report makes it hard to get an accurate read on charter schools' performance or potential. "It's very difficult to evaluate schools that have been open only two or three years, and that's one of the shortcomings of the Charter School Evaluation," Dornan says. "I'm much more interested in seeing what happens in the second three years. That's when you can make a fairer generalization."

Critics question whether these low performing charter schools will ever deliver on their promise of turning these students around. And they wonder what price the students will pay for the schools to get their own house in order. "When you consider that five or six years is nearly half a child's schooling, that's a long time to wait for a school to get itself together," Crotts says. "I would hope the parents would have the wisdom to judge the school accordingly, but I'm not sure that's always the case. A lot of parents may have too much invested in the charter school to admit that it may not be working."

A Source of Classroom Innovation?

One of the principal ideas behind the founding of charter schools is to provide a laboratory for classroom innovation. Out of these various teaching methods, state education administrators hope to come up with a list of "best practices" that the public schools can emulate. The state's Charter Schools Evaluation Report finds the principal innovations in North Carolina to be smaller class sizes and smaller schools, with more versatile teachers and administrators. The study finds little in the way of innovation in classroom instruction. Tucker says many charter schools have been hesitant to experiment with innovative teaching methods for

"When you consider that five or six years is nearly half a child's schooling, that's a long time to wait for a school to get itself together."

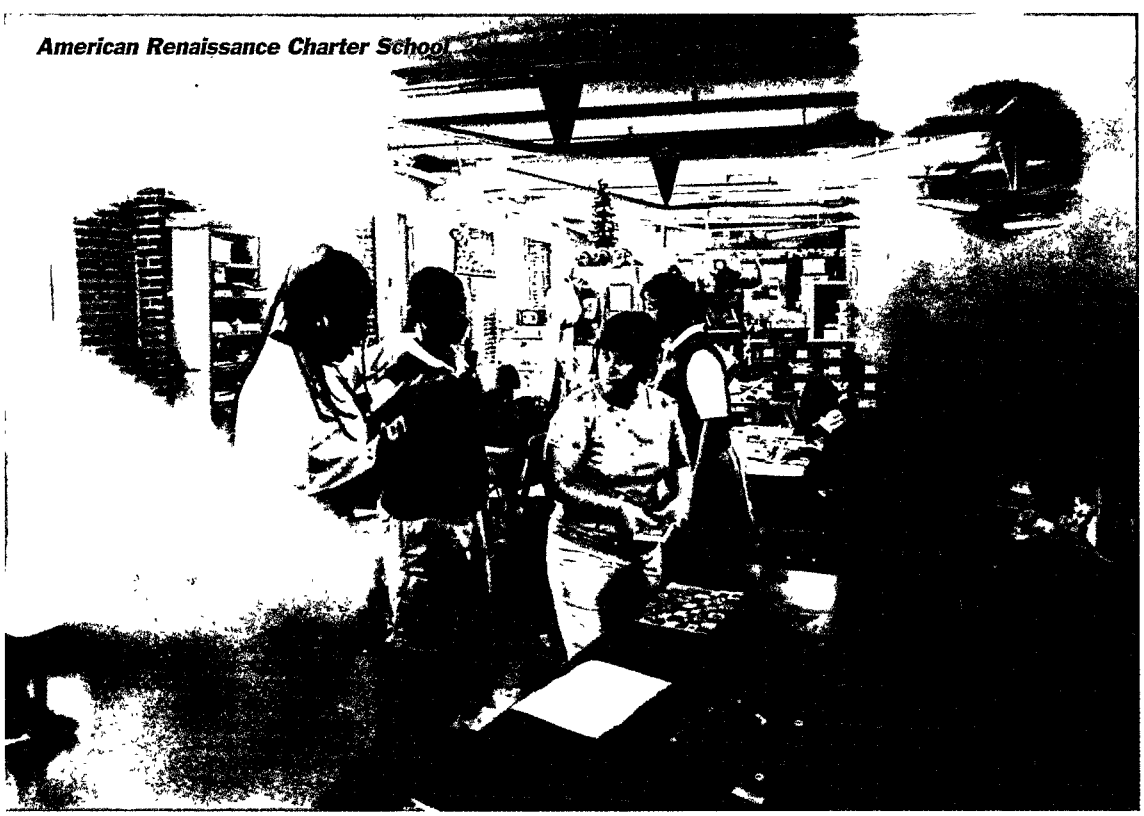
—JAN CROTTS,
N.C. ASSN. OF SCHOOL ADMINISTRATORS

fear of jeopardizing ABC test scores, but he expects the number and variety of innovative approaches to grow. Adds John Poteat of the Public School Forum, "There is limited flexibility for charter schools because of the curriculum. Therefore, how innovative can they be?"

Among the charter schools that are pursuing innovation, some are using completely novel approaches; others are using practices employed to some degree in the public schools. Exploris Middle School in Raleigh is promoting a hands-on, experiential approach to learning. Teachers develop their own curriculum and instructional materials organized around themes rather than subjects. No grades are given. Instead, students are evaluated based on their progress in reaching goals they have established for themselves.

Kestrel Heights School in Durham employs the Paideia method. Created by the late publisher and author Mortimer J. Adler, the Paideia method of learning is outlined in Adler's book, *The Paideia Proposal: An Educational Manifesto*. Paideia employs three types of instruction. *Didactic teaching*, in which the teacher lectures and presents must-know information, is limited to 10–20 percent of the instructional plan. *Intellectual coaching* is the largest part of instruction and involves the students in collaborative learning with guidance from the teacher. For example, students may be asked to produce a newspaper portraying events from a particular time period or subject. The third method is the *Paideia seminar*, in which students organize a collaborative discussion about a text or collectively solve a math or science problem. The teacher's role is limited to asking open-ended questions. While clearly innovative, Paideia instruction already is being employed in a number of traditional public school classrooms across North Carolina, including schools in Guilford and Wake counties, and more than a dozen other states.

The Knowledge Is Power Program, or KIPP, is employed by Gaston College Preparatory in the



American Renaissance Charter School

Karen Tam

Table 7. 10 Highest Performing Schools on End-of-Grade Tests, 2000–2001

School System	School Name	Grade Span	Composite Score
1. Wake County	Magellan Charter*	4–8	99.2
2. Charlotte/Mecklenburg	Barringer Academic Center	K–5	99.1
3. Charlotte/Mecklenburg	Villa Heights Elementary	K–5	98.5
4. Wake County	Green Hope Elementary	K–5	97.7
5. Charlotte/Mecklenburg	McKee Road Elementary	K–5	97.6
6. Wake County	Davis Drive Elementary	K–5	97.5
7. Buncombe County	Glen Arden Elementary	K–5	97.4
8. (tie) Gaston	Robinson	K–5	96.7
8. (tie) Wake County	Morrisville Elementary	K–5	96.7
10. Wake County	Exploris Middle School*	6–8	96.5

* Denotes charter school

Source: N.C. Department of Public Instruction

Northampton County town of Gaston. Developed in the mid-1990s by two public school teachers in Houston, KIPP requires students to put in 10-hour school days and attend school on Saturdays and during summer. Parents must sign off on all tests and homework. Teachers must be available by phone during all hours of the day.

Several charter schools employ what is known as Direct Teaching. Dixie Spiegel, senior associate dean of the School of Education at UNC-Chapel Hill describes Direct Teaching as "telling the kids what they're going to learn, how to do it, and why they should care. This is as opposed to saying, 'here's what I want you to do, now go do it.'" Teachers ask questions and students recite answers in unison.

CORE Knowledge, a literature-based education system, is integrated with the state curriculum at River Mill Academy in Saxapahaw in Alamance County. "In kindergarten, we concentrate on nursery rhymes," says Principal Linda Humble. "We study literature in the higher grades, integrating other disciplines such as music and art into the books we are studying."

Other charters have adopted specific themes to liven up their curriculum. Cape Lookout Marine Science High School in Morehead City focuses on marine sciences. The American Renaissance Charter School in Statesville concentrates on art. Sallie B. Howard School in Wilson involves its students in dance. SPARC Academy in Raleigh follows an Afro-centric theme, with morning drum sessions and African folk tales that relate to the social studies curriculum. In response to criticism that charters have delivered little by way of innovation, Gerber says, "They missed the biggest innovation—parents having a choice regardless of income."

Enthusiasm for Smaller Class Sizes

While some charter schools believe they employ innovative teaching methods, the principal appeal of charters in the eyes of both parents and teachers is small classes and small schools. For the 2000–2001 school year, North Carolina charter schools averaged 15 students per class while the number of students per class exceeds 20 for the public schools as a whole.[26] These averages are based on "typical" classes for grades K–12. The average is skewed by the inclusion of such classes as independent study that may have only a few students in them. Research over the years has shown conflicting results in terms of whether reductions in

class size lead to improvements in academic performance. Some research has failed to show any connection. Other studies found benefits when class size drops below 18 students.

The two major studies showing academic benefit from smaller class size are a national study of 20,000 fourth and eight graders in classrooms across the country, and a state study of 7,000 students in Tennessee known as the STAR study.[27] The national study, entitled *When Money Matters*, and carried out by the Research Policy Information Center, defined small classes as those with less than 20 students and large classes as those with more. The study used performance in math on the National Assessment of Educational Progress as its gauge and took into account student socioeconomic status, as well as educational expenditures and cost of living for the regions studied. The study found fourth graders could be expected to advance 33 percent more quickly than their counterparts in large classes, while eighth graders could be expected to progress 12.5 percent more quickly, according to author Harold Wenglinksy. The STAR study found students randomly placed in small classes outperformed their peers placed in large classes. The differences remained four years later in eighth grade, four years after these students were placed in larger classes.

Nonetheless, not everyone is convinced. Education researcher Eric Hanushek reviews a range of studies and argues that the link between class size and achievement is weak or nonexistent.[28] Hanushek criticizes the STAR study as having a large impact only in kindergarten achievement. He notes that the gains made in kindergarten hold steady over the study period but do not grow.

No matter what the research says, charter school administrators are convinced of the benefits of small classes. "Small classes allow you to enforce discipline, help kids that need it, and promote a feeling of family," says Rob Matheson, principal of Kestrel Heights School. "Neither Paideia nor anything else will work until you address the issue of class size."

Public school administrators also would like to see smaller classes and have pushed the state for money to allow for that. Governor Mike Easley made reducing class size a key campaign issue and pressed for a state lottery to help finance this and other education initiatives.[29] Aside from the benefits of smaller classes, however, public school administrators seem reluctant to believe there is anything of value to be learned from the charter schools. Asked if there are any innovations being tried out in the charters that public schools would do well to emulate, Jan Crotts, who leads the N.C. Association of School Administrators, says, "Nothing that I'm aware of."

That attitude bothers people like Dornan. "The animosity toward the charters in most public school systems is so deep that none of them [public school administrators] is willing to acknowledge that there is anything to be learned from the charters," he says. "I'm amazed at how quickly people discount the successes of schools like Exploris and Magellan. They say the high scores are just a reflection of the type of students they have, but if you look at the scores of the neighboring public schools, the charters have outperformed them."

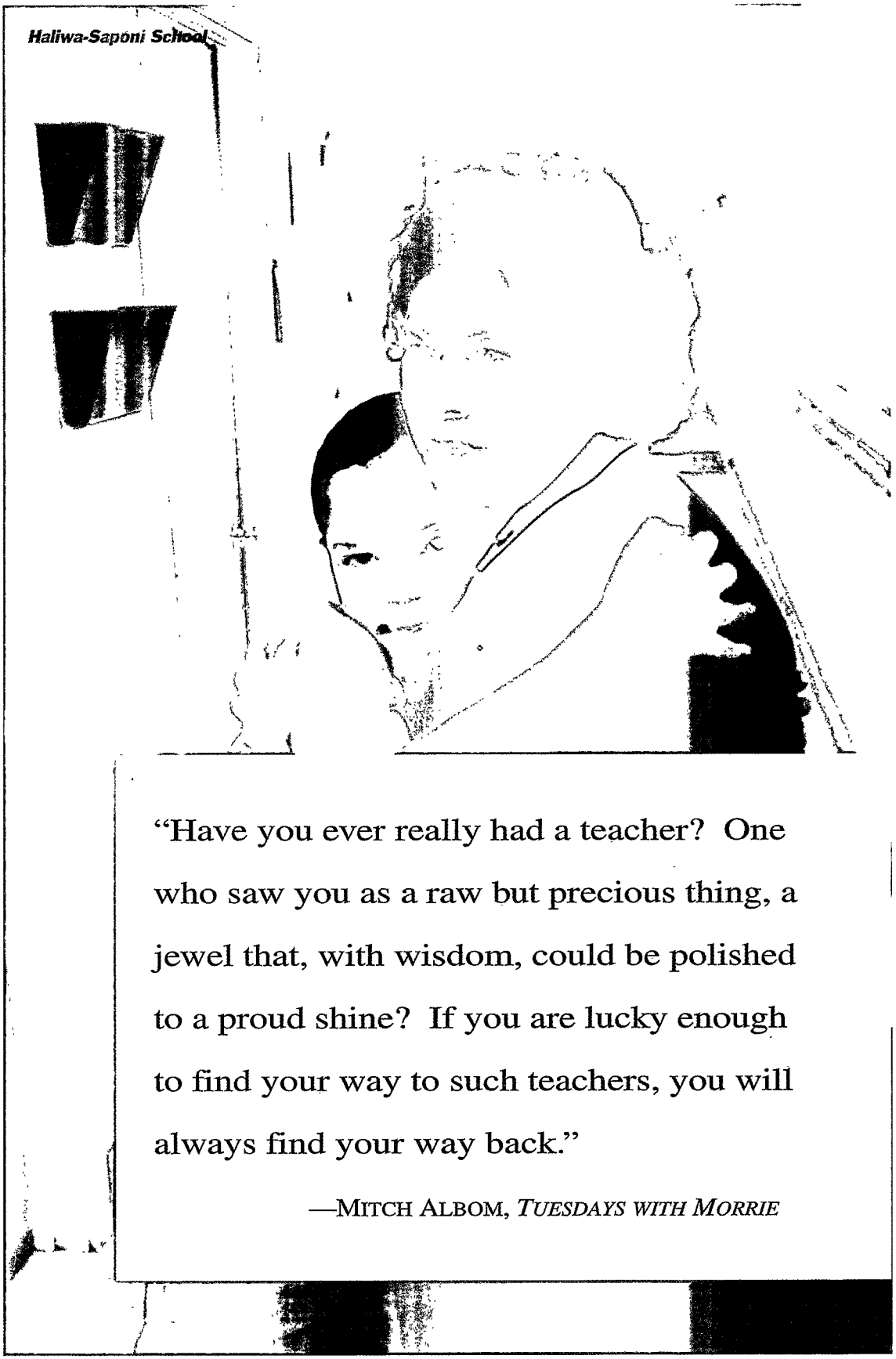
Charter Schools and Teacher Quality

Closely tied to the issue of class size is the quality of teaching at the charter schools. The N.C. Charter School Act requires that at least 75 percent of the teachers in grades K–5, at least 50 percent in grades 6–8, and at least 50 percent in grades 9–12 hold teacher certificates. Meeting the standard has been an ongoing issue. In a November 2001 meeting with the State Board of Education, DPI officials stated that approximately 20 percent of the charter schools appear not to have enough certified teachers to meet the minimum legislative requirement. Charter schools counter that much of this apparent gap is due to confusion or delays in reporting and processing of teacher qualifications, rather than an actual deficiency in numbers of certified teachers. Regardless, the state's policy permitting non-certified teachers in as many as half of some grades disturbs such groups as the North Carolina Association of Educators (NCAE).

"We have very grave concerns about educators in the classrooms who are either untrained in their field or in the way children learn," says Carolyn McKinney, president of NCAE. "You can be very gung-ho, but if you don't know your subject, you are doing your students a disservice."

To address concerns voiced by the NCAE, the State Board of Education has recommended that all charter teachers in core subjects such as English, math, and science be college graduates. Tucker, the director of the State Office of Charter Schools, says charter schools should not have any trouble meeting this requirement. "Probably 99 percent of the teachers are already college grads," he says.

Charter advocates state that some of the best teachers are uncertified and that the value of certification is overstated. "We've all had some crummy



"Have you ever really had a teacher? One who saw you as a raw but precious thing, a jewel that, with wisdom, could be polished to a proud shine? If you are lucky enough to find your way to such teachers, you will always find your way back."

—MITCH ALBOM, *TUESDAYS WITH MORRIE*

Karen Tam

Haliwa-Saponi School

Karen Tam

teachers growing up, so state certification is no guarantee of quality teaching," says Kate Alice Dunaway, director of the American Renaissance Charter School. "In any case, it's hypocritical of the association to criticize the charter schools for hiring uncertified teachers when the state allows the public schools to do the same thing if they are unable to fill certain positions."

While no one would argue that a teaching certificate guarantees a high-quality teacher, a teacher certified in a given subject has at least demonstrated knowledge of the subject matter. Indeed, the movement to have teachers in front of public school classrooms who are certified in the subject they are teaching has deep roots. The N.C. Center for Public Policy Research initially explored the phenomenon in a 1982 book entitled, *Out-of-Field Teaching in Grades 7–12 in N.C.* In that book, the Center found out-of-field teaching to be a significant problem even in the basic subjects of reading and math. Indeed, more than 60 percent of individuals teaching reading classes did not hold reading certificates and more than 37 percent of instructors in math did not hold a math certificate.[30] That study led to significant reforms by the State Board of Education in having public school teachers in place with demonstrated knowledge of their subject matter, though recent teacher shortages have strained efforts at reforms, particularly in rural areas.

Issues of certification aside, charter school advocates believe the charter movement has rejuvenated a number of public school teachers who may have left the profession. "It has saved a lot of teachers from quitting," says Roger Gerber of the League of Charter Schools. "In charters, teachers have their own school and their own classroom. It may be more work, but it's a lot more rewarding."

"For those who feel stymied in the public schools, teaching in a charter school can be a re-energizing experience," says Matheson, a 20-year veteran of teaching in the public schools. "Charters offer teachers a chance to realize their dreams. If you have a good idea, and it's in the best interest of the kids, we'll let you try it."

Nonetheless, early years of some charter schools have been marked by high levels of staff turnover. Phil Adkins, board chair for Kestrel Heights School, the charter school serving grades 6–9 in Durham, notes that charter schools are quick to dismiss teachers considered poor performers, while the traditional public schools are forced by state tenure laws to play "pass the lemon." That means encouraging poor or problem teachers to transfer to a different school, says Adkins.

A national report written for the Thomas B. Fordham Foundation of Washington, D.C., examining charter schools in Arizona, California, Colorado, Massachusetts, Michigan, and Texas concludes that charter schools are far more prone to hire uncertified teachers than traditional public schools. Charter schools also trade teacher experience, which would command higher pay, for smaller class size. However, they differ from their traditional public school counterparts in that they dismiss teachers whose performance does not measure up, use differential pay to attract teachers to hard-to-staff subjects, and reward outstanding teachers with performance bonuses.[31]

"Charters offer teachers a chance to realize their dreams. If you have a good idea, and it's in the best interest of the kids, we'll let you try it."

—ROB MATHESON, TEACHER, KESTREL HEIGHTS CHARTER SCHOOL

In North Carolina, the League of Charter Schools commissioned a study released in April 2000 that found most of the state's charter schools are staffed with experienced teachers, with 41 percent of teachers responding to a survey having three to nine years of teaching experience and 31 percent having 10 years of experience or more.[32] Nationally, research indicates teachers in traditional public schools generally have more experience than those in charter schools. In addition, the study by Insight Research, a Greensboro employee and customer satisfaction survey firm, found that overall, charter school teachers are satisfied with their jobs. Teachers liked their work, the amount of flexibility granted them, authority to maintain discipline, class size, respect for the people they work with, and support from the principal. Among their complaints were inadequacy of equipment and teaching supplies and their school's lunch program.

Concerns about Children with Special Needs

Like all public schools, charter schools are required to comply with laws dealing with students with disabilities. However, some question how strictly those laws are bring followed. Superintendent of Public Instruction Mike Ward is also concerned about *de facto* discrimination against children with special needs.

Tom Fiore is a Durham-based consultant with the private research firm Westat, Inc., which recently conducted a national study entitled "Charter Schools and Students with Disabilities." Fiore says that many charter schools will accept special needs children, but do not always follow through on the Individualized Education Plans (IEPs) required by federal and state laws.[33] "We also saw a certain amount of *de facto* discrimination against kids with disabilities, not by virtue of refusing them admission, but by not having certain facilities," Fiore says.

At the same time, the study finds that a significant number of charter schools specifically target special needs students and give them more individualized attention than they received at the public schools. "Parents of students with disabilities at more than half of the visited schools identified dissatisfaction with their child's previous non-charter school as a reason for enrolling their child in the charter school," the report states. "Dissatisfaction with the school in general or with the special education program in particular was cited more frequently that any other reason for transferring a child. Parents also described a variety of positive characteristics of the charter school that made enrollment there attractive. At more than a third of the schools, parents mentioned the charter school's small size or the small size of the classes."[34]

In general, the study says, charters find they are enrolling more students with disabilities than the schools' developers had expected. That is certainly the case with the Arapahoe School in New Bern. "We've been handling an inordinate number of special needs kids—21 percent of our student body—ranging from learning disabled to autistic," Kennel says. "Charters are becoming the school of last resort for parents of exceptional children who are dissatisfied with the public schools."

Admissions Policies and Charter Schools

While some charters are handling more than their share of exceptional or at-risk students, others cater only to students with high aspirations and abilities. That is acceptable as long as the mission is spelled out in the state-approved charter, but when schools adopt exclusionary policies not in the charter, they leave themselves open to charges of unfair discrimination.

In July 2001, a parent of an applicant to Raleigh Charter School accused the school of unfair discrimination when her son's name was excluded from the admissions lottery based on his failure to get a certain teacher recommendation.[35] Raleigh Charter has a mission of preparing students for college, and offers only advanced and honors courses —policies approved by the state as part of the school's charter. However, the school also required students applying for the ninth grade to obtain a teacher recommendation from their previous school stating that they were prepared to take Algebra I—a policy not included in the charter. The state Charter School Advisory Committee, asked by the Board of Education to monitor the charter schools, investigated the incident and subsequently reached an agreement with the school to clarify the admissions procedures and lottery procedures. The committee also examined admissions expectations and balanced those with graduation requirements.

The question as to what degree charters can discriminate based on intellectual ability remains unclear. "The law says charter schools shall not limit admission on the basis of intellectual ability or measures of achievement or aptitude, *except* as otherwise provided by law or the mission of the school," says Michael Fedewa, chairman of the state Charter School Advisory Committee. "In other words, you can exclude, but only as specifically spelled out in the charter."

Fedewa says the complaint filed against Raleigh Charter is the first his committee has received with regard to exclusion based on intellectual ability, but he says it is an issue of concern with the public. "There are never any complaints with charters that have a mission of helping at-risk kids, but when it comes to helping academically gifted kids, eyebrows get raised," he says.

Where Do We Go From Here?

Having reached the legislated cap of 100 charter schools and with more than a dozen applicants waiting in the wings, the state must decide where it goes from here with respect to charter schools. Does North Carolina freeze the number of charters at 100? Does it allow some increase while continuing to evaluate the movement? Or does it remove the cap altogether and let the movement grow of its own accord?

In November 2001, the N.C. Department of Public Instruction presented the State Board of Education with the evaluation of charter schools called for in the original legislation.[36] As well as hearing about the accomplishments of some charters, board members learned of the poor student performance and financial difficulties of many others. Based on these findings, the Board voted unanimously to support maintaining the present cap of 100 charters through 2002 to allow existing charters that are experiencing difficulties time to modify their performance and practices. In 2003, assuming those modifications take place, the Board would recommend raising the cap to 110 charters.

"I hope the legislature will approve a moderate expansion of at least 10 schools per year after 2002," says Phil Kirk, chairman of the State Board of Education and president of N.C. Citizens for Business and Industry—the statewide chamber of commerce. "I think they [charters] are especially needed in the counties that don't have them." Forty-seven counties currently have at least one operating charter school. Wake County has 13 schools, Durham eight, and Mecklenburg six. Fifty-three of North Carolina's 100 counties do not currently have an operational charter school (see Table 8, p. 55).

The Board also recommended that approved charters spend the first full year planning their operations before they begin enrolling students. This is to avoid the situation in which charters have spent their first year of operation struggling to get administrative matters under control. Further, the Board asked that teacher certification issues be clarified by the General Assembly in order for the state to know where the charters stand with respect to compliance with state law. This is in reaction to issues concerning how many charter school teachers are certified in their subject area or licensed to teach in North Carolina or another state.

Finally, the Board has recommended that public schools be "held harmless" for a portion of the financial losses that may be incurred when a new charter opens in their district. Public schools would receive 60 percent of any lost ADM the first year a charter opens in their district, and 40 percent the second year.

Reactions to the Board's recommendations have been mixed. Crotts says she favors maintaining the cap and doesn't believe the state should even consider raising it unless and until the present group of charters improves its track record. "I believe we need better monitoring and a more critical assessment of the existing charters," she says. "More of a bad thing is not better."

Gerber of the N.C. League of Charter Schools is among those charter school advocates who believe the cap is inhibiting market competition and want it raised or eliminated. "LEAs with only one

Table 8. N.C. Charter Schools by County

County	Number	County	Number	County	Number
Alamance	3	Forsyth	6	Onslow	0
Alexander	0	Franklin	1	Orange	3
Alleghany	0	Gaston	2	Pamlico	1
Anson	0	Gates	0	Pasquotank	0
Ashe	0	Graham	0	Pender	0
Avery	2	Granville	0	Perquimans	0
Beaufort	1	Greene	0	Person	1
Bertie	0	Guilford	4	Pitt	0
Bladen	1	Halifax	0	Polk	0
Brunswick	1	Harnett*	1	Randolph	0
Buncombe	3	Haywood	0	Richmond	0
Burke	1	Henderson	1	Robeson	1
Cabarrus	0	Hertford	0	Rockingham	1
Caldwell	0	Hoke	0	Rowan	1
Camden	0	Hyde	0	Rutherford	1
Carteret	2	Iredell	4	Sampson	0
Caswell	0	Jackson	1	Scotland	2
Catawba	1	Johnston	0	Stanly	1
Chatham	2	Jones	0	Stokes	0
Cherokee	1	Lee	1	Surry	1
Chowan	0	Lenoir	1	Swain*	0
Clay	0	Lincoln	1	Transylvania	1
Cleveland	0	Macon	0	Tyrrell	0
Columbus	0	Madison	0	Union	1
Craven	0	Martin	0	Vance	1
Cumberland	1	McDowell	0	Wake	13
Currituck	0	Mecklenburg	6	Warren	1
Dare	0	Mitchell	0	Washington	0
Davidson	0	Montgomery	0	Watauga	0
Davie	0	Moore	2	Wayne	2
Duplin	0	Nash	1	Wilkes	1
Durham	8	New Hanover	1	Wilson	1
Edgecombe	0	Northampton	1	Yadkin	0
				Yancey	0

* 47 counties have at least one operating charter school. 53 counties have no charter schools. However, the charter school in Harnett County closed in March 2002, so the number of counties with charter schools drops to 46. When Mountain Discovery Charter School opens in Swain County in 2002–03, the number will go back to 47.

Note: Three additional schools (1 in Durham—Ann Atwater Community School, 1 in Guilford—Oak Ridge Charter, and 1 in Mecklenburg—Queen's Grant Community School) were approved to open in 2001, but they are now not scheduled to open until the fall of 2002. Also, Mountain Discovery Charter School in Swain County, Gray Stone Day School in Stanly County, and Community School for Children in Durham County were granted charters in February 2002 to begin operating in the 2002–03 school year.

The Charter School Movement in North Carolina— Positives and Negatives

Positives

1. Supporters say charters are a source of innovation where new models of instruction and teacher-student interaction can be tried.
2. Some charters—most notably Magellan and Exploris, both in Raleigh—perform exceptionally well on state's end-of-grade tests. Magellan has in fact been the top performing school in the state on end-of-grade tests since its inception.
3. Charters serve disproportionate numbers of African-American students who may not have been well-served in the public schools.
4. Charters provide smaller classes within smaller schools, which please both teachers and parents.
5. Charter schools have open admissions and provide greater choice for parents and students who may not be able to afford private schools.
6. In rapidly growing school districts, charter schools may provide a bargain to the taxpayers because they do not receive state construction money
7. Many charters have done a remarkable job of setting up governance structures and learning how to operate a school in a relatively short period of time.
8. Charters may be able to provide extra attention in a more intimate setting for children with special needs.

Negatives

1. Opponents argue little such innovation has been implemented in state's charter school classrooms.
2. On the whole, charter performance on end-of-grade tests generally lags that of traditional public schools, with the lowest performing charter schools predominantly African-American.
3. The state's charter school evaluation report indicates charter schools do not do as good a job as the traditional schools in educating African-American children; too many of these charter schools are 100 percent minority.
4. Parents and teachers in traditional public schools also would be happier with smaller class size—a key goal of Governor Mike Easley; charters provide these benefits to only a small minority of public school students.
5. If charter schools do not educate well, greater choice may not be a net benefit for the student. Despite open admissions, charter schools are less diverse than traditional public schools—also a function of choice.
6. In local school districts where student populations are not growing, charter schools draw resources away from the traditional public schools that they cannot afford to replace.
7. Fiscal management has been a concern at some charters, with eight of 15 closures due at least in part to fiscal problems.
8. Some charters may not have appropriate facilities to serve children with severe disabilities, and questions have been raised about whether some charters are adequately carrying out Individual Education Plans (IEPs) as required by federal and state law.

Positives

9. Charters have placed teachers in greater leadership roles, including even running some schools. Teachers may be happier with both working conditions and responsibilities.

10. Charter schools have greater flexibility in hiring and firing teachers, in theory giving them the opportunity to go after the best teachers and weed out poor performers.

11. North Carolina's law authorizing charter schools ranks among the top third nationally, according to a study by the Center for Education Reform in Washington, D.C. That study cites guaranteed funding levels, multiple points of entry, and number of new starts annually as among the law's strengths

12. Charter schools have become popular with Republican lawmakers who see them as a means of expanding school choice.

Negatives

9. Charters can provide a talent drain, with high-performing schools luring teachers out of the traditional public school classroom.

10. Charters have run afoul of state laws regarding teacher certification, with some hiring too many non-certified teachers. This raises questions about how qualified some teachers are to carry out their duties in the classroom.

11. Critics of the law note that charter schools do not receive capital funds, which inhibits their ability to secure facilities, the State Board of Education grants all charters so multiple entry becomes moot, and having reached the cap of 100 charter schools, the number of new starts will be severely limited.

12. The debate around charter schools and school choice is becoming increasingly polarized in the General Assembly, with some Democratic lawmakers fearful that support for charter schools will hurt the traditional public schools.

—Mike McLaughlin

charter (or no charters) or several charters with long waiting lists provide no relief for students failing," says Gerber. "You need excess capacity for market reform to work."

Tucker, director of the Office of Charter Schools, generally is pleased. "The Board asked some very tough questions and, certainly, the legislature needs to know about the problems," he says. "I'm pleased that the Board will support an increase after some improvements are made."

Gulley, co-sponsor of the bill that founded the charter schools, is critical of the recommendations. "We have some of the best applicants now that we've ever had, many from parts of the state that have no charters, but we have no charters to give them," Gulley says. "One of the unfortunate things about this experiment is that we have been somewhere between half-hearted and totally disingenuous in our support for charter schools. We've said we want them, but we've hampered them from getting the job done. We've given them no money for facilities, no use of bond funds, and nothing from fines and forfeitures or permanent license plates. What we've had in North Carolina is almost a fraud."

Kirk and Dornan are both convinced that charter schools are here to stay, but they lament what they see as an increasing polarization around the issue. "Both the School Boards Association and the Association of School Administrators were fairly sanguine about charters at the outset, not believing they'd be that big a deal," Dornan says. "But seeing how quickly we've reached the cap of 100 schools, those groups are now flat out against them. And the

"We are politically a classless society. Our citizenry as a whole is our ruling class. We should, therefore, be an educationally classless society. We should have a one-track system of schooling, not a system with two or more tracks, only one of which goes straight ahead while the others shunt the young off onto sidetracks, not headed toward the goals our society opens to all."

—MORTIMER ADLER, *THE PAIDEIA PROPOSAL*

Karen Tam

erican Renaissance Charter School

pressure they're putting on the legislature is fairly intense."

"It's getting to be more of a partisan issue in the legislature," Kirk says. "Except for Gulley, most of the Democrats seem to be against charters, while most of the Republicans are for them. I think we've got to get beyond that."

Sen. Hamilton Horton (R-Forsyth) agrees that the charter schools issue should not become mired in partisan rancor. "It's a bad thing to let education ever become partisan," says Horton. "I'm not sure that's happened in this case." Horton believes Democratic reluctance about charter schools is rooted in the influence of the North Carolina Association of Educators, which represents classroom teachers across North Carolina. "The Democrats are more beholden to the NCAE than the Republicans, and hence they feel an obligation to go along with their program." The NCAE, notes Horton, is "implacably opposed" to charter schools, as is its parent organization, the National Association of Educators, both viewing charter schools as a threat to traditional public schools.

Another Republican lawmaker, Rep. John Blust (R-Guilford), argues that the charter schools issue *has* become partisan. "It threatens the educational establishment," says Blust of the charter schools movement. "It shows another way to do things that is superior and less costly. That establishment is a core supporter of the Democratic party."

However, Sen. Walter Dalton (D-Rutherford), bristles at the notion that Democratic lawmakers will not vote against the NCAE where the best interests of children are at stake. He notes that without Democratic support, charter schools legislation never would have made it through the Democrat-dominated Senate. "I truly don't think it is a partisan issue," says Dalton. People are left to judge charter schools on whether they think they are a good idea or not. It was looked upon as 'Let's try this and see if we can find a way to improve public school performance.'"

Conclusions and Recommendations

Charter school advocates are clamoring for release from the 100-school cap and charter school foes are equally determined to hold the line or even reduce the authorized number of schools. Given the sometimes shrill nature of the debate, it is worthwhile to revisit the original language in the law that authorized charter schools in North Carolina to refocus the debate on the actual intent of the experiment. As outlined in the law, charter schools were intended to: (1) improve student learning; (2) increase learning opportunities for *all* students, with special emphasis on at-risk or gifted students; (3) encourage the use of different or innovative teaching methods; (4) create new professional opportunities for teachers, including "opportunities to be responsible for the learning program at the school site;" (5) provide expanded choice for parents and students within the public school system; and (6) hold charter schools accountable for student performance.[38]

A careful review of these goals for the experiment leads to an obvious conclusion; charter schools may have overpromised. However, given the available data, it is possible to reach some conclusions about the experiment so far. In terms of improving student learning, it is clear that some students have benefited, but overall performance is little better than the public schools, and in some individual schools it is worse. This is supported by the N.C. Charter School Evaluation Report, which offered three important conclusions that bear directly on this point: (1) charter students overall did not perform as well on state mandated testing as did students in the public schools; (2) non-white students performed worse than did white students in charter schools; (3) the findings held up and were even more pronounced when students from similar backgrounds were compared in what is known as a cohort study. However, the report's findings were rebutted in part by Otho Tucker of the N.C. Office of Charter Schools. Tucker's analysis showed that when the difficult first year is excluded, charter schools outperformed their traditional public school counterparts in terms of academic growth. It is worth remembering, though, that the first year of learning cannot simply be thrown out of the equation. Charter school students still were behind their non-charter peers when all three years were taken into account.

The second goal outlined in the original charter legislation, to increase learning opportunities for all students with a special emphasis on those at risk or academically gifted, is more difficult to assess. Charter school proponents argue that they are serving high numbers of at-risk students. In many cases, they clearly are doing so. Charters thus far have not been selecting based on whether a student is academically gifted, though some may slant their application process that way. One charter high school with a mission to teach college preparatory classes ran afoul of the law when it denied admission to a student who had not yet had Algebra II. As for increasing opportunities for *all* students, that is

impossible to do given the current number of charter schools.

Goal three, to encourage different or innovative teaching, is again problematic. Charter school teachers are trying many things that *sound* innovative. However, many of these same approaches—such as Paideia—have already been tried in the traditional public schools. The laboratory of innovation is one to which charter schools do not exclusively hold the keys, though their small size and, in some cases, unconventional nature allow them to try a few things that might not work on a larger scale.

Charter schools come off better in comparison to traditional public schools on goal number four, giving teachers new professional opportunities, including opportunities to be responsible for the learning program at a school site. Here, charter schools have clearly made strides, and in some cases, teachers are running the show outright.

As for goal five, providing parents and students with expanded choice, this can be judged at least a partial success. Where charters have been approved, they provide more choice, though 53 counties have no charter schools at all, and many others have very limited opportunity because of the small number of seats available in most charter schools. As for whether the threat of a charter has prompted school systems to offer additional choices and opportunities for students, this is likely true in some instances but difficult to evaluate. In Wake County, for example, Partnership Primary is set up like a charter school in terms of class size, and it is managed by teachers, but the school is operated fully under the auspices of the Wake County Public Schools as a magnet school and does not hold a charter. It is difficult to determine where charter schools may have influenced other school choice decisions.

Finally, goal six involves holding charter schools accountable on performance-based tests. Charter schools *are* being held accountable, and those that don't perform can lose their charters. Charter schools have made large gains on state writing test scores, although they are still below the state average as a group. For the 2000–2001 school year, six of the 10 worst performers overall on end-of-grade tests were charters, as were two of the 10 best performers. Charter schools have made progress each year since their inception, with fewer low performing schools, though as a group they still are not performing as well on end-of-grade tests as the traditional public schools.

Thus, charter schools in North Carolina have met about half the goals set out for them in authorizing legislation. Is this sufficient grounds for continuing the experiment? For expansion? The Center believes the answer is yes to the former and no to the latter.

Three key issues prevent the Center from endorsing an expansion of the charter school experiment in North Carolina. The first is academic performance. Though many charter schools perform admirably, there is a shadow over charter school performance as a whole. This is particularly the case for African-American students, and charter schools serve higher percentages of African-American students than do traditional public school students.

The second major concern is racial diversity, particularly with regard to all black schools. While some discontent with the public schools in how they educate African-American students is understandable, the solution should not be segregated schools. The North Carolina Charter School Evaluation Report found 20 charter schools to be out of balance in terms of numbers of non-white students in 2000, *with seven of these schools enrolling no white students*. While some public schools have become largely resegregated, the charter schools do worse proportionally. At the other extreme, the report found eight charter schools enrolling too few non-white students compared to the school district in which they were located.

A third concern is fiscal management, though the Center believes there is improvement and that improved planning and a one year wait from charter approval to opening can provide for further advances in this area. A total of 15 charter schools have lost their charters or voluntarily given them up since 1997–1998, eight of them at least in part because of fiscal management problems. Most recently, a state examination found financial and managerial issues at two Durham charter schools, Success Academy and Turning Point Academy. Among the issues uncovered in a spring 2002 audit are questionable hiring practices and payments to relatives and board members and payment of above-market rent to a church the operators of the school also ran.[37] Attorneys representing the two schools attribute the problems to errors of judgment and bookkeeping—not any malicious intent. Meanwhile, DPI decided to deny these charter schools direct access to their money until the issues were resolved.

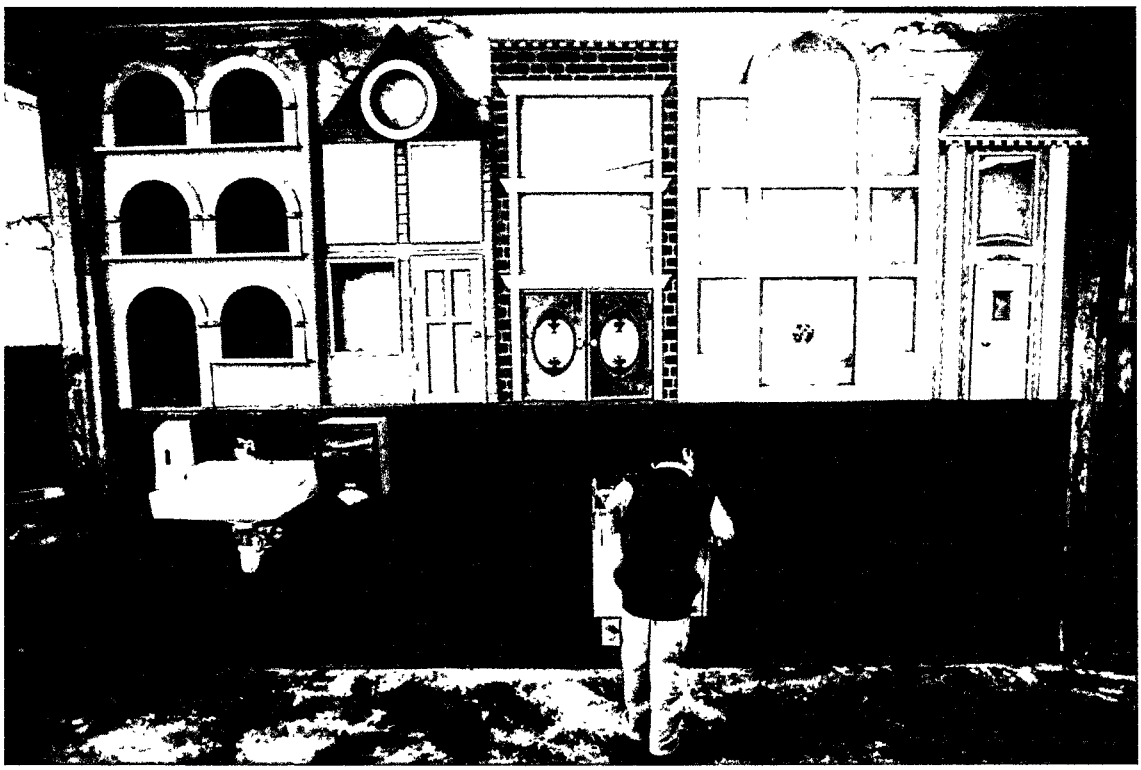
A further concern is that the Center believes an educational experiment should have at least five full years to prove its worth. Although the first charter schools opened in 1997–98, the state currently has evaluated only three years of test data. Understandably, many charters are beset with difficulty during the first year of operation as they confront the many hurdles that come with starting a school from scratch. Thus, the first year of performance data is somewhat suspect. Although the charter movement has promise, the Center believes at least two more years of performance data are necessary before the state can truly judge the success or failure of the experiment.

Given the above, the Center offers the following **recommendations**:

1. **The N.C. General Assembly should retain the current cap of 100 charter schools until it has in hand five years of data that can clearly prove the worth of this experiment.** Advocates argue aggressively for expansion, but a number of schools have had their charters revoked or voluntarily turn them in every year. This should provide some room to allow the very best of the applications to go forward while existing schools work to prove themselves in terms of academic achievement. Although charter schools are public schools, much of the rhetoric that fuels the movement is at least anti-traditional public schools if not anti-public schools period. The criticism often concerns mediocre academic performance. But this is a two-edged sword. The state should not reward the charter schools movement with more schools until it sees more evidence of excellence and less of mediocrity in the charter schools movement generally.

2. **The State Board of Education should not grant any more charters for schools that target a narrow ethnic or racial population.** The charter schools movement should not be about resegregating the public schools any more than they already are. Charter schools have not shown that they can educate racial minorities any better than the public schools—if as well. Even if they could, that might not be sufficient grounds for intentionally allowing more schools that are set up to serve 100 percent of any racial or ethnic group.

3. **The General Assembly should implement financial reforms to require that charter schools spend one year planning and getting their financial house in order before opening to students; the charter period should begin when the school actually opens.** While this year of initial planning may create difficulties, opening a charter school should not be an impulsive decision. The futures of too many students are at risk. The Center believes the State Board of Education's recommendation



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that charter schools—once awarded a charter—be required to wait a full year before opening is a wise one. The Board may need to award small planning grants to make this feasible, but no one should leap into the operation of a charter school without taking a good look first. The operation of a school is too complex and the mission of educating children too precious to rush the process. Charter schools should not be penalized by the delay. They should receive the full five years when the school actually opens—not when the charter is granted.

4. **The 2005 General Assembly should consider whether to raise the cap on charter schools and, if so, by how much.** By 2005, the question of how well charter schools are educating students should have a clear and adequate answer. At that time, the General Assembly may decide to stand pat or raise the cap a little or a lot, depending on charter school performance.

Meanwhile, the surrender and revocation of some existing charters should allow for the awarding of a few more charters to superior applicants by the State Board of Education. Preference should be given to counties that currently do not have any charter schools and to those that seek to serve all students, rather than a particular race or class or the academic elite. It may be that some of the lesser charter schools can be weeded out as the competition for scarce slots intensifies. If by 2005 the charter school movement has proved itself to be clearly superior to the traditional public schools in terms of academic performance and has addressed concerns around racial diversity and fiscal management, the General Assembly could consider expansion. That would give more students access to the experiment and spur the competition that some in the charter schools movement so diligently seek.

FOOTNOTES

[1] George W. Noblit and Dickson Corbett, *North Carolina Charter School Evaluation Report*, prepared under contract for the N.C. Department of Public Instruction, Raleigh, N.C., November 2001, p. I–4. Noblit is a professor in the School of Education at the University of North Carolina at Chapel Hill, while Corbett is an independent education researcher.

[2] *Ibid.*

[3] Senate Bill 867, sponsored by Sen. Wib Gulley (D-Durham), would raise the cap to 135 schools, while bills by Sen. Hamilton Horton (R-Forsyth) and Representatives John Blust (R-Guilford), Leo Daughtry (R-Johnston), and Fern Shubert (R-Union) all would eliminate the cap (S.B. 23 and House Bills 25, 29, and 26).

[4] David Pierpont Gardner, *et al., A Nation At Risk: The Imperative for Educational Reform*, National Commission on Excellence in Education, prepared for the U.S. Department of Education, Washington, D.C., April 1983, p. 1.

[5] For more on public school reform efforts in North Carolina since the publication of *A Nation at Risk*, see S.D. Williams and

Charter School Resources

North Carolina Resources

North Carolina Department of Public Instruction
Office of Charter Schools
Otho Tucker, Director
301 N. Wilmington St.
Raleigh, NC 27601
919-807-3490
email: *otucker@dpi.state.nc.us*

North Carolina Association of Charter Schools
Sadie Jordan, President
c/o Village Charter School
PO Box 16188 • 630 Weaver Dairy Road
Chapel Hill NC 27514
email: *vcs@bellsouth.net*

The League of Charter Schools
Roger Gerber, President
200 Stags Trail
Chapel Hill NC 27516
919-967-1029
www.charterleague.org
email: *rgerber@bellsouth.net*

North Carolina Education Reform Foundation
Vernon Robinson, President
PO Box 272
Winston Salem NC 27102
336-768-3567
email: *vrobinso@gte.net*

North Carolina Center for Nonprofits
1110 Navaho Drive, Ste. 200
Raleigh NC 27609-7322
919-790-1555
www.ncnonprofits.org
email: *info@ncnonprofits.org*

Public Impact
Bryan C. Hassel, President
423 Hermitage Court
Charlotte, NC 28207
phone 704-370-0357
fax 704-333-8978
web http://publicimpact.com

Self Help Community Facilities Fund
Evan Fuguet
Charter School Loan Officer
301 W. Main Street
Durham, NC 27701
919-956-4000
evan@self-help.org

National Resources

United States Department of Education
www.uscharterschools.org

Charter Friends National Network
1295 Bandana Boulevard, Suite 165
St. Paul, MN 55108
651-644-6115
www.charterfriends.org
email: *info@charterfriends.org*

National Association of Charter School Authorizers
3901 Connecticut Avenue, NW • Suite 308
Washington, DC 20008-6404
202-363-8434
www.charterauthorizers.org
email: *info@charterauthorizers.org*

National Charter School Clearinghouse
7532 W. Indian School Road, Suite B
Phoenix, Arizona 85033
623-846-2530
www.ncsc.info
email: *fir@aibt.edu*

Charter School Law
www.charterschoolaw.com

The National Charter Schools Development & Performance Institute
Central Michigan University
2520 S. University Park Drive • Suite Box 11
Mt. Pleasant, MI 48858-4464
989-774-2999
www.nationalcharterschools.org/charter.nsf
email: *charter@cmich.edu*

Center for Education Reform
1001 Connecticut Avenue NW • Suite 204
Washington, DC 20036
202-822-9000
www.edreform.com
email: *cer@edreform.com*

American Academy for Liberal Education-Charter School Accreditation
1700 K St. NW • Suite 901
Washington, DC 20006
202-452-8611
www.aale.org/charters/index.htm
email: *charters@aale.org*

Joanne Scharer, "Random Acts of Public School Reform: Will New Elections and Budgets Put Off Current Reform Efforts Again?" *North Carolina Insight*, Vol. 19, No. 1–2, October 2000, pp. 58–107.

[6] For more on the school choice movement in North Carolina, see Tom Mather, "School Choice: A Simple Term Covers a Range of Options," *North Carolina Insight*, Vol. 16, No. 2, September 1995, pp. 2–50. Mather's overview introduces a broad discussion of the topic covering everything from choice options within the traditional public schools to vouchers that allow students to attend private school at public expense. Charter schools are discussed on pp. 15–17.

[7] *The Charter Schools Initiative, Background and History,* N.C. Department of Public Instruction, Raleigh, N.C., 2001, p. 1. Web site *www.ncpublicschools.org/chapter_schools/background.html.*

[8] North Carolina General Statute 115C-238.29

[9] For more on the dilemma of nonprofits that receive state funding, see Ran Coble, "State Funding for Most Nonprofits Small, Unpredictable," *North Carolina Insight*, Vol. 16, No. 4, November 1996, pp. 86–88.

[10] Noblit and Corbett, note 1 above, p. II–14.

[11] N.C.G.S. 115C-238.29B

[12] N.C.G.S. 115C-238.29F(e)(4)

[13] *CER Ranks the Charter School Laws,* news alert from The Center for Educational Reform, Washington, D.C., April, 30, 2001. Web site *www.edreform.com/press/2001/ranking.html.*

[14] Letter from Thomas J. Ziko, Special Deputy Attorney General, to Thomas Griffin, Esq., April 15, 1998. See Legal Resources Advisory Opinion Index—1998, #361.

[15] The two suits mentioned are *Francine Delaney New School vs. the Asheville City Board of Education* and *Corporation for Effective Schooling vs. the Durham County Public Schools.* The Francine Delaney suit seeks the school's share of a special property tax assessment collected by the Asheville City Schools district. This is an additional supplement that the city district collects but does not share with the charter school within the district's boundaries. The suit also seeks any fines and forfeitures due the charter school. Francine Delaney New School prevailed in Buncombe County Superior Court, and the ruling has been upheld by the N.C. Court of Appeals. Meanwhile, more than $250,000 has accumulated in an escrow account ordered established by the lower court. The Durham County case is on hold pending the outcome of the Asheville case, says Philip Adkins, who represents the Corporation for Effective Schooling in Durham County.

[16] "Overcoming The Facilities Barrier: Self-Help Fund Offers Charter Public Schools Options," *Self Help News*, newsletter of the Self-Help Credit Union, Durham, N.C., Winter 2001, p. 1.

[17] Statutory authority for the 12.5 percent cap is N.C.G.S. 115C-110. For more on this and related issues, see John Manuel, "Special Education in North Carolina, Rough Waters Ahead?" *North Carolina Insight*, Vol. 17, No. 4/Vol. 18, No. 1, November 1998, pp. 10–44. This article appears in a theme issue of *North Carolina Insight* devoted to children with special needs in North Carolina.

[18] N.C.G.S. 115C-238.29F(2),(3)

[19] For more on the state ABCs program, see S.D. Williams and Joanne Scharer, "Random Acts of Public School Reform: Will New Elections and Budgets Undo Current Reform Efforts Again?" *North Carolina Insight*, Vol. 19, Nos. 1–2, October 2000, pp. 58–107. See especially pp. 84–97.

[20] *A Report Card for the ABCs of Public Education, Volume I: 1999–2000 Growth and Performance of Public Schools in North Carolina, Charter Schools,* N.C. Department of Public Instruction, Raleigh, N.C., 2001 at *www.ncpublicschools.org/abcs/*

[21] *A Report Card for the ABCs of Public Education, Volume I: 2000–2001 Growth and Performance of Public Schools in North Carolina,* N.C. Department of Public Instruction, Raleigh, N.C., 2001, at *www.ncpublicschools.org/abcs/*

[22] N.C.G.S. 115C-238.29F(g)(5)

[23] Noblit and Corbett, note 1 above, p. IV–6

[24] Web site *www.ncpublicschools.org/reportstats. html.*

[25] According to the analysis by the Office of Charter Schools, for the 1997–98 school year, the charter cohort had an expected growth scale score of –5.0 and an exemplary growth scale score of –7.8, compared to an expected growth scale score of 3.8 and an exemplary growth scale score of 1.0 for the non-charter cohort. In 1998–99 (year two), the charter and non-charter cohort each made expected and exemplary growth. However, the charter cohort exceeded its growth expectations to a greater degree than did the non-charter cohort. In 1999–2000 (year three), the expected growth scale score for the charter cohort was 2.7 compared to an 0.2 scale score for non-charters. The exemplary growth scale score was 0.3 for charters, while non-charters scored a –2.2, meaning the non-charter cohort did not make exemplary growth while the charter cohort did. Thus, excepting year one, the charter students made greater gains each year. However, their total growth at the end of the three-year period still lagged the non-charter public school students.

[26] Data from N.C. Department of Public Instruction, Division of School Business.

[27] Harold Wenglinksy, *The Effect of Class Size on Achievement: What the Research Says,* policy information memorandum, Research Policy Information Center, Educational Testing Service, Princeton, New Jersey, Jan. 7, 2002, pp. 1–3, at *www.ets.org/research/pic/memorandum.html.* The Policy Information Center's research is published in Wenglinsky, *When Money Matters: How Educational Expenditures Improve Student Performance and How They Don't,* Policy Information Perspective, Policy Information Center, Educational Testing Service, Princeton, N.J., April 1997.

[28] Eric Hanushek, *The Evidence on Class Size*, 1998. *www.edexcellence.net/library/sunhanu.html.*

[29] See John Manuel, "13 Ways of Looking at a State Lottery," *North Carolina Insight*, Vol. 19, No. 1–2, October 2000, pp. 2–57, for a thorough analysis of the positives and negatives of state lotteries.

[30] James E. Woolard *et al., Teacher Certification: Out-of-Field Teaching in Grades 7–12 in North Carolina*, N.C. Center for Public Policy Research, Raleigh, N.C., November 1982, p. vi.

[31] Michael Podgursky and Dale Ballou, *Personnel Policy in Charter Schools,* Thomas B. Fordham Foundation, Washington, D.C., August 2001. Web site *www.edexcellence.net/library/personnel_policy/index.html.*

[32] "Charter School Teacher Survey Reveals High Level of Teacher Satisfaction," news release by the League of Charter Schools, Chapel Hill, N.C., April 4, 2000, p. 1. The release is based on a survey by Insight Research, a Greensboro customer and employee research organization. The survey drew responses from 168 charter school teachers.

[33] Individuals with Disabilities Education Act Amendments of 1997, Sec. 613(a)(5)(A); Sec. 613 e(1)B, 20 U.S.C. 413(a)(5).

[34] *Charter Schools and Students with Disabilities: A National Study,* Office of Educational Research and Improvement, U.S. Department of Education, Washington, D.C., 2000, pp. iii–iv.

[35] Tim Simmons, "Charter school's rules questioned," *The News & Observer*, Raleigh, N.C., July 10, 2001, p. 1A.

[36] N.C.G.S. 115C-238.29I(c).

[37] Jonathan Goldstein, "Flaws found at 2 Durham charter schools," *The News & Observer*, Raleigh, N.C., April 18, 2002, p. 5B.

[38] N.C.G.S. 115C-238.29A


SPARC Academy

Public Support for Public Education: Is It Eroding?

by Joanne Scharer

Karen Tam

Executive Summary

How stands the public behind public schools? Does rapidly increasing enrollment in private schools, home schools, and non-traditional public schools called charter schools indicate a decline in public support for public education—or are these alternatives simply serving a segment of the student population with different needs than those who attend traditional public schools?

The Center examines enrollment trends, polling data, and local bond votes to provide insight on these questions. A look at a decade's worth of data (1990–1991 through 2000–2001) indicates that enrollment in alternatives to public schools clearly is on the rise. The number of students in private schools has increased by 68.2 percent over the course of the decade. Home school enrollment has mushroomed by 720 percent—from 4,127 students in 1990–1991 to 33,860 in 2000–2001, though it must be pointed out that home schools were not formally recognized by the state before 1988, meaning these schools started from a very low base. Charter schools, non-traditional but still taxpayer-financed and open to the public, have grown by leaps and bounds since the first schools opened their doors in 1997. Meanwhile, the traditional public schools—which serve the vast majority of North Carolina's school-age children—continued to plug along, expanding their enrollment by 19.1 percent between 1990–1991 and 2000–2001 and averaging roughly 1.76 percent mean annual growth in enrollment per year over the course of the decade. The state's school-age population (ages 5–17) increased from 1,146,543 in 1990 to 1,424,538 in 2000—or 24.2 percent. The state's overall population grew by 23 percent over the same time period to 8,049,313 residents, according to the U.S. Bureau of the Census.

Polling data continues to show support for the public schools in North Carolina. Indeed, that support has grown stronger during the past nine years as measured by a poll conducted by the Gallup Organization and subsequent telephone surveys by the University of North Carolina at Chapel Hill's Carolina Poll. In the 1993 Gallup poll, 8 percent of respondents in

North Carolina gave the schools in their communities an "A," while 34 percent gave them a "B," and 36 percent a "C." The remaining 22 percent awarded a "D," an "F," or did not answer the question. According to the spring 1997 Carolina Poll, 38 percent of North Carolina residents felt that the education children receive in North Carolina public schools is good, 30.3 percent rated it fair, and 19.3 percent said it was poor. Only 8.5 percent gave it an excellent rating. In a similar poll conducted later that year (fall 1997) North Carolinians gave public schools in their communities slightly above average or average rankings with 14.9 percent awarding an "A," 34.4 percent giving a "B" grade, and 25 percent a "C." Of those who gave the schools below-average marks, 7.0 percent gave them a "D" and 4.6 percent an "F." An additional 14.0 percent answered don't know or declined to answer the question. The nine-year trend shows that the percentage of North Carolinians recording A's and B's in their report card for the state's public schools increased from 42 percent in 1993 to 49.3 percent in 1997 to 52.3 in 2000 and further improved to 57.8 percent in 2001.

Support for the public schools also is indicated by favorable votes for local bond referenda. Again, the news is positive for the public schools. According to the State Treasurer's office, there were 91 public school bond referenda from 1991–2001 totaling $6.6 billion in bonds for capital improvements. Of those 91 referenda, 74 percent (67 bond issues totaling about $4.7 billion) were approved by the voters. Totaling up actual yes and no votes over the decade, 61 percent of voters have cast their ballots in favor of bond referenda, while 39 percent have voted no. Thus, the public generally has said "yes" to bond votes involving the schools.

These three measures: (1) steady enrollment growth, (2) increasing support in public opinion polls, and (3) favorable outcomes in roughly three out of every four bond votes for public school construction, suggest that the public's support for public education remains resilient, despite the fusillades of critics.

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Enrollment continues its upward march in private schools, home schools, and charter schools. Is there erosion of public support for public education? Are students and parents voting with their feet in favor of alternatives to public schools, or are they simply choosing from a broader array of options, with the nontraditional alternatives serving a sort of niche market—a small minority of students who have needs the public schools do not adequately meet?

To address these questions, the Center chose three broad areas to examine: (1) trends in enrollment in traditional public schools, charter schools, home schools, and private schools; (2) support for public education as measured through public opinion polls; and (3) support for public education as measured by yes or no votes in local school bond referenda. If enrollment in the public schools continues to grow, if support remains steady or increases in public opinion polls, and if local school bonds pass most of the time, one can assume that support for the public schools remains healthy. A sustained decline in any of the areas, however, could mean public support for the public schools is eroding.

Joanne Scharer is a public policy consultant residing in Durham, N.C, and a frequent contributor to Insight.

Public School Enrollment

A look at public school enrollment over the last decade shows that enrollment grew by 19.1 percent from 1990–91 to 2000–2001 school year (see Table 1, p. 70).[1] That growth represents a mean annual rate of 1.76 percent per year, but still falls short of North Carolina's burgeoning growth in the number of school-age children, which stood at 24.2 percent for the decade. The potential kindergarten population (age 5) increased by roughly 20,000 (22.7 percent) from 1990–1991 to 2000–2001.[2] During the same time period, the elementary school age population (ages 6–13) grew by 28.3 percent (198,260)[3] while the high school age (ages 14–17) growth rate was slower at only 14.3 percent (59,718).[4] Overall, the state's school age population (ages 5–17) increased from 1,146,543 in 1990 to 1,424,538 in 2000—or 24.2 percent.[5] The state's overall population grew by 23 percent over the same time period to 8,049,313 residents, according to the U.S. Bureau of the Census.

But if growth in the school-age population exceeded growth in public school enrollment, there was more than enough public school enrollment growth to place a stress on the abilities of local governments across North Carolina to provide adequate

classroom space. Continued population growth in the state promises to place increasing demands on the state's public school system, though perhaps not as much as in the 1990s. The dropoff in the level of growth is expected because the children of the baby boomers—known to demographers as the "baby-boom echo" will have passed through the public schools, leaving enrollment growth at more manageable levels. The potential public school population (ages 5 through 17) is expected to increase by 13.8 percent over the next decade (by 2010) and 15.2 percent over the next two decades,[6] reaching 1.64 million by the year 2020.[7] The projected potential kindergarten population growth (age 5) is 14.3 percent over the next decade and 28.9 percent during the next two decades.[8] During the same time period, the elementary school-age population (ages 6–13) is estimated to grow by 12.8 percent through 2010 and increase by 23.3 percent by 2020, reaching nearly 1.1 million.[9] Unlike the last decade, the high school age population (ages 14–17) will increase by a little more than the younger groups as today's elementary students progress, growing 18.4 percent by 2010 and by 30.6 percent (127,598) through 2020.[10]

Private Schools

The greatest repository for school-age children who do not enroll in the traditional public schools is the traditional private school—whether religious or secular. While private schools sometimes are seen only as a haven for the privileged, that really is not the case. Indeed, private schools have a longer history in North Carolina than do the public schools—some with high tuition (in excess of $6,000 per year) and some relatively affordable (in the range of $2,500 annually). Private school enrollment has grown faster than public school enrollment over the past decade (see Table 2, p. 71), but

Table 1. Public School Enrollment in N.C., 1990–91 to 2000–01

School Year	Total Students	% Increase
1990–91	1,121,098	–
1991–92	1,131,600	0.9%
1992–93	1,146,657	1.3%
1993–94	1,165,248	1.6%
1994–95	1,191,835	2.3%
1995–96	1,219,890	2.4%
1996–97	1,247,144	2.2%
1997–98	1,274,949	2.2%
Public	*1,270,325*	–
Charter	*4,624*	–
1998–99	1,295,780	1.6%
Public	*1,287,252*	*1.3%*
Charter	*8,528*	*84.4%*
1999–00	1,316,073	1.6%
Public	*1,303,751*	*1.3%*
Charter	*12,322*	*44.5%*
2000–01	1,335,733	1.5%
Public	*1,319,850*	*1.2%*
Charter	*15,883*	*28.9%*

Source: N.C. Department of Public Instruction

Table 2. Private School Enrollment in N.C., 1990–91 to 2000–01

School Year	Total Students *	% Increase	Total Schools**	% Increase
1990–1991	53,372	–	463	–
Independent	*17,157*	–	*132*	
Religious	*36,215*	–	*331*	
1991–1992	54,186	1.5%	471	1.7%
Independent	*17,547*	*2.3%*	*142*	
Religious	*36,639*	*1.2%*	*329*	
1992–1993	58,024	7.1%	484	2.8%
Independent	*18,528*	*5.6%*	*147*	
Religious	*39,496*	*7.8%*	*337*	
1993–1994	62,300	7.4%	504	4.1%
Independent	*19,550*	*5.5%*	*153*	
Religious	*42,750*	*8.2%*	*351*	
1994–1995	68,097	9.3%	518	2.8%
Independent	*20,888*	*6.8%*	*150*	
Religious	*47,209*	*10.4%*	*368*	
1995–1996	71,599	5.1%	545	5.2%
Independent	*22,110*	*5.9%*	*169*	
Religious	*49,489*	*4.8%*	*376*	
1996–1997	77,647	8.4%	568	4.2%
Independent	*23,402*	*5.8%*	*164*	
Religious	*54,245*	*9.6%*	*404*	
1997–1998	82,001	5.6%	592	4.2%
Independent	*24,642*	*5.3%*	*176*	
Religious	*57,359*	*5.7%*	*416*	
1998–1999	84,384	2.9%	626	5.7%
Independent	*25,162*	*2.1%*	*193*	
Religious	*59,222*	*3.2%*	*433*	
1999–2000	87,406	3.6%	644	2.9%
Independent	*26,238*	*4.3%*	*187*	
Religious	*61,168*	*3.3%*	*457*	
2000–2001	89,789	2.7%	656	1.9%
Independent	*26,749*	*1.9%*	*184*	
Religious	*63,040*	*3.1%*	*472*	

* These figures do not include special school or home school data.

** These figures include special school but not home school data.

Source: N.C. Division of Non-Public Education at *www.doa.state.nc.us/dnpe/hhh500.htm* and *www.doa.state.nc.us/dnpe/hhh501.htm*

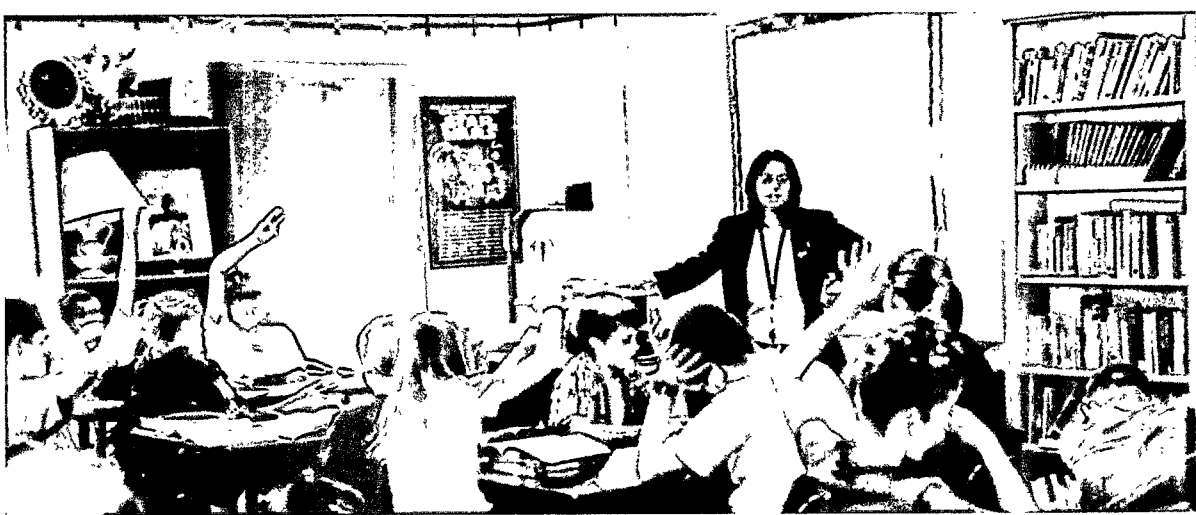
private schools start from a smaller base number of students, so it is easier to register a large percentage increase. All told, the number of students in private schools has increased by 68.2 percent over the course of the decade, from 53,372 students in 1990–91 to 89,789 students in 2000. The number of schools has increased by 41.7 percent, going from 463 in 1990–91 to 656 in 2000–2001, meaning schools have grown more numerous but also serve slightly more students per school. This increase in private school enrollment is nothing new. Over the last four decades, private school enrollment and the number of private schools has risen fairly steadily (see Figures 1 and 2, p. 73).[11]

Cost may be an issue that prevents private school enrollment from growing any faster. A 1993 national poll put the question directly: "If cost were not a factor, where would you prefer to send a child of yours: to a public school or a private school or parochial school?" Fifty-five percent of respondents chose private or parochial school, while 44 percent chose the public schools, with 1 percent registering no opinion.[12]

Should the public schools feel threatened? Maybe, maybe not, but many private schools are serving a market niche that the public schools often cannot serve due to constitutional provisions separating church and state. One of the main reasons parents choose to send their children to private schools rather than public is for the benefit of a moral or religiously rooted education. In fact, most (72 percent) of the state's K–12 private schools are religious in nature.[13]

Parents may choose to send a child to a private school for a host of reasons, some of them rooted more in the needs and performance of a particular child than any disdain for public education. "[A child] really has to be able to make their way in public schools," noted one parent interviewed for this article who has had children in both public and private schools in North Carolina. "Only really good students get attention in public schools."

Independent schools are distinct from other private schools in that they are primarily supported by tuition, charitable contributions, and endowment income rather than by church funds. Cathy



Karen Tam

"It is our American habit if we find the foundations of our educational structure unsatisfactory to add another story or wing. We find it easier to add a new study or course or kind of school than to recognize existing conditions so as to meet the need."

—JOHN DEWEY

Figure 1.
Private School Enrollment in N.C., 1961–2001

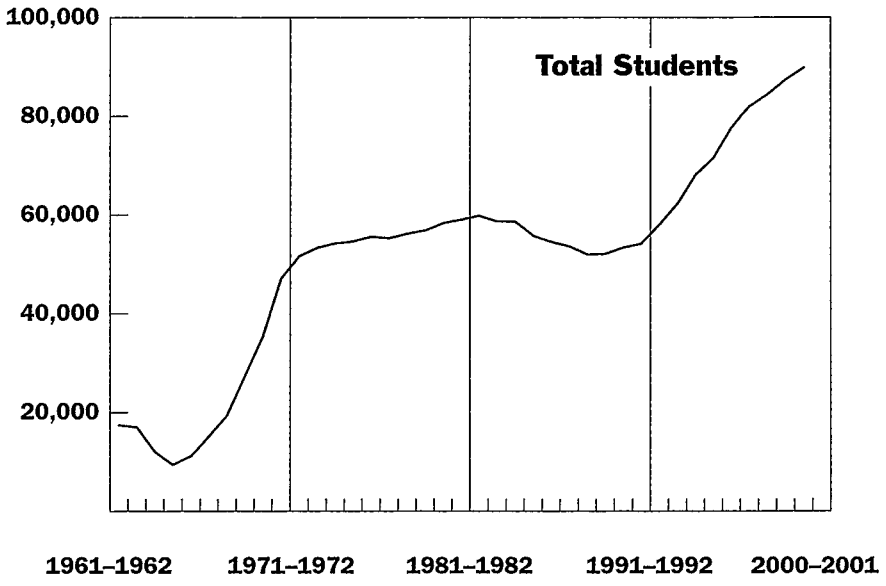
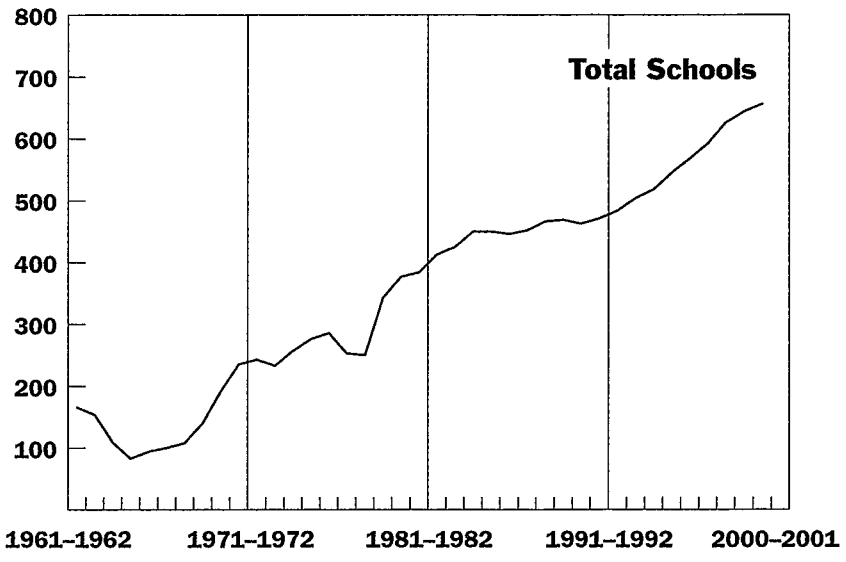


Figure 2.
Number of Private Schools in North Carolina, 1961–2001



Ten Reasons for Home Schooling

Percentage of Home Schooled Students Whose Parents Gave Each Reason, 1999

■ Can give child a better education at home	48.9%
■ Religious reasons	39.4
■ Poor learning environment at school	25.6
■ Family reasons	16.8
■ To develop character/morality	15.1
■ Object to what school teaches	12.1
■ School does not challenge child	11.6
■ Other problems with available schools	11.5
■ Student behavior problems at school	9.0
■ Child has special needs/disability	8.2

Note: Percentages do not add up to 100 because parents could give more than one response. Reasons included above are those cited by 5 percent or more of respondents.

Source: U.S. Department of Education, National Center for Education Statistics, Parent Survey of the National Household Education Surveys Program, 1999 (Parent-NHES:1999) On the Internet at *http://nces.ed.gov/pubs2002/quarterly/fall/q3-2.asp*

Levinson is executive director of the North Carolina Association of Independent Schools. Though a firm believer in independent schools, Levinson observes that "choosing an independent school isn't necessarily a criticism of public education."

A national poll commissioned in 1999 by the National Association of Independent Schools found that compared to public schools, independent schools are seen as offering a more personalized, customized education in an environment that is civil and controlled. Small class sizes, individualized attention, values, manners, and discipline are particular factors describing perceived differences between public and independent schools.[14] "Independent schools provide parents and students with choices in education and alternatives to what public education can offer," Levinson says. "Independent schools may meet specific needs that public schools can't."

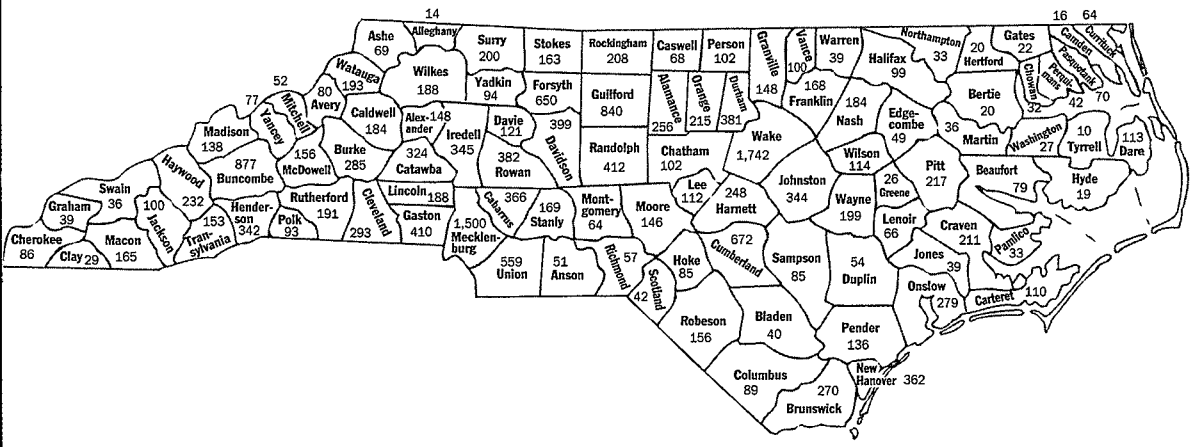
Home Schools

The term "home school" is fairly self-explanatory but the official definition according to state statutes is "a non-public school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or a member of either household."[15] While home schools also pre-date public schools in the state, it was not until the 1988 legislative session that the North Carolina General Assembly amended the General Statutes to allow home instruction, under certain conditions, as a means of complying with compulsory school attendance requirements.[17] The legislature's hand was forced by a 1985 N.C. Supreme Court ruling in *Delconte v. State of North Carolina* that parents had a right to home school their children as long as the school met certain legal requirements for a private school.[16]

Home school enrollment in North Carolina has increased seven-fold (720 percent) over the last decade—from 4,127 students in 1990–1991 to 33,860 students in 2000–2001, and the number of home schools has increased at about the same rate (711 percent), growing from 2,479 schools to 20,113.[18] The Division of Non-Public Education in the N.C. Department of Administration estimates the average number of students per school at 1.7 students. However, actual home school enrollment may be larger than the state estimates, because the state does not require parents to register unless a child is at least 7 years old.[19] As of 2000–2001, the number of students officially enrolled in home schools stood at 33,860 (see Table 3, p. 75).

Rod Helder, Director of the North Carolina Division of Non-Public Education says there are "an infinite number of reasons" why families choose to home school their children. Marji McIlvaine, who has home schooled her six children for 13 years—the eldest of which is now a college freshman—puts it this way: "The 'home school tent' is a large one. Even though the choice to educate at home is held in common, the method, reasons, and curriculum, vary widely," says McIlvaine. "There are so many different approaches, so many different families, so many different home schools. I suspect that for most of us who continue to educate at home, the strengths of home education become the main reason along the way, no matter how the choice to try home schooling began."

Figure 3.
Number of Home Schools in N.C. by County, 2000–2001



Source: N.C. Division of Non-Public Education at *http://www.doa.state.nc.us/dnpe/hhh201.htm* and *http://www.doa.state.nc.us/dnpe/hhh202.htm*

Table 3. Home School Enrollment in N.C., 1990–91 To 2000–01*

School Year	Total Students	Percent Increase	Total Schools	Percent Increase	Average Students Per School
1990–1991	4,127		2,479		1.7
1991–1992	5,556	34.6%	3,315	33.7%	1.7
1992–1993	6,947	25.0%	4,138	24.8%	1.7
1993–1994	8,927	28.5%	5,145	24.3%	1.7
1994–1995	11,222	25.7%	6,683	29.9%	1.7
1995–1996	13,801	23.0%	8,171	22.3%	1.7
1996–1997	15,785	14.4%	9,381	14.8%	1.7
1997–1998	18,415	16.7%	10,925	16.5%	1.7
1998–1999	21,500	16.8%	12,733	16.5%	1.7
1999–2000	27,978	30.1%	16,623	30.6%	1.7
2000–2001	33,860	21.0%	20,113	33.7%	1.7

* The total number of students is an approximation based on an estimate of 1.7 students per registered home school. Total number of schools is the actual number of home schools registered with the state.

Source: N.C. Division of Non-Public Education at *http://www.doa.state.nc.us/dnpe/hhh201.htm* and *http://www.doa.state.nc.us/dnpe/hhh202.htm*

To Open a Home School in North Carolina, Parents or Guardians Must:

- Send to the Division of Non-Public Education in the N.C. Department of Administration a notice of intent to operate a school. The notice must include the name or address of the school along with the name of the school's owner and chief administrator;
- Hold at least a high school diploma or its equivalent;
- Elect to operate under either Part I or Part II of Article 39 of the North Carolina General Statutes as a religious or a non-religious school;
- Hold at least a high school diploma or its equivalent;
- Operate the school on a regular schedule, excluding reasonable holidays and vacations, at least nine calendar months of the year;
- Maintain at the school disease immunization records and attendance records for each student;
- Have a nationally recognized standardized achievement test administered annually for each student. The test must involve the subject areas of English grammar, reading, spelling, and mathematics. Records of the test results must be retained at the school for at least one year and made available to the Division of Non-Public Education when requested;
- Notify the Division of Non-Public Education when the school is no longer in operation.

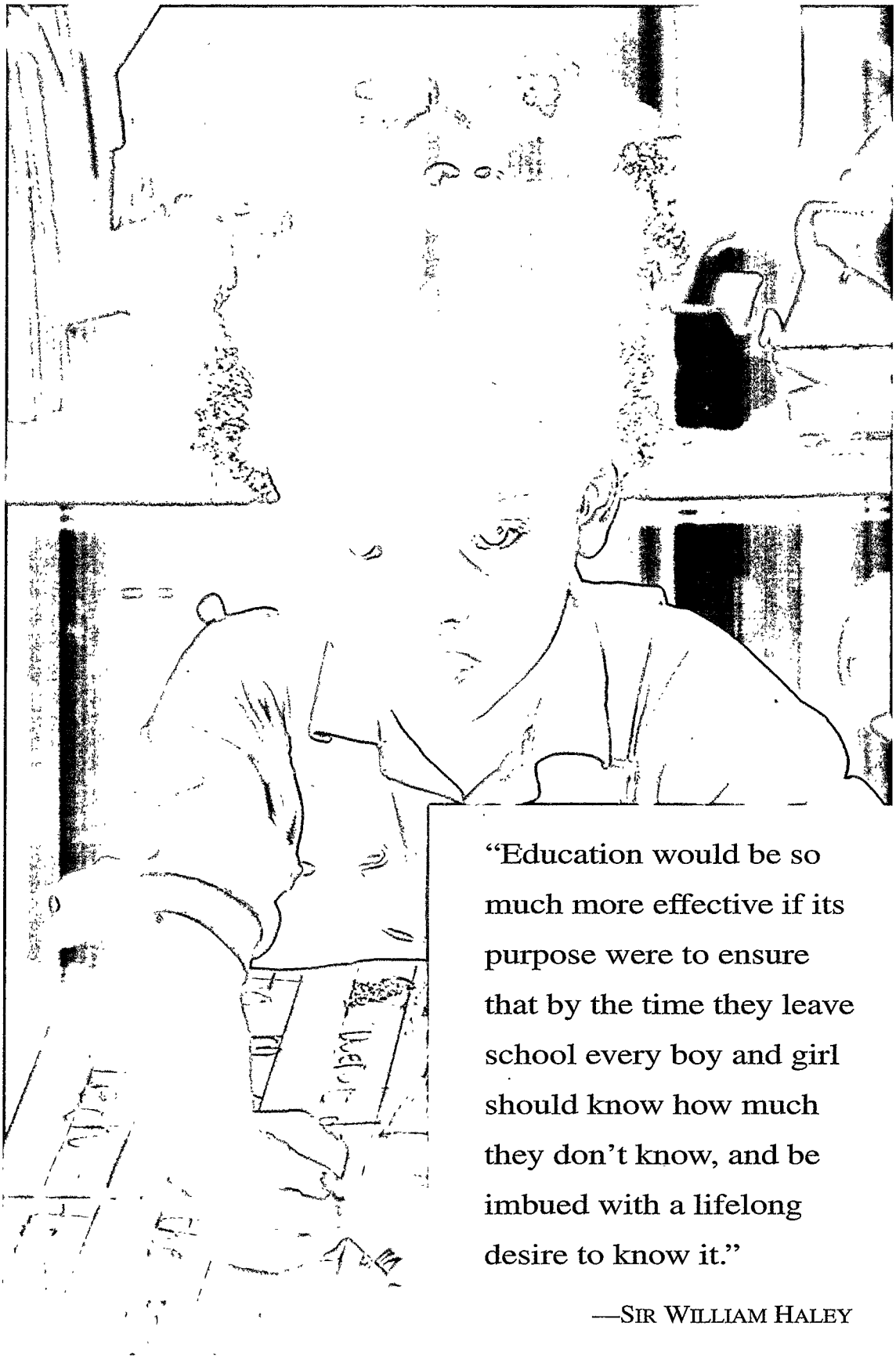
For more on home schooling requirements in North Carolina, contact:

N.C. Department of Administration
Division of Non-Public Education
Rod Helder, Director
1309 Mail Service Center
Raleigh, NC 27699-1309
(919) 733-4276
Web site: *www.ncdnpe.org*
or,

North Carolinians for Home Education
Jeff Townsend, President
419 N Boylan Avenue
Raleigh NC 27603-1211
(919) 834-6243
Fax (919) 834-6241
e-mail: *nche@mindspring.com*
Web site: *http://www.nche.com*

Source: Reprinted from the North Carolina Division of Non-Public Education Home School Information Packet. Available on the web at *www.doa.state.nc.us/dnpe/hhh103.htm*

Helder believes that the increase in home school enrollment is probably a result of children leaving both public *and* private schools. Still, Helder does speculate that a "good percentage are particularly coming out of public schools," largely leaving private schools to avoid tuition or choosing home school to begin with because there is no private school in the area. In addition, the fact that 70.2 percent of the home schools in the state identify themselves as religious in nature when registering with the state[20] suggests that home schooling families choose that option because of the lack of religious education in the public school curriculum. As is the case with private schools, the fact that students are leaving public schools to continue their education at home does not automatically imply a condemnation of public education. "There are many reasons people choose to home school their children," says Jeff Townsend, President of North Carolinians for Home Education. "Parents do not choose to teach their children at home as a show of criticism of public education. People primarily choose to



"Education would be so much more effective if its purpose were to ensure that by the time they leave school every boy and girl should know how much they don't know, and be imbued with a lifelong desire to know it."

—SIR WILLIAM HALEY

Karen Tam

"If home-schooled kids mess up, can they be expelled from the family?"

teach their children at home because it works. However, home schooling is not for everyone. It takes a tremendous amount of dedication and sacrifice to teach your child at home."

Some home school families, however, are clearly dissatisfied with the public schools. Such is the case for Wendy Pace, a home schooler of two who lives in Western North Carolina. "We tried public school in what is considered one of the best public schools around. We were so frustrated and disappointed," says Pace. "Our public schools have declined in a way that I can't imagine them recovering. As support declines and parents decide that they must take a stand (home school or private school), it is going to become harder for the public school system to survive. Therefore, I believe that the level of care that the students are getting will decline even more. It is so unfortunate that we have come to this, but for too many years we have forgotten all that is important—our children."

Charter Schools

Charter schools represent an interesting case because they truly are public schools, though nontraditional in the way they operate and select students. Charter schools are nonprofit corporations run by boards of directors that have significant autonomy in determining how the schools operate.[21] In 1996, the General Assembly passed legislation to allow for charter schools in North Carolina. The legislation set a cap of 100 charter schools, which was reached in February of 2002.[22] Some state leaders and policymakers would like to see that cap raised or even eliminated. Legislation introduced during the 2001 legislative session would have raised the cap from 100 to 135.[23] There were also bills during the session that would have eliminated the cap on charter schools entirely.[24]

While charter schools have increased flexibility and freedom from various public school policies, they are still considered public schools because they receive public funds—the same per-student funding from the state that traditional public schools receive (with the exception of money for school construction), and they are still subject to state rules regarding safety and health requirements, performance standards through state accountability testing of students, special education regulations, and open admissions.[25] Charter school enrollment has increased by 243 percent since the first schools opened their doors in North Carolina during the 1997–1998 school year. Since they start from a base of zero students, the impressive growth rate is somewhat misleading. Charters have now reached their statutory cap of 100 schools. Unless and until expansion occurs, the growth rate will inevitably tail off. As of 2000–2001, the number of students in charter schools stood at 15,883.

Since 1997, when charter school approvals began, a total of 23 charter schools have closed or failed to open either because they voluntarily relinquished their charter, or their charter was revoked.[26] Of the schools that closed, most did so for financial reasons. Organizational difficulties in starting a new school also play a strong role in charter school failure. However, most schools continue to thrive in terms of student demand, with some maintaining impressive waiting lists. Although some may see the push for charter schools as indicative of discontent with traditional public education, the phenomenon can be more accurately described as a push for a different kind of public education—one featuring smaller schools, fewer students per teacher, greater parental involvement, and the opportunity to try out new and different things in the classroom (See "The Charter Experience in North Carolina," pp. 2–64, for a thorough discussion and evaluation of the charter school movement in North Carolina).

Sadie Jordan, President of the North Carolina Association of Charter Schools and former principal at Village Charter School in Chapel Hill, believes that parents choosing to send their child to a charter school isn't necessarily an affront to the public school system but rather a choice for "a dif-

ferent environment that empowers change in the process used in educating their child." These parents "want their tax dollars to be used in the classroom educating their children," Jordan says. As to whether public support for the public schools is diminishing, Jordan contends that the public is withholding support for the current design of public education—not support for public education itself.

Jordan, while principal of Village Charter, was also affiliated with FREE (Financial Reform for Excellence in Education), the founder of Village Charter and five other charter schools in the Triangle. She believes that a key point in the public support debate is that North Carolinians want to know if the money spent on education is producing a good return on the investment. "Are we spending money effectively? What are we getting for our current financial commitment? How do we improve the bottom line?" asks Jordan.

Public Support

The notion of public support for public education spans a continuum ranging from funding (tax dollars) to active parental and community support. For some, supporting public education means spending more money. "The reason our educational system is poor and our children so often uneducated is that we do not wish to pay for quality education," says Bob Jacobson of Durham. "We'd rather complain about education while we shop at the mall," Jacobson adds.[27]

To others, support for public education is about encouragement, confidence, and parental and community involvement. The state's First in America effort, issued in 1999 by then-Governor James B. Hunt, challenged citizens of the state to commit to ambitious goals in education. "By the year 2010, North Carolina will build the best system of public schools of any state in America," said Hunt. "By the end of the first decade of the 21st century, we will be first in education."[28] The goal includes an objective of "Strong family, business, and community support" where "every family [is] involved in their child's learning" and "every community [is] involved in children's learning."[29] The inaugural First in America 2000 Report gave the state a "B-" in this category. In 2001, the state showed improvement earning a "B" for strong family, business, and community support.[30] *—continues on page 84*

Karen Tam

Public Education: It Only Seems Like It Has Always Been Among Us

Bright yellow-orange school buses snarling rush-hour traffic with their frequent stops to pick up or drop off children are a familiar sight across the state and nation. Indeed, the idea that children attend school every day—particularly schools paid for by state and local governments—is largely taken for granted. However, education, especially public education, has not always been a part of the lives of North Carolinians.

Before the American Revolution, the loosely formed colonial government in North Carolina took no responsibility for education.[1] The educational opportunities available resulted primarily from the efforts of religious leaders of the Anglican, Presbyterian, Quaker, and Moravian churches to educate the children of their congregations and from private tutors hired by a single family or several families.[2] Literate parents sometimes taught their children and others in the community. In the state's early larger cities like Edenton and New Bern, schools with several teachers were established. In fact, a state highway historical marker in Elizabeth City reads, "First School. Charles Griffin Taught In This County, the First Known School in North Carolina, 1705–1708." However, these schools were the exceptions rather than the rule.[3]

The first North Carolina State Constitution adopted in 1776 did include a provision for education that stated, "A School or Schools shall be established by the Legislature for the convenient Instruction of Youth." However, the framers of that constitution evidently did not foresee anything akin to public schools as they are known today. The legislature provided no money to support these schools, but did authorize private entrepreneurs to establish the schools, hire teachers, and fix fees for attendance.[4]

Public education in North Carolina as we know it today began to develop in 1817, when Archibald D. Murphey, a State Senator from Orange County, presented a plan to the General Assembly for the state to establish a public school fund to be managed by an elected State Board. Any county that would build two or more schools for teaching reading, writing, and arithmetic would be provided funds for paying the teachers' salaries. Although the General Assembly did not immediately implement Murphey's educational plan, it adopted part of the plan in 1825 by establishing the Literary Fund to subsidize public schools and appointing a Literary Board as the fund's manager. Although the Literary Fund was not large enough to have great impact at first, it was important because it represented the state's first dedication of funds for public school programs.

The movement toward establishing public schools in North Carolina ambled along for four decades until the state, through the State Constitution of 1868, mandated a general and uniform public school system. The Constitution stated, "The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools. . . ."[5] This provision is almost identical to Article 9, Section 2 in the state constitution today. Still, in spite of this constitutional requirement, the public school system did not become *general* until the turn of the century under Governor Charles B. Aycock, and a *uniform* system of public schools was not achieved until the Depression.[6] (see "Highlights of Public School Education in North Carolina" p. 81).

Since these first commitments to public education and the state's initial public school mandate, North Carolina has come a long way in efforts to educate its citizenry. The state now has 117 school systems covering all 100 counties.

—Joanne Scharer

FOOTNOTES

[1] William W. Peek, "History of Education in North Carolina," N.C. Department of Public Instruction, Raleigh, N.C., p. 3 at *www.dpi.state.nc.us/students/edhistory.html*

[2] William W. Peek, "History of Education in North Carolina," N.C. Department of Public Instruction, Raleigh, N.C., p. 3 at *www.dpi.state.nc.us/students/edhistory.html*

[3] William W. Peek, "History of Education in North Carolina," N.C. Department of Public Instruction, Raleigh, N.C., p. 3 at *www.dpi.state.nc.us/students/edhistory.html*

[4] William W. Peek, "History of Education in North Carolina," N.C. Department of Public Instruction, Raleigh, N.C., p. 3 at *www.dpi.state.nc.us/students/edhistory.html*

[5] N.C. Constitution of 1868, Article IX, Section 2.

[6] Calvin Criner, "Non-Public Schools in North Carolina," N.C. Division of Non-Public Education, Raleigh, N.C. at *www.doa.state.nc.us/dnpe/hhh138.htm*

Highlights of Public School Education in North Carolina

1776	First State Constitution adopted establishing the public school system.
1825	Literary Fund established by General Assembly to subsidize schools.
1835	State Constitution revised.
1839	First common school law enacted, establishing the principle of combined state and local funds for school support, and providing for the election of superintendents in each county to establish districts and appoint committees.
1840	First North Carolina public school established in Rockingham
1852	Office of Superintendent of Common Schools created.
	Calvin H. Wiley first to occupy position.
1868	New State Constitution adopted, authorizing the Office of State Superintendent of Public Instruction to replace the earlier abolished Office of Superintendent of Common Schools, and creating a State Board of Education.
1869	General Assembly added general school tax, a prescribed four-month school term, and education of blacks.
1901	Governor Charles B. Aycock' s influence increased the number of local tax districts, abolished 300 school districts by consolidation, and reorganized the old Literary Fund as a revolving loan fund for building schoolhouses.
1901–03	First direct state appropriation by the General Assembly of tax funds in support of public education.
1907	General Assembly authorized establishment of rural high schools
1913	Local bond issues for school construction authorized.
	First Compulsory Attendance Law passed.
1914	Money for support of vocational education in public schools including agriculture, trade, home economics, and teacher education, provided by Smith-Lever Act.
1917	Responsibility of certification of all teachers given to central State Board of Examiners. Smith-Hughes Act expanded vocational education.
1919–20	State-supported school term extended to six months.
1931	School Machinery Act passed.
1933–34	State-supported school term extended to eight months.
1935–36	State textbook rental plan established.
1937–38	Free textbooks provided for grades one through seven.
1941	Teachers and state employees retirement system established.

—continues

1942 Constitutional amendment provided for State Board of Education appointed by the Governor.

Twelfth grade added.

1943 State-supported school term extended to nine months.

School lunch program created.

1946–47 Compulsory attendance age extended from 14 to 16.

1947 General Assembly authorized State Board of Education to use public funds for special education programs.

1949 First state bond funds for public school construction.

State Board of Education establishes self-insurance program for school buildings.

1953 $50 million statewide bond issue for school construction passed.

1954 U.S. Supreme Court ruled against separation of races in public schools in *Brown vs. Board of Education of Topeka.*

1955 Pearsall Plan presented to General Assembly, resulting in transfer from State Board of Education to county and city boards, complete authority over enrollment, assignment of children in public schools, and buses.

1963 Governor's School, a summer program for gifted students, founded.

$100 million bond issue for school construction passed.

1964 National Civil Rights Act passed; discrimination in public education prohibited; Pearsall Plan declared unconstitutional

First state-funded experimental program, the Comprehensive School Improvement program (CSIP), implemented. Advancement School for students with learning difficulties established.

Learning Institute of North Carolina (LINC) created to provide research in education.

1967 General Assembly funded textbooks in all high schools.

1968 Report of Gov. Dan Moore's Study Commission on the Public School System of North Carolina.

1971 North Carolina Constitution revision removes Superintendent of Public Instruction from membership on State Board of Education and makes him chief executive officer of the Board.

Legislation established State Department of Public Education, consisting of Department of Public Instruction, Office of the Controller, and Department of Community Colleges.

1973 $300 million bond issue for school construction passed.

General Assembly provided funds for 10-month term for teachers, 12 months for principals.

Statewide experimental kindergarten approved by General Assembly.

1975 Primary Reading Program initiated.

1976–77 Full-day kindergarten made available to all children in the state.

1977 Statewide Testing Program, consisting of Annual Testing and Competency Testing Programs, established.

Chapter 927 of the Session Laws of 1977 (Creech Bill) established a multifaceted, comprehensive program of special education based on federal requirements included in Public Law 94-142.

1979 Non-public school responsibility removed from State Board of Education.

1980 North Carolina School of Science and Mathematics admitted its first students.

1984 North Carolina Commission on Education for Economic Growth issued report and recommendations that influenced reform efforts.

Legislature adopts pilot project to lengthen school day and school year. Project later dropped because of community opposition.

1985 Basic Education Program enacted by General Assembly for implementation.

North Carolina Career Development Program started.

End-of-Course Testing Program began.

1986 Statewide promotion program implemented.

State funded summer school program initiated in grades three, six, and eight.

1989 School Improvement and Accountability Act approved by General Assembly, giving local school systems more flexibility and autonomy and making them more accountable for student achievement.

North Carolina's first year-round school opens in Wake County.

1991 Outcome-Based Education pilot program launched in nine North Carolina counties. Program dropped after three years.

Low-Wealth and Small School funds established.

1992 School Improvement and Accountability Act is revised. The new Performance-Based Accountability Program pushes decision-making to the school building site and requires parents and teachers to be involved in school improvement planning.

1993 The State's new end-of-grade testing program begins in grades three through eight. These tests include multiple-choice and open-ended test questions.

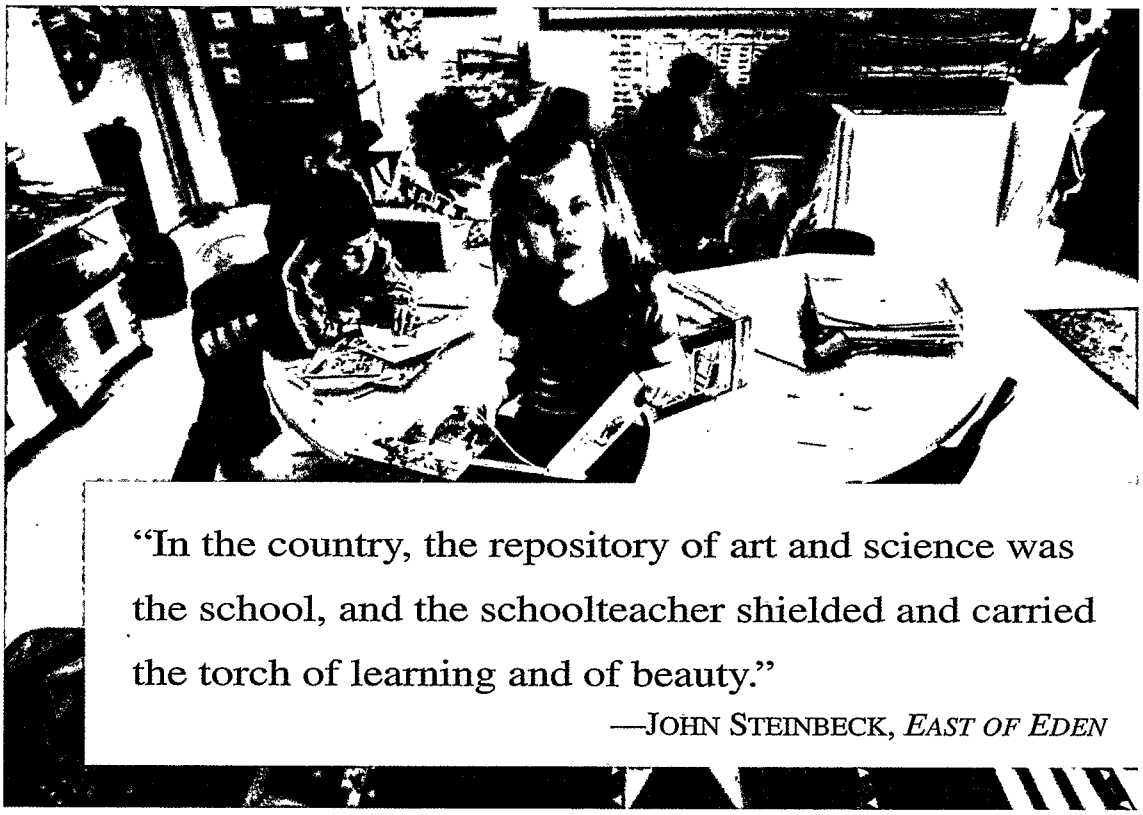
1995 General Assembly approves revisions to powers and duties of State Superintendent and requires the State Board of Education to develop a plan to reorganize public education.

1996 Legislation approved for the ABCs of Public Education.

1996 Charter schools legislation approved.

1997 Excellent Schools Act approved.

1999 Student Achievement and Promotion Accountability Standards approved by State Board of Education.



"In the country, the repository of art and science was the school, and the schoolteacher shielded and carried the torch of learning and of beauty."

—JOHN STEINBECK, *EAST OF EDEN*

Karen Tam

—continued from page 79

What Do the Polls Say?

The enrollment increases in the alternatives to traditional public schools may suggest that North Carolinians are "voting with their feet" when it comes to public education, but the public schools still educate more than 90 percent of North Carolina's students. Statewide polling data indicate that support for the public schools remains steady and even is increasing. (See "What Do North Carolinians Think about North Carolina Public Schools?" p. 86, for sample size, question wording, and margin of error for these and other polls). Support has gotten stronger during the past nine years as measured by a poll conducted by the Gallup Organization and subsequent telephone surveys by the University of North Carolina at Chapel Hill's Carolina Poll. In the 1993 Gallup poll, 8 percent of respondents gave the schools in their communities an "A," while 34 percent gave them a "B," and 36 percent a "C." The remaining 22 percent awarded a "D," an "F," or did not answer the question.

According to the spring 1997 Carolina Poll,[31] 38 percent of North Carolina residents felt that the education children receive in North Carolina public schools is good, 30.3 percent rated it fair, and 19.3 percent said it was poor. Only 8.5 percent gave it an excellent rating. In a similar poll conducted later that year (fall 1997) North Carolinians gave public schools in their communities slightly above average or average rankings with 14.9 percent awarding an "A," 34.4 percent giving a "B" grade, and 25 percent a "C." The more recent grades given to public schools show that the percentage of North Carolinians recording A's and B's in their report card for the state's public schools increased from 42 percent in 1993 to 49.3 percent in 1997 to 52.3 in 2000 and further improved to 57.8 percent in 2001.

In response to this most recent poll, State Superintendent of Public Instruction Michael Ward called it another "validation" that North Carolinians are noticing the school improvements that have been called a model for the nation. "Two U.S. Presidents, *Education Week*, the National Education Goals Panel, and many others have highly rated our improvement efforts. But, what matters most is what our own citizens think about public schools," says Ward. "I'm so pleased to see that more and more parents and others give good grades to our schools. We want to continue to see progress in the perceptions of public schools."[32]

Some education leaders, including Colleen Borst, Executive Director of the N.C. Association

of Educators (NCAE), agree that the state's public school system is meriting higher levels of support. "Approval ratings have gone in a positive direction in the last five years," Borst says. "Across North Carolina, most communities are very proud of their schools."

Still, Borst also recognizes and acknowledges the critics of the state's education efforts. "Is there room for improvement? Absolutely. Is it abysmal? Absolutely not," Borst remarks. "There is great hope and energy in the state around our schools." Borst's view is supported by spring 2000 poll numbers showing that 62.1 percent of North Carolinians believe that to improve the public school system, the focus should be on reforming the existing system.[33] *—continues on page 89*

Support for the Public Schools in Polls: North Carolina Versus the Nation

For the much of the past decade, polling organizations in the state and nation have probed the public mind in an effort to gauge support for the public schools. The typical format is to have respondents grade the schools, much as respondents were graded by their teachers in grade school and beyond. A standard question is this: "Students are often are given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools, themselves, in this community, were graded in the same way. What grade would you give the schools here?"

How do North Carolina residents grade their schools compared to the rest of the nation? The results of polls taken in the same year statewide and nationally make possible a direct comparison.

As the numbers below indicate, North Carolina trailed the nation in 1993, with 47 percent of poll respondents giving their local public schools A's and B's nationally, compared to 44 percent at the state level. But by 1997, as the state became increasingly focused on public school reform, North Carolina's numbers had surpassed those of the nation as a whole, with 49 percent of N.C. respondents giving A's and B's compared to 46 percent nationally. The gap widened in 2000, with 52 percent of North Carolina respondents awarding A's and B's, compared to 47 percent nationally. Thus, the poll numbers support the notion that North Carolinians think more of their public schools than does the nation as a whole.

—Mike McLaughlin

	1993		1997		2000	
	A's&B's	**C,D,F**	**A's&B's**	**C,D,F**	**A's&B's**	**C,D,F**
National answer (%)	**47**	46	46	49	47	46
N.C. answer (%)	44	52	**49**	37	**52**	38

Bold type indicates higher percentage when respondents awarding an A or B are combined.

Source: 1993 national data from the Gallup Organization for Phi Delta Kappa as reported in "Report Card for the Nation's Schools," *The Polling Report,* Washington, D.C., Oct. 11, 1993, p. 2. National data for 1997 and 2000 also are reprinted from *The Polling Report* (Sept. 1997, p. 1, Oct. 21, 200, p. 1. North Carolina data were taken from data archives at the University of North Carolina's Institute for Research in Social Science. See "What Do Polls Show North Carolinians Think about North Carolina Public Schools?" p. 86, for a more detailed description of these in-state polls.

What Do Polls Show North Carolinians Think about North Carolina Public Schools?

Carolina Poll

The Carolina Poll is a telephone survey of North Carolinians (18 or older) covering a variety of topics. Since the early 1980s, it has been conducted twice a year by the School of Journalism and Mass Communication at the University of North Carolina at Chapel Hill. The data are weighted by household size to restore equal representation to members of large households. In addition to sampling error, any survey contains unknown levels of error from other sources, such as question wording, question order, respondent misunderstandings, refusal rates, and other practical difficulties of measuring public opinions.

Survey Date: October 1979

Do you have an opinion about how your local schools are doing? If Yes: Do you think they're doing . . . a good job . . . or a poor job?

1.50%	No Answer
43.30%	Spontaneous Good
27.10%	Spontaneous Poor
11.30%	Forced Good
6.40%	Forced Poor
10.50%	No Opinion

The Fall 1979 Carolina Poll was conducted in October 1979. A random sample of 612 (weighted sample size: 596) adult North Carolinians (age 18 and older) was interviewed by telephone. The sampling error is plus or minus 4 to 5 percent for the total sample.

Survey Date: April 1985

Question: 1f. Would you please tell me now important you think it is on a scale of 1 to 10 where 10 is a very important and 1 is not important.—improving education

0.50%	Not Important
0.30%	2
0.70%	3
0.60%	4
4.20%	5
2.30%	6
7.30%	7
15.00%	8
12.60%	9
56.40%	Most Important

The Spring 1985 Carolina Poll was conducted in April 1985. A random sample of 607 (weighted sample size: 596) adult North Carolinians (age 18 and older) was interviewed by telephone. The sampling error is plus or minus 4 to 5 percent for the total sample.

Survey Date: March 1997

Thinking about kindergarten through 12th grade, do you think the education children receive in North Carolina public schools is excellent, good, fair, or poor?

8.50%	Excellent
38.00%	Good
30.30%	Fair
19.30%	Poor
3.90%	Don't know/no answer

The Spring 1997 Carolina Poll was conducted between March 22 and 27, 1997. A random sample of 727 (weighted sample size: 723) adult North Carolinians (age 18 and older) was interviewed by telephone. The sampling error is plus or minus 3.8 percent for the total sample.

Survey Date: October 1997

Students are often given the grades A, B, C, D, and FAIL to denote the quality of their work. Suppose the public schools themselves, in your community, were graded in the same way. What grade would you give the public schools where you live?

14.90%	A
34.40%	B
25.00%	C
7.00%	D
4.60%	Fail
14.00%	Don't Know/ No Answer

Do you favor or oppose allowing students and parents to choose a private school to attend at public expense?

38.10%	Favor
51.80%	Oppose
10.10%	Don't Know/ No Answer

The Fall 1997 Carolina Poll was conducted between November 1 and November 9, 1997. A random sample of 771 (weighted sample size: 766) adult North Carolinians (age 18 and older) was interviewed by telephone. The sampling error is plus or minus 3.7 percent for the total sample.

Survey Date: March 2000

Do you favor or oppose using public funds to help students pay for private schools?

33.10%	Favor
55.10%	Oppose
4.80%	It Depends [Volunteered]
7.00%	Don't Know, No Answer

In order to improve the public school system, some people think the focus should be on reforming the existing system. Others believe the focus should be on finding an alternative system. Still others think no major changes are necessary. Which would you support—reforming the existing system, finding an alternative system, or no major changes?

62.10%	Reforming Existing System
18.80%	Finding Alternative System
12.70%	No Major Changes Are Necessary
6.40%	Don't Know, No Answer

And now on another topic.... Students are often given the grades A, B, C, D and Fail to denote the quality of their work. Suppose the public schools themselves, in your community, were graded in the same way. What grade would you give the public schools where you live: A, B, C, D or Fail?

16.6%	A
35.7%	B
25.7%	C
8.7%	D
4.5%	Fail
8.8%	Don't Know; No Answer

The Spring 2000 Carolina Poll was conducted between March 25 and April 2, 2000. A random sample of 656 (weighted sample: 652) adult North Carolinians (age 18 and older) was interviewed by telephone. The sampling error is plus or minus 4.0 percent for the total sample.

Survey Date: Fall 2001

What grade would you give your local schools—A, B, C, D, or Fail?

18.8%	A
39.0%	B
22.2%	C
5.8%	D
5.1%	F
8.1%	Don't know/ No answer

The Fall 2001 Carolina Poll was conducted between October 7 and October 11, 2001. A random sample of 650 (weighted sample 648) adult North Carolinians (age 18 and older) was interviewed by telephone by students enrolled in journalism and political science classes and trained in survey procedures. The sampling error is plus or minus 3 percent for the total sample, larger for comparisons between groups.

The 1993 North Carolina Education Poll

The Gallup Organization and Phi Delta Kappa, a national fraternity of educators, conduct an annual poll of opinion on education and education issues in the United States. In 1993, with the cooperation of Phi Delta Kappa and in conjunction with the N.C. Education Policy Research Center at the University of North Carolina at Chapel Hill, the Gallup Organization replicated the national poll in North Carolina and added several questions to be asked only in the N.C. poll.

Students are often given the grade of A,B,C,D, or Fail to denote the quality of their work. Suppose the public schools themselves in your community were graded in the same way. What grade would you give the public schools here?

8%	A
34%	B
36%	C
12%	D
4%	F
6%	Don't know

The poll was conducted in June 1993. A random sample of 803 adult North Carolinians (age 18 and older) was interviewed. The sampling error is plus or minus 3 percent.

—Joanne Scharer

Other state leaders point out that public education has remained atop the list of hot button issues for a decade or more, showing the depth and breadth of public interest in the public schools. "Education has sustained a top priority over the last decade which is unheard of in public policy circles," says John Dornan, Executive Director of the Public School Forum of North Carolina, an independent nonprofit devoted to strengthening schools and maintaining consistent support for school improvement. "The real challenge in the next decade is, can we sustain this long enough to finish the job?"

With respect to parents choosing other options for their children's education, Dornan believes that "the public is ahead of educators and policymakers" on a number of issues. Speaking primarily about charter schools, Dornan says that one of the reasons for enrollment growth in schooling alternatives is the concern that traditional public schools are "myopically focused on test scores" as encompassed in the state ABC program (**A**ccountability in the **B**asics with local **C**ontrol) for public school improvement. "I'm convinced that [the focus on test scores] is one of the reasons there has been a measurable upswing in people looking for different options," Dornan says.

On the national level, the public schools fare less well in public opinion polling than is the case in North Carolina. Although many people voice initial support for what their local schools are doing, they become much more critical upon further questioning. The prevailing view is that public education as a whole is in bad shape and renewed efforts are needed to fix it. Most people think private schools do better than public schools in important areas such as safety, order, academic standards and class size.[34] According to Public Agenda, a nonpartisan, nonprofit public opinion research and citizen education organization based in New York City, in 1973, 58 percent of Americans said they had "a great deal" or "quite a lot" of confidence in the public schools. This number fell to 49 percent in 1988 and dropped further to 36 percent in 1999.[35] Still, while most Americans (61 percent) say they are somewhat dissatisfied (40 percent) or completely dissatisfied (21 percent) with the quality of education in the U.S., the numbers are reversed when parents are asked about the local public schools their own children attend. Here, the vast majority are at least somewhat satisfied (31 percent completely satisfied and 47 percent somewhat satisfied).[36] Likewise, most Americans (64 percent) say the public school system needs major changes, but only a third (34%) say they support finding an alternative.[37]

Karen Tam

Overall, it seems that most Americans want positive and compelling action to improve public schools, but there is little agreement about what the problem is, or which alternative is most promising.[38]

What Have the Voters Said at the Polls Through Bond Referenda?

An indirect proxy or "poll" that may indicate the level of public support for public education is school bond referenda. Support for school bonds at least theoretically illustrates the public's commitment to improve public education. According to the State Treasurer's office, there were 91 public school bond referenda in North Carolina from 1991–2001 totaling $6.6 billion in bonds for capital improvements.[39] Of those 91 referenda, 74 percent (67 bond issues totaling $4.7 billion) were approved by the voters (see Table 4). The largest number of referenda in any year during that time period was 11 in both 1994 and 1997. Six of the 11 (55 percent) in 1994 were defeated while only two were defeated in 1997 (18 percent). The 1994 results seem to reflect a groundswell of anti-tax, anti-government sentiment that swept unprecedented numbers of Republicans into state and local offices in North Carolina (See Mebane Rash Whitman, "The Evolution of Party Politics: The March of the GOP Continues in North Carolina," *North Carolina Insight*, Vol. 16, No. 2, September 1995, pp. 81–97 for more on this topic). However, the public sentiment against spending for school construction soon turned. The

—continues on page 93

Table 4. Public School Bond Referenda in N.C., 1991–2001

		Amount of Bond		Voting Margin			
County	Election Date	Issue Approved	Issue Defeated	For	%	Against	%
Durham	3/12/1991	$125,000,000		11,423	64.9%	6,170	35.1%
Pender	3/26/1991		$19,900,000	1,504	36.0%	2,678	64.0%
Surry	5/28/1991	$30,000,000		3,187	60.8%	2,056	39.2%
Mecklenburg	11/5/1991	$86,000,000		52,692	71.2%	21,340	28.8%
Rowan	11/5/1991		$49,200,000	8,146	47.9%	8,844	52.1%
Alamance	5/5/1992	$36,000,000		10,033	60.8%	6,467	39.2%
Buncombe	5/5/1992	$6,900,000		7,665	52.9%	6,814	47.1%
Cumberland	5/5/1992	$50,000,000		18,216	62.6%	10,869	37.4%
Davidson	5/5/1992	$26,000,000		10,315	75.5%	3,339	24.5%
Duplin	5/5/1992		$22,500,000	2,336	37.9%	3,828	62.1%
Watauga (Elem.)	9/22/1992	$18,700,000		3,775	55.2%	3,064	44.8%
Watauga (H.S.)	9/22/1992	$5,300,000		3,858	53.5%	3,351	46.5%
Gaston	11/3/1992	$59,500,000		32,123	58.1%	23,197	41.9%
Mecklenburg	11/3/1992		$15,000,000	76,929	50.0%	77,010	50.0%
Orange	11/3/1992	$52,000,000		26,005	58.4%	18,509	41.6%
Catawba	3/16/1993	$33,117,000		2,883	66.4%	1,462	33.6%
Buncombe	4/27/1993	$34,500,000		11,461	64.5%	6,295	35.5%
Wake	6/8/1993	$200,000,000		25,985	56.4%	20,077	43.6%
Stanly	8/31/1993		$22,000,000	2,301	17.5%	10,813	82.5%
Currituck	11/2/1993	$16,000,000		1,938	63.4%	1,120	36.6%
Iredell	11/2/1993		$36,285,000	8,154	44.8%	10,043	55.2%
Madison	11/2/1993		$10,200,000	1,224	37.4%	2,045	62.6%
Mecklenburg	11/2/1993	$192,000,000		45,789	51.4%	43,273	48.6%
Rowan	11/2/1993	$44,000,000		11,981	60.0%	7,996	40.0%
Chatham	12/15/1993	$15,000,000		1,281	69.9%	551	30.1%
New Hanover	3/8/1994	$39,900,000		7,872	56.3%	6,100	43.7%
Lincoln	3/29/1994	$20,100,000		2,025	61.5%	1,269	38.5%
Cabarrus	5/3/1994		$81,000,000	11,199	43.2%	14,703	56.8%
Guilford	5/3/1994		$198,000,000	17,208	33.7%	33,869	66.3%
Haywood	5/3/1994		$23,075,000	4,096	33.7%	8,061	66.3%
Alleghany	8/9/1994		$4,410,000	1,201	47.5%	1,326	52.5%
Nash	9/13/1994		$35,000,000	2,543	15.5%	13,813	84.5%

Table 4. Public School Bond Referenda in N.C., 1991–2001, *continued*

		Amount of Bond		Voting Margin			
County	Election Date	Issue Approved	Issue Defeated	For	%	Against	%
Cherokee	9/19/1994		$11,000,000	1,079	17.9%	4,959	82.1%
Carteret	11/8/1994	$29,000,000		9,609	61.4%	6,032	38.6%
Onslow	11/8/1994	$40,000,000		9,269	63.5%	5,322	36.5%
Union	11/8/1994	$18,000,000		9,449	54.8%	7,783	45.2%
Pitt	3/14/1995		$31,800,000	5,305	35.6%	9,594	64.4%
Chatham	5/23/1995	$5,300,000		1,730	72.1%	671	27.9%
Mecklenburg	5/30/1995		$304,267,000	30,664	49.0%	31,969	51.0%
Craven	11/7/1995	$17,050,000		4,964	58.0%	3,594	42.0%
Davie	11/7/1995	$7,635,000		2,489	52.9%	2,219	47.1%
Forsyth	11/7/1995	$94,000,000		24,334	69.9%	10,463	30.1%
Johnston	11/7/1995	$50,000,000		8,034	66.5%	4,056	33.5%
Mecklenburg	11/7/1995	$217,000,000		70,184	71.5%	27,940	28.5%
Cabarrus	5/7/1996	$49,000,000		12,915	64.8%	7,019	35.2%
Iredell	5/7/1996	$22,180,000		9,336	71.8%	3,658	28.2%
Lee	5/7/1996	$25,000,000		4,212	67.8%	1,999	32.2%
Pender	5/7/1996	$25,000,000		3,481	64.8%	1,894	35.2%
Wake	6/4/1996	$250,000,000		33,745	79.2%	8,854	20.8%
Franklin	8/27/1996	$17,000,000		2,834	78.8%	762	21.2%
Stokes	9/7/1996	$25,000,000		2,543	65.1%	1,364	34.9%
Scotland	11/5/1996	$18,600,000		4,578	79.7%	1,163	20.3%
Caldwell	2/4/1997	$13,910,000		2,547	55.8%	2,016	44.2%
Catawba	3/11/1997	$50,000,000		3,334	59.5%	2,274	40.5%
Dare	5/20/1997		$59,500,000	2,176	22.2%	7,637	77.8%
Cumberland	10/7/1997	$98,000,000		16,295	56.0%	12,820	44.0%
Alamance	11/4/1997	$25,000,000		9,367	67.3%	4,561	32.7%
Mecklenburg	11/4/1997	$415,000,000		62,256	73.0%	23,005	27.0%
Moore	11/4/1997	$25,000,000		8,738	68.7%	3,990	31.3%
New Hanover	11/4/1997	$125,000,000		13,743	57.1%	10,337	42.9%
Orange	11/4/1997	$47,000,000		9,589	58.4%	6,823	41.6%
Transylvania	11/4/1997	$24,300,000		3,606	57.9%	2,618	42.1%
Henderson	11/18/1997		$46,500,000	5,107	29.7%	12,074	70.3%
Person	2/10/1998		$18,525,000	1,541	40.6%	2,254	59.4%

—continues

Table 4. Public School Bond Referenda in N.C., 1991–2001, *continued*

		Amount of Bond		Voting Margin			
County	**Election Date**	**Issue Approved**	**Issue Defeated**	**For**	**%**	**Against**	**%**
Stanly	5/5/1998		$38,000,000	5,690	45.2%	6,897	54.8%
Bladen	9/15/1998	$25,000,000		2,793	53.8%	2,399	46.2%
Granville	11/3/1998	$18,700,000		7,233	85.4%	1,241	14.6%
Wilkes	11/3/1998		$28,000,000	6,458	35.3%	11,831	64.7%
Union	11/3/1998	$52,700,000		19,997	72.0%	7,782	28.0%
Caswell	5/4/1999	$4,500,000		1,200	72.7%	450	27.3%
Wake	6/8/1999		$650,000,000	31,374	34.6%	59,297	65.4%
Buncombe	10/5/1999	$45,000,000		14,326	73.3%	5,213	26.7%
Brunswick	11/2/1999	$83,500,000		6,552	54.3%	5,504	45.7%
Craven	11/2/1999		$25,000,000	4,381	46.0%	5,140	54.0%
Johnston	11/2/1999	$80,000,000		8,004	75.4%	2,610	24.6%
Guilford	5/2/2000	$200,000,000		38,159	59.5%	26,016	40.5%
Lee	5/2/2000	$25,700,000		23,188	77.8%	6,610	22.2%
Stanly	5/2/2000	$26,000,000		7,385	66.9%	3,650	33.1%
Lincoln	5/2/2000	$36,000,000		6,732	72.9%	2,507	27.1%
Wake	11/7/2000	$500,000,000		200,932	77.9%	56,999	22.1%
Mecklenburg	11/7/2000	$275,500,000		173,002	70.5%	72,372	29.5%
Union	11/7/2000	$55,000,000		28,054	66.1%	14,388	33.9%
Catawba	3/20/2001		$72,000,000	4,285	39.9%	6,458	60.1%
Carteret	3/20/2001		$33,500,000	3,611	40.3%	5,340	59.7%
Durham	11/6/2001	$51,800,000		23,604	65.2%	12,612	34.8%
Gaston	11/6/2001	$89,000,000		11,690	69.3%	5,169	30.7%
Craven	11/6/2001	$28,000,000		6,963	63.6%	3,993	36.4%
Wilson	11/6/2001	$21,000,000		4,521	61.3%	2,852	38.7%
Johnston	11/6/2001	$75,000,000		7,874	77.9%	2,239	22.1%
Forsyth	11/6/2001	$150,000,000		29,564	67.3%	14,346	32.7%
Orange	11/6/2001	$47,000,000		11,868	59.2%	8,179	40.8%
Totals		***$4,712,892,000***	***$1,834,662,000***	***1,505,841***	***61%***	***964,170***	***39%***

Source: N.C. Department of State Treasurer, State and Local Government Finance Division

most favorable years for school bond referenda were in 1996 and 2000 when all of the referenda passed. Phil Kirk, chair of the State Board of Education and President of North Carolina Citizens for Business and Industry—the statewide chamber of commerce, observes that 2001 also was a strong year for school bonds. "In 2001 at the height of the most recent recession, seven of nine bond referendums passed, most by large margins, and several passed in conservative counties where tax increases were promised," says Kirk.

In total, 61 percent of voters have cast their ballots in favor of bond referenda over the 10-year period, while 39 percent have voted no. Thus, the public generally has said yes to bond votes involving the schools. School bond funds can only be used for construction and renovation, and cannot be used for teacher salaries and program funding. However, support for the school building can in some ways be seen as support for the school and its programs.

Conclusion

While enrollment increases in private schools, home schools, and charter schools are striking, the public as a whole still stands behind North Carolina's public schools. Consider these facts: (1) Public school enrollment has increased by a mean annual percentage of roughly 1.76 percent over the course of the last decade—a healthy rate of growth that is about as much as some school systems can accommodate. (2) Support for the public schools in North Carolina—as measured by public opinion polls, actually has increased over the past nine years. (3) The public has overwhelmingly endorsed local school bond issues over the course of the decade.

These three measures of support—all of which can be interpreted favorably for the public schools, suggest that the public's support for public education remains resilient, despite the fusillades of critics. However, it must also be observed that the public is not fully satisfied, and that many students have no practical alternative to the public schools due to the expense of a private education. Since the 1981 publication of the landmark study, *A Nation at Risk*, state-level politicians have found no campaign issue that resonates with the voters more than reform of the public schools. Substitute the word "improve" for reform, and it becomes clear that this is what the voters care about—not dismantling the public schools but fixing and improving them. It appears that increasing enrollment in non-public school alternatives represents growing niche markets as parents seek what is best for the individual child—not the death throes of public education.

Karen Tam

FOOTNOTES

[1] North Carolina Public Schools Statistical Profile 2001, N.C. Department of Public Instruction, Raleigh, N.C., p. 5, and the N.C. Department of Public Instruction Division of Financial and Business Services.

[2] County/State Population Estimates, April 1990 and April 2000, Age Groups-Total, State Data Center, Raleigh, N.C. at *demog.state.nc.us/demog/ca90sage.html* and *demog.state.nc.us/demog/cn00sage.html.* Note: The kindergarten age population starting in 1990 was 88,353 and in 2000 was 108,370.

[3] *Ibid.* Note: The elementary age population was 700,970 in 1990 and 899,230 in the 2000.

[4] *Ibid.* Note: The high school population was 357,220 in 1990 and 416,938 in 2000. County/State population projects, Statewide trends, "Past and Expected Trends," State Data Center, Raleigh, N.C., at *demog.state.nc.us/demog/extrends.html*

[5] State Data Center at *demog.state.nc.us/demog/ca90sage.html* and *demog.state.nc.us/demog/cn00sage.html.* Note: The school-age population grew from 1,146,543 in 1990 to 1,424,538 in 2000.

[6] The potential school-age population is projected to grow by 196,130 from 2000 to 2010 and by 216,558 from 2000 to 2020.

[7] County State Population Projections, Age Groups-Total April 2000, 2010 and 2020, State Data Center, Raleigh N.C. at *demog.state.nc.us/demog/cn00sage.html, demog.state.nc.us/demog/ca10sage.html,* and *demog.state.nc.us/demog/ca20sage.html*

[8] The potential kindergarten population is projected to grow by 15,461 from 2000 to 2010 and by 31,265 from 2000 to 2020. See note 7 above.

[9] The potential elementary age population is projected to grow by 114,087 from 2000 to 2010 and by 207,213 from 2000 to 2020. See note 7 above.

[10] The potential high school population is projected to grow by 76,582 from 2000 (416,938) to 2010 and by 127,598 from 2000 to 2020 (544,563). See note 7 above.

[11] See "Private School Statewide Statistical History," N.C. Division of Non-Public Education at *www.doa.state.nc.us/dnpe/hhh501.htm* above. Note: The first state non-public school office was established in 1961.

[12] The Gallup/*USA Today*/CNN Poll, Jan. 8–11, 1993, 1000 respondents nationwide.

[13] "N.C. Private Schools Statewide Classified By Type 2000–2001 School Term," N.C. Division of Non-Public Education at *www.doa.state.nc.us/dnpe/hhh550.htm*

[14] "National Public Opinion Poll on Perceptions of Independent Schools," National Association of Independent Schools, Washington, D.C. December 2001, p. 5. The national telephone survey of 751 adults was conducted from April 30, 1999, through May 10, 1999, and yielded a margin of sampling error of 3.7 percent.

[15] N.C. General Statute 115C-563.

[16] The N.C. Center for Public Policy Research looked at home schooling in an article by Katherine White, "When Is a School a School?" *North Carolina Insight*, Vol. 8, No. 1, September 1985, pp. 82–83.

[17] Chapter 891 of the 1988 N.C. Session Laws, codified as N.C.G.S. 115C-563.

[18] N.C. Division of Non-Public Education at *www.doa.state.nc.us/dnpe/hhh201.htm* and *www.doa.state.nc.us/dnpe/hhh202.htm.*

[19] T. Keung Hui, "More teachers answer to 'Mom,' 'Dad,'" *The News and Observer*, Raleigh, N.C., July 28, 2001, p. A1.

[20] "N.C. Home School Estimated Statewide Enrollment By Type 2000–01 School Term," N.C. Division of Non-Public Education, Raleigh, N.C. at *www.doa.state.nc.us/dnpe/hhh226.htm.*

[21] See S.D. Williams and Joanne Scharer, "Random Acts of Public School Reform: Will New Elections and Budgets Undo Current Reform Again?" *North Carolina Insight*, Vol. 19, Nos. 1–2, October 2000, pp. 81–84

[22] "State Board Approves Three New Charter Schools; 100-Cap Limit Met" N.C. Department of Public Instruction press release, February 7, 2002, p.1 at *www.ncpublicschools.org/news/01-02/020702b.html*

[23] Senate Bill 867 of the 2001 N.C. Legislative Session.

[24] Senate Bill 23, House Bill 25, House Bill 26, and House Bill 29 of the 2001 N.C. Legislative Session.

[25] Williams and Scharer, note 21 above, p. 81.

[26] See Table 3. N.C. Charter Schools That Have Closed, 1997–Present, p. 31, for a complete list of schools that have closed or have never opened.

[27] Letter to the Editor, *The News and Observer*, Raleigh, N.C., March 3, 2002, p. 28A.

[28] "History of the First in America Project," North Carolina Education Research Council, Raleigh, N.C., p. 1 at *www.firstinamerica.northcarolina.edu/reports/FIA%20History.pdf.*

[29] *Ibid.*, p. 2.

[30] "2001 First in America Annual Report Executive Summary" North Carolina Education Research Council, Raleigh, N.C., p. 1 at *www.firstinamerica.northcarolina.edu/reports/Executive%20Sum.pdf.*

[31] The Carolina Poll is a telephone survey of North Carolinians covering a variety of topics. It is conducted twice a year (spring and fall) by the School of Journalism and Mass Communication at the University of North Carolina at Chapel Hill. See *www.irss.unc.edu/irss/researchdesservices/resdesservices.html#Carolina%20Poll.* For more details on this poll, including sample size, margin of error, and dates the poll was taken, see "What Do Polls Show North Carolinians Think About North Carolina Public Schools?" p. 86.

[32] "Carolina Poll Finds More Citizens Satisfied with Public Schools," N.C. Department of Public Instruction Press Release, Raleigh N.C., November 1, 2001, p. 1 at *www.ncpublicschools.org/news/00-01/110101.html.* For more details on this poll, including sample size, margin of error, and dates the poll was taken, see "What Do Polls Show North Carolinians Think About North Carolina Public Schools?" p. 86.

[33] "Carolina Poll," Spring 2000, UNC School of Journalism and Mass Communication, Chapel Hill N.C., p. 4. See *www.irss.unc.edu/irss/researchdesservices/researchdeslinks/cpollreports.htm.* For more details on this poll, including sample size, margin of error, and dates the poll was taken, see "What Do Polls Show North Carolinians Think About North Carolina Public Schools?" p. 86.

[34] "Overview: The Issue at a Glance" issues guide on education, Public Agenda Online, New York, N.Y., at *publicagenda.org/issues/overview.cfm?issue_type=education*

[35] Public Agenda Online at *publicagenda.org/issues/angles_pcc_detail2.cfm?issue_type=education&graph1=pcc2new.gif*

[36] Public Agenda Online at *publicagenda.org/issues/pcc_detail2.cfm?issue_type=education&concern_graphic=pccn3.gif*

[37] Public Agenda Online at *publicagenda.org/issues/pcc_detail.cfm?issue_type=education&list=5*

[38] "Overview: The Issue at a Glance" issues guide on education, Public Agenda Online, New York, N.Y., at *publicagenda.org/issues/overview.cfm?issue_type=education*

[39] N.C.G.S. 159-48(c)(4) allows local governments to borrow money and issue bonds for "Providing school facilities, including without limitation schoolhouses, buildings, plants and other facilities, physical and vocational educational buildings and facilities, including in connection therewith classrooms, laboratories, libraries, auditoriums, administrative offices, gymnasiums, athletic fields, lunchrooms, utility plants, garages, and school buses and other necessary vehicles."

"On Plato's Republic, or the calorie content
Of the Diet of Worms, such things are said to be
Good for you, and you will have to learn them
In order to become one of the grown-ups
Who sees invisible things neither steadily nor whole,
But keeps gravely the grand confusion of the world
Under his hat, which is where it belongs,
And teaches small children to do this in their turn."

—HOWARD NEMEROV
"TO DAVID, ABOUT HIS EDUCATION"

Karen Tam

Karen Tam

Driving While Talking on the Telephone: How Risky the Mix?

by David Rice

Executive Summary

How serious is the problem of talking on the phone while driving as it relates to highway safety? Does using a cell phone while driving a car represent a dangerous diversion of attention or merely a mild distraction? Should the practice be banned, regulated, or left alone?

Traffic fatalities involving cell phone use and numerous studies of cell phone use and driving are helping to fuel the call for regulation. While only one state has actually banned the practice of driving while talking on a hand-held phone, many states now are taking up the issue. So far, none have gone so far as New York, which actually outlawed telephone conversations involving motorists using hand-held phones who are driving on the highway. New Yorkers who wish to make a phone call must pull over on the shoulder of the road. However, more states are considering regulation. A total of 43 state legislatures had bills before them in 2001 to ban or regulate driving while talking on the telephone. Besides action on the state level, a dozen U.S. municipalities and 24 countries have regulated the use of cell phones in cars, including Brazil, Germany, Great Britain, Israel, Japan, and Switzerland.

Meanwhile, evidence continues to accumulate on whether cellular telephone conversations represent a significant driver distraction. A study by the Highway Safety Research Center at the University of North Carolina at Chapel Hill found cell phone conversations to be the eighth most likely cause of accidents blamed on driver distraction—behind spotting a person or object outside the vehicle, adjusting the radio or cassette controls, other vehicle occupants, a moving object inside the vehicle, adjusting temperature controls, and eating or drinking. A separate study by the Highway Safety Research Center found 3.1 percent of drivers talking on a cellular phone at any given time, while yet a third study—this one in Utah—found drivers to be as distracted by the telephone conversation as by manipulation of the phone itself. This study calls into question the most frequently mentioned legislative solution—mandated use of hands-free telephone technology so both the driver's hands can remain on the steering wheel. But critics of this study argue that it was based on simulated driving rather than an actual highway experiment.

The most frequently cited research among those who favor cell phone regulation is a 1997 Canadian study published in the New England Journal of Medicine *that found driving while using a hand-held telephone quadrupled the risk of an accident, creating a risk level comparable to that of driving while legally impaired by alcohol. Additional research concerning driver performance points to slowed reaction time in braking, weaving in lanes, and speeding up and slowing down while talking on the phone.*

Some legislators continue to call for more study, while others say it's a matter of common sense that driving while talking on the telephone is dangerous and ought to be regulated. Even one cellular telephone company, Verizon Wireless, says it favors requiring drivers to use hands-free devices as long as there is (1) a two-year phase-in of the law, (2) cell phone use is not treated more harshly than other driver distractions, and (3) the state law preempts local laws and regulations. Yet Verizon stands virtually alone in its embrace of state-level legislation. The Cellular Telecommunications and Internet Association, a trade association representing cell phone companies and others, argues that driving while talking on the telephone is only one distraction among many, and the focus needs to be on driver inattentiveness generally. It also should be noted that cell phones are often used for good purpose on the highways, such as reporting auto accidents or drivers who seem to be impaired by alcohol or drugs.

Indeed, there is little agreement on the magnitude of the problem of driving while talking on the telephone, much less agreement on the proper solution. Still, it seems clear that state legislatures will increasingly be called upon to deal with the issue in the months and years ahead. In North Carolina, a legislative study committee has been asked to examine proposals to require the use of speakerphones and headsets and report to the 2003 General Assembly.

If anyone knows how dangerous a distracted driver can be, it's Melda Smith. On Nov. 9, 1999, Smith's 25-year-old sister, Shannon Smith, was on her job as a prison guard at Johnston Correctional Center. She was standing by the road watching a crew of inmates working along U.S. 70 between Clayton and Smithfield when along came a vehicle driven by Laura Elena Reyes.

Reyes later testified that she was driving her sister's sport-utility vehicle, with her sister in the front passenger seat and her 4-year-old son in the back, when her cell phone rang.[1] She reached for the phone. But it slipped from her hand and fell, and she began fishing for it on the floor. She looked up and realized she'd driven off the road. As she tried to pull back onto the highway, she lost control. In an instant, Shannon Smith was hit and killed.

Accidents such as the one that claimed the life of Shannon Smith provide strong anecdotal evidence of the dangers of driving while distracted by cellular telephones. Increasingly, such episodes have led to cries for regulating or even banning driving while talking on the telephone. But is the issue as straightforward as it seems? How prevalent is the distraction of driving while talking on the telephone? How often does talking on the telephone lead to accidents? How serious is the distraction relative to other driver distractions, such as screaming babies, dropped CDs or cassette tapes, or even a fast food meal consumed while driving? Should driving while talking on the telephone be regulated or even banned outright? These are questions without ready or simple answers.

Even Melda Smith, who lost her sister, has questions about how far the state should go to regulate cellular telephone use in the car. These days, however, Melda leans toward a law that forbids the use of hand-held cellular phones in cars—a measure such as the one lawmakers in New York have already adopted. She believes such a law might prevent accidents in North Carolina.

"I think it'd help," Smith says. "If you use common sense while you're using a cell phone, if you're in heavy traffic, you can lay the phone down or cut the conversation short. . . . I've had people sit in my driveway and use a cell phone and I don't say anything to them, because I know that at least they're not out killing somebody."

David Rice is the state capital correspondent for the Winston-Salem Journal.

Smith, an assembly technician at a Caterpillar plant in Clayton, says that until the accident that killed her sister, she talked on a cell phone herself while driving. But since the accident, she no longer owns a cell phone. And while she favors a law that would require drivers to use a speakerphone or headset while driving, she warns that even a law against using hand-held phones in cars wouldn't be a cure-all for distracted driving. "In one aspect you will help it, but in another, it really won't help at all," she said. "You have some folks who are so in tune to the conversation—it's not so much the phone but the conversation [that distracts]. . . . It takes your mind off the road."

Calls for Legislation Grow

As their use spreads and more people notice their fellow drivers driving erratically, support has grown for limits on cell phone use in cars and "driving while distracted," in North Carolina and elsewhere. Impacts of driving while talking on the telephone recorded in a Consumers Union study include weaving in traffic lanes, slowing down to dial and then speeding up again, or slowing down while talking on the phone.[2] These observations were consistent with the findings in a University of Utah study using driving simulators. "When you're talking, you're impaired," notes David Strayer, a psychologist at the University of Utah and the principal author of the Utah study.

Further fueling the interest in cell phone legislation is the mention of cell phone use in newspaper articles about traffic accidents, including an April 2001 car crash that severely injured supermodel Niki Taylor.[3] More recently, a teenage driver in Taylorsville, N.C., blamed cell phone distraction for an April 2002 accident that killed a 64-year-old passenger in another car.[4] Kelly Mitchell, 19, of Claremont told police she was checking her cell phone for messages and had to lay the phone in her seat. When she looked up there was another car in the intersection. Authorities said Mitchell had run a red light before striking the vehicle.

Citing a survey that found that 80 percent of its members favor a ban on hand-held phones while driving, AAA Carolinas Motor Club called for such a law in August 2000,[5] and the organization continues to pursue the issue aggressively. Eighty percent of respondents to a mail-in survey on the group's 2002 legislative priorities say they favor a ban on the use of hand-held cell phones in automobiles except in emergency situations.[6] "There's not a driver on the road who has not seen a driver weaving or altering his behavior while talking on the phone," said Tom Crosby, the vice president for communications at AAA Carolinas. "There's not a single honest driver that wouldn't admit that while they are on the phone and driving, they are a less safe driver. With one hand on the wheel, you cannot respond as effectively as you can with two hands on the wheel."

Crosby says the motor club is particularly concerned about drivers who perform more complicated moves such as turns while chatting on a hand-held phone. "It's very difficult to turn the wheel with one hand when making a 90 degree left or right-hand turn," says Crosby. "You need to have both hands on the wheel."

The motor club stops short of calling for an outright ban on telephone conversations in the car, favoring instead a hands-free approach. "It's clear that while you are talking on the phone, you are distracted, even with two hands on the wheel," says Crosby. "But banning all cell phone conversations in the car would be like banning conversations with passengers."

"There's not a driver on the road who has not seen a driver weaving or altering his behavior while talking on the phone."

—TOM CROSBY, AAA CAROLINAS

Strayer of the University of Utah disagrees that banning cell phone use in cars would be like banning conversation with a passenger in the car. Strayer points to research that shows the likelihood of an accident actually goes down when a passenger is in the car because both the passenger and the driver are aware of the ebb and flow of traffic and both are able to spot potential traffic hazards. On the other hand, he says, "If you own a cell phone you are more likely to have an accident, and the more you use it, the more likely you are to have an accident."

The Cellular Telephone and Internet Association (CTIA), an industry group, reports that there are now more than 130 million cell phone users in the United States.[7] The National Highway Traffic Safety Administration (NHTSA) estimates that 73 percent of those phone owners use them while driving.[8] Thirteen counties or municipalities have

banned the use of hand-held phones in cars. And, 140 bills were filed in legislatures in 43 states last year to limit cell phone use in cars.[9]

New York's legislature made it the first state in the nation to ban the use of hand-held phones while driving last year, with a penalty of as much as $100. The law requires drivers to use a hands-free device or pull over to the shoulder of the road before dialing. A driver seen holding a telephone near his or her ear is presumed to be talking on the telephone unless the driver can produce documentation in court—such as telephone records—proving otherwise.[10] The legislative victory in the Empire State emboldened other state legislatures to consider the issue, though no state has gone as far as New York.

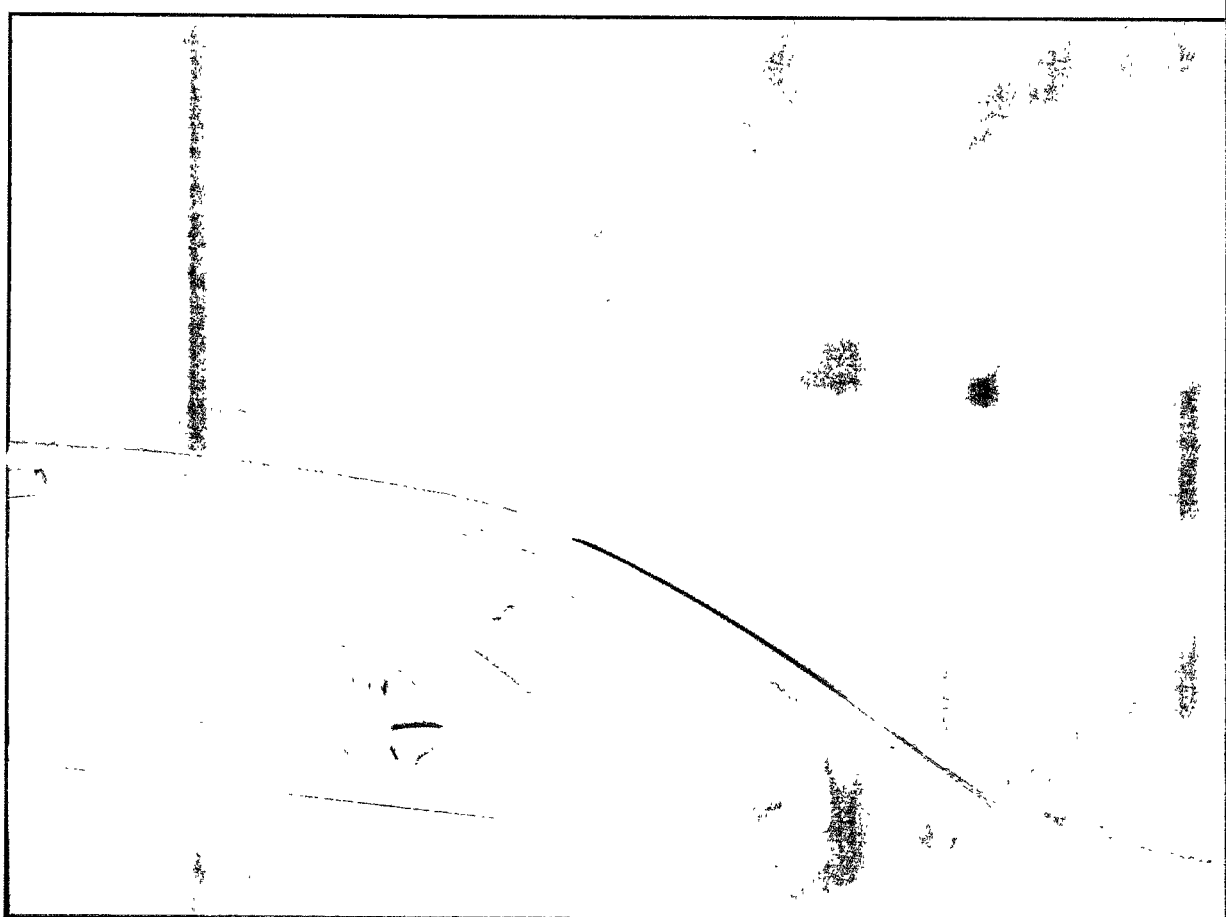
In Massachusetts, phones can be used as long as one hand stays on the steering wheel at all times. But state law bans the use of phones while driving a school bus.

Rhode Island's legislature passed a bill to limit phone use while driving, but the governor vetoed it. Tennessee's state Senate passed a bill to prohibit teen drivers from using cell phones while driving, but the measure died in the state House.

State Rep. Joni Bowie (R-Guilford) sponsored one of two bills[11] in the North Carolina House of Representatives to outlaw the use of hand-held phones while driving. Bowie's bill would carry a $25 fine for violators—but no driver's license or insurance points—and it would allow drivers to use headsets.

Bowie's bill, and a similar one (House Bill 62) sponsored by Rep. Mary McAllister (D-Cumberland) were both routed to a legislative study committee assigned to examine proposals to require the use of speakerphones and headsets and report to the 2003 General Assembly. "My gut feeling is within the next eight years, it's just going to be standard equipment in cars, like a stereo or whatever," Bowie says. "I just am absolutely convinced with the number of people using these on the highway, as crowded as our highways are becoming, the distraction is becoming too big to ignore."

Bowie, too, says that it's not just dialing a phone but the nature of some conversations that can be distracting. "You could be talking to your broker about losing $100,000 in the stock market. It's a totally different type of distraction than just tak-



Karen Tam

ing your hand off the wheel to sip a Coke," she says.

Like workplace safety rules that weren't enacted until workers at a chicken plant in Hamlet died in a fire, Bowie says, "Nobody cares about it until something happens. I hope it doesn't take a tragedy before the state of North Carolina moves to the forefront on this. It's coming all over the country."

Senate President Pro Tem Marc Basnight (D-Dare) is sympathetic, even though he is a voracious user of cell phones himself. Many legislators rely heavily on cell phones as they make weekly commutes from their home districts to Raleigh. Basnight's Ford Expedition is something of a rolling command post as he makes the 197-mile drive between his home in Manteo and the Legislative Building. Once, when he switched carriers and got a new number several years ago, the customer who was then assigned Basnight's old number was billed for 500 calls the following month.

Basnight says he tries to use a speakerphone in his SUV, but people don't hear him as well when he uses the device. So he tends to hold the phone to his ear. But even Basnight says he thinks legislators should consider regulating the phones' use in cars. "Everybody works in a car. There's just too much going on these days. So I think it'd be a good thing to outlaw the hand-held phones," Basnight said in an interview conducted by cell phone as he headed home from Raleigh to the Outer Banks.

"I know I'm safer without it than with it," he says. "I feel like sometimes I'm an accident waiting to happen. I'm going down the road, I'm getting deeply involved in a conversation, and I'm not checking on my speed. I've been on that phone and really gotten into something and go 10 or 15 miles and really don't recall. With the trucks on the road, that's real scary."

Jack Hawke, a political consultant who worked for Republican gubernatorial candidate Richard Vinroot in 2000, also supports regulation of talking on the telephone while driving. Hawke, a free-market, anti-regulation conservative, had a "Road to Damascus" conversion on the issue on his way to a debate between Vinroot and eventual gubernatorial winner, Democrat Mike Easley, at the State Capitol in October 2000. Hawke was running late for the event when his cell phone rang as he approached an intersection. It was the Vinroot campaign office, wondering where Hawke was.

"I came to a complete stop, and I looked both ways. And I pulled out and never saw the other guy until he hit me," Hawke says. "The only conclusion I can come to is I was preoccupied with my phone call. The guy was obviously right there."

"I feel like sometimes I'm an accident waiting to happen. I'm going down the road, I'm getting deeply involved in a conversation, and I'm not checking on my speed. I've been on that phone and really gotten into something and go 10 or 15 miles and really don't recall. With the trucks on the road, that's real scary."

—SEN. MARC BASNIGHT (D-DARE), SENATE PRESIDENT PRO TEMPORE

Though no one was hurt, Hawke then used his phone to call the police. The driver of the other car called his wife—and being a good Republican, says Hawke, she gave him a ride to the Capitol for the debate.

The accident changed Hawke's perspective on cell phone regulation. "Before this happened, I would have said I don't want government interfering in my life more than it already has," Hawke says. "But since this happened, I have a little different view because it wasn't just myself I was putting at risk—it was the guy in the other car. It's a little different than a seat belt, where if you don't use it you only hurt yourself. With a cell phone . . . you're putting somebody else at risk."

Studies: Mixed Findings

1997 CANADIAN STUDY LIKENS CELL PHONE USE IN THE CAR TO DRIVING AFTER DRINKING

Those who favor the regulation of cell phones in cars like to cite a 1997 Canadian study by Dr. Donald Redelmeier and Robert Tibshirani published in the *New England Journal of Medicine*. The study examined the phone billing records of 699 drivers who had been in accidents.

"We found that using a cellular telephone was associated with a risk of having a motor vehicle collision that was about four times as high as that among the same drivers when they were not using their cellular telephones. This relative risk is similar to the hazard associated with driving with a blood alcohol level at the legal limit," the study says.[12]

"It's a little different than a seat belt, where if you don't use it you only hurt yourself. With a cell phone ... you're putting somebody else at risk."

—JACK HAWKE,
REPUBLICAN POLITICAL CONSULTANT

"We observed no safety advantage to hands-free compared with hand-held telephones," the authors add. "Our data do not support the policy followed in some countries of restricting hand-held cellular telephones but not those that leave the hands free."

Dr. Redelmeier, one of the study's authors, points out that the study took into account other driver distractions. "When we observed that four-fold increase in risk, it was not in comparison to ideal circumstances when everything is perfect, but in comparison to drivers' usual circumstances," says Redelmeir. "It was above and beyond the usual background noise."

But the study indicates that most calls while driving are brief and infrequent, and the authors caution that their findings shouldn't be used as conclusive proof of the need to restrict use of the phones. "Our study indicates an association but not necessarily a causal relation," they write. "For example, emotional stress may lead to both increased use of a cellular telephone and a subsequent motor vehicle collision. If so, individual calls may do nothing to alter the chances of a collision."

UNC-CH HIGHWAY SAFETY RESEARCH CENTER STUDY RANKS CELL PHONE USE AND OTHER DRIVER DISTRACTIONS

Other research—including a study last year by the University of North Carolina's Highway Safety Research Center for the AAA Foundation for Traffic Safety—doesn't show a clear association between mobile phones and accidents. In an analysis of data collected on actual crashes nationwide, the UNC study found that just 8.3 percent of drivers were identified as "distracted" in crashes from 1995–99.[13] Jane C. Stutts, the lead researcher in the UNC study, says it's important to note that in one third of the cases, it was unknown whether drivers were distracted or not. When unknowns were removed from the calculations, 12.9 percent of drivers were identified as distracted, so Stutts says it's fair to assume that 8.3 percent is a low estimate of distracted drivers. In the data from those accidents, cell phones ranked eighth on the list of distractions, ranking behind a person or object outside the vehicle, adjusting the radio or cassette controls, other vehicle occupants, a moving object inside the vehicle, adjusting temperature controls, and eating or drinking.

In sum, cell phones were cited as the distraction for only 1.5 percent of the 8.3 percent of crashes where drivers were labeled "distracted." Still, the study warns, "Safety problems related to driver inattention and distraction are expected to escalate in the future as more technologies become available for use in personal vehicles."

The study found that accidents involving cell phones tend to be more common at night. It also found that drivers in the 30–49 age group were more likely than others to be distracted by a cell phone, while those under 20 were more likely to be distracted by the stereo, and those 20–29 were more likely to be distracted by other vehicle occupants. "Overall, these results suggest that today's drivers are being distracted by a combination of old and new events," the study concludes. "Some of the 'old' distractions that continue to cause problems are children and babies, cigarettes, drinks, radios and tape players, and insects and bugs that find their way into the vehicle. 'Newer' distractions include CDs, pagers, and cell phones.

"We found that using a cellular telephone was associated with a risk of having a motor vehicle collision that was about four times as high as that among the same drivers when they were not using their cellular telephones. This relative risk is similar to the hazard associated with driving with a blood alcohol level at the legal limit."

—DR. DONALD REDELMEIER AND
ROBERT TIBSHIRANI,
NEW ENGLAND JOURNAL OF MEDICINE STUDY

Karen Tam

Stutts says one of her conclusions is that cell phone use is under-reported in traffic accidents. "Given the huge increase in reported ownership and use of cellular phones nationwide . . . one might have expected an increase in the reported number of crashes involving cell phones over the five years covered by the analysis. No such increase was apparent, however. The 'raw' number of reported cases involving cell phones was 8 in 1995, 10 in 1996, 8 in 1997, 10 in 1998, and 6 in 1999."

But, the study indicates, "[I]t must be reiterated that these are reported cases. As more attention has been drawn to the potential role of cellular phones in unsafe driving and crashes, drivers have likely become less willing to reveal this information when involved in a crash. Admitting to cell phone use at the time of a crash may be associated with greater legal and financial (insurance) jeopardy than admitting to spilling a cup of coffee or dropping a CD."

Stutts acknowledges that the data might be suspect. "What we can't say is how reliable the reporting is. We just have trouble getting good data," she says. "Ask yourself—would you report it if you were talking on a cell phone? Probably not."

She notes that an analysis of reporting by the State Highway Patrol found that cell phones were a factor in just 11 crashes out of 6,600, but that information on cell phones is not a standard entry on accident reports. Indeed, the National Conference of State Legislatures reports that before 1999, only Oklahoma and Minnesota included check boxes on their accident report forms to indicate whether cell phone use played a role in an accident.[14] The lack of such a check box gave critics an opening to question the study's findings. "The biggest problem was that the on-site accident investigators often didn't have a space to fill in 'cell phone' on their reports of causes. So cell phone use was almost certainly underreported," notes a review of studies on cell phone use and driving appearing in *Consumer Reports*.[15]

However, N.C. Highway Patrol accident reports also do not include a checkbox for each of the other distractions ranked in the UNC study. "I don't know of any state that has a good answer to collecting good data," Stutts says. "There are some valid reasons for concern about cell phones—they really are the tip of the iceberg as far as what's coming," she says, citing on-board navigation systems and cell phones with e-mail and Internet access as examples.

Stutts points to another study by fellow UNC researcher Donald Reinfurt that observed drivers at intersections and calculated that at any given time, 3.1 percent of drivers are talking on their phones.[16]

"Given the huge increase in reported ownership and use of cellular phones nationwide . . . one might have expected an increase in the reported number of crashes involving cell phones over the five years covered by the analysis. No such increase was apparent, however."

—JANE STUTTS, RESEARCHER,
UNC HIGHWAY SAFETY RESEARCH CENTER

Those findings are similar to a National Highway Traffic Safety Administration (NHTSA) study in the fall of 2000 that found about 3 percent of Americans use their cell phones behind the wheel at any given time.

In that study, NHTSA researchers observed more than 12,000 vehicles at 640 intersections around the nation.[17] As with the UNC study, the NHTSA study found variation in cell phone use according to the type of vehicle driven. For example, 4.8 percent of people driving vans and sport utility vehicles used cell phones on the road compared to only 1.9 percent of pickup truck drivers. Women used cell phones more than men, 3.4 percent to 2.7 percent, and rates of cell phone use were higher in suburban areas than in rural areas, at 3.4 percent to 3 percent. In addition, whites, at 3.7 percent, were more likely to be talking on their cell phones than blacks (2.3 percent) or persons of other races (1.7 percent).

Stutts observes, "It's not like every driver out there is on the phone all the time. The percent of time they're using it can be very, very small. We still don't have 3 percent of crashes related to cell phones. It's still real small."

But Stutts says the cell phone issue provides an opportunity to examine an important safety concern—driver distraction. "The cell phone issue has given us an excuse to bring up this much broader issue of what to do when you're driving," she says. "You need to pay attention and avoid distraction."

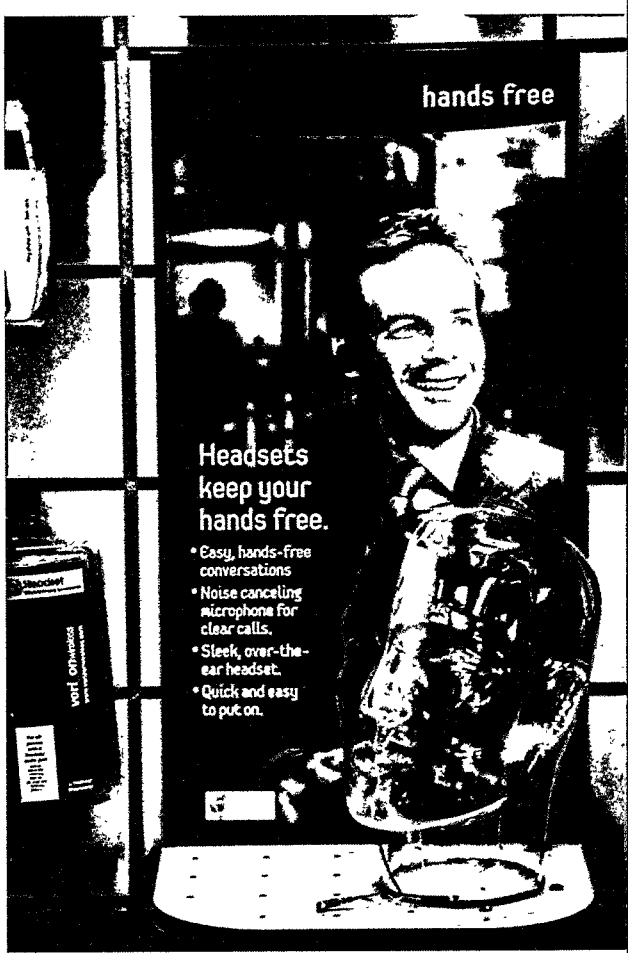
Other observational studies suggest that drivers do show common sense, Stutts says. They tend to talk more when parked than when driving, or they tend not to dial when heading through a busy intersection. It's really the distractions that occur involuntarily, while you're in the middle of something, that may be the most distracting to drivers," she says.

Stutts warns, too, that even though states are considering laws to require hands-free phone use in cars and New York has adopted such a law, such legislation might provide a false sense of security because of the distractions inherent in the conversation itself. "We don't have any data to show that it's less risky," she says.

Indeed, Stutts points to laboratory studies at the University of Utah that showed drivers who talk on the phone hands-free are as likely to be distracted as those using a hand-held phone. "There are a lot of distractions that may take your hand off the wheel for a moment or two, but they identified cell phones because they involve all levels of distraction . . . most importantly, your mind."

UNIVERSITY OF UTAH STUDY: CELL PHONE USE ENGAGES THE MIND

In a November 2001 study, researchers at the University of Utah tested the ability of 48 undergraduates on a driving simulator while talking on a cell



phone. They found that both hand-held and hands-free cell phones distract drivers and attributed the distraction to the mind's focus on the telephone conversation.[18]

"The principal findings are that (a) when participants were engaged in cell phone conversations, they missed twice as many simulated traffic signals as when they were not talking on the cell phone and took longer to react to those signals that they did detect; (and) (b) these deficits were equivalent for hand-held and hands-free cell phone users," the study says. "In sum, we found that conversing on either a hand-held or a hands-free cell phone led to significant decrements in simulated-driving performance. Thus, the available evidence suggests that there are at least two sources of interference with driving associated with concurrent cell phone use: one due to peripheral factors such as manipulating the phone while dialing . . . and one due to the phone conversation itself.

"Our data imply that legislative initiatives that restrict hand-held devices but permit hands-free devices are not likely to reduce interference from the phone conversation, because the interference is, in this case, due to central attentional processes."[19]

Researchers have found that when there are other occupants in a vehicle, they tend to modulate their conversation as they observe the challenges that the driver faces. "By contrast, at least one of the participants in a cellular phone conversation is unaware of the current driving conditions (and may even be unaware that the cell phone user is driving)," the Utah study says. "When the driver engages in a cell phone conversation, he or she is no longer solely in control of the dynamics of the conversation."

Other studies dating back as far as 1969 have looked at such issues as driver judgment of road hazards, steering performance while dialing manually versus voice dialing, and brake reaction time while talking on the phone.[20] This attention to the issue is helping to fuel calls for regulation, and municipalities, states, and even nations are responding. Besides action on the state level, a dozen U.S. municipalities and 24 countries have regulated the use of cell phones in cars, including Brazil, Germany, Great Britain, Israel, Japan, and Switzerland.

At AAA Carolinas, Crosby questions the data used in the UNC study. But he says the organization stops short of calling for an outright ban on phone conversations over headsets or speakerphones. "It's clear that while you are talking on the phone, you are distracted, even with two hands on the wheel," he says. "But banning all cell phone conversations in the car is like banning conversations with passengers."

Things We Do While Driving

According to a national driving habits survey by Response Insurance, three quarters of all drivers have engaged in at least one activity that would distract from safe operation of a car. Here are the top activities drivers said caused or nearly caused an accident:

■ Spilling Coffee	26%
■ Breaking up fight between kids	26
■ Wiping off cigarette ashes	22
■ Reaching for something	21
■ Racing with another car	21
■ Using a computer	21
■ Drinking alcohol	20
■ Turning head around to speak	18
■ Rubbernecking	17
■ Fighting with a passenger	16
■ Dog jumping around in car	16

Source: Response Insurance 2001 National Driving Habit Survey, as reported in *Governing* magazine, Washington, D.C., September 2001, p. 16

The Wireless Industry's Position: 3 Percent Use While Driving Doesn't Warrant Regulation

Wireless phone industry spokespersons, in arguing against regulation of driving while talking on the telephone, often cite the UNC studies and other similar studies that have found about 3 percent of drivers talking on their phones at a given moment. "If 3 percent of drivers are using phones, that clearly doesn't meet the threshold for legislation," says Dee Yankoskie, the manager of wireless education programs for the Cellular Telecommunications & Internet Association in Washington, D.C. "It does emphasize the fact that drivers need to be educated

"If 3 percent of drivers are using phones, that clearly doesn't meet the threshold for legislation."

—DEE YANKOSKIE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION

on the myriad of distractions they face—from eating, changing a CD, talking to passengers, or talking on a wireless phone."[21]

Strayer, the author of the University of Utah study, says that while some who oppose regulation downplay the study finding that roughly 3 percent of drivers are on the phone at any given time, it really is significant given the level of impairment caused by cell phone use. "How comfortable would you be if you knew that 3 percent of the drivers on the road were legally drunk?" asks Strayer. "I personally would be a little concerned about that." What's interesting, says Strayer, is that the 3 percent usage level has not turned up in accident data. "We haven't been able to tell if there is an upswing in accidents," he says. "It's hard to tell if more fatalities are happening or not. It's rarely the case that you have a time stamp of when someone had an accident and whether they were on the phone or not."

The industry group says that it supports collection of additional data on all driver distractions, the enforcement of existing laws on reckless driving, and education for motorists on all the potential distractions they face. "There needs to be education regardless," says Yankoskie. "What we want is the additional data collection—and that's not just on cell phones but on all or any driver distractions that contribute to a crash. We just feel that if we truly want to have an impact on highway safety, then we need to address the issue in its entirety—and the issue is inattentive driving."

Existing laws already allow police to stop distracted drivers, Yankoskie says, whether the distraction is a cell phone, fast food, reading a newspaper, or putting on make-up. "There are existing laws in every state where if a law enforcement officer sees someone driving erratically . . . they can pull them over.

"You can't restrict or regulate everything that a person does in the car. And you shouldn't single out one potential distraction," says Yankoskie. "You can't legislate common sense."

The wireless industry group is also careful to say that some cell phone conversations simply should not take place on the road. "Stressful, emotional conversations—those are conversations that can wait

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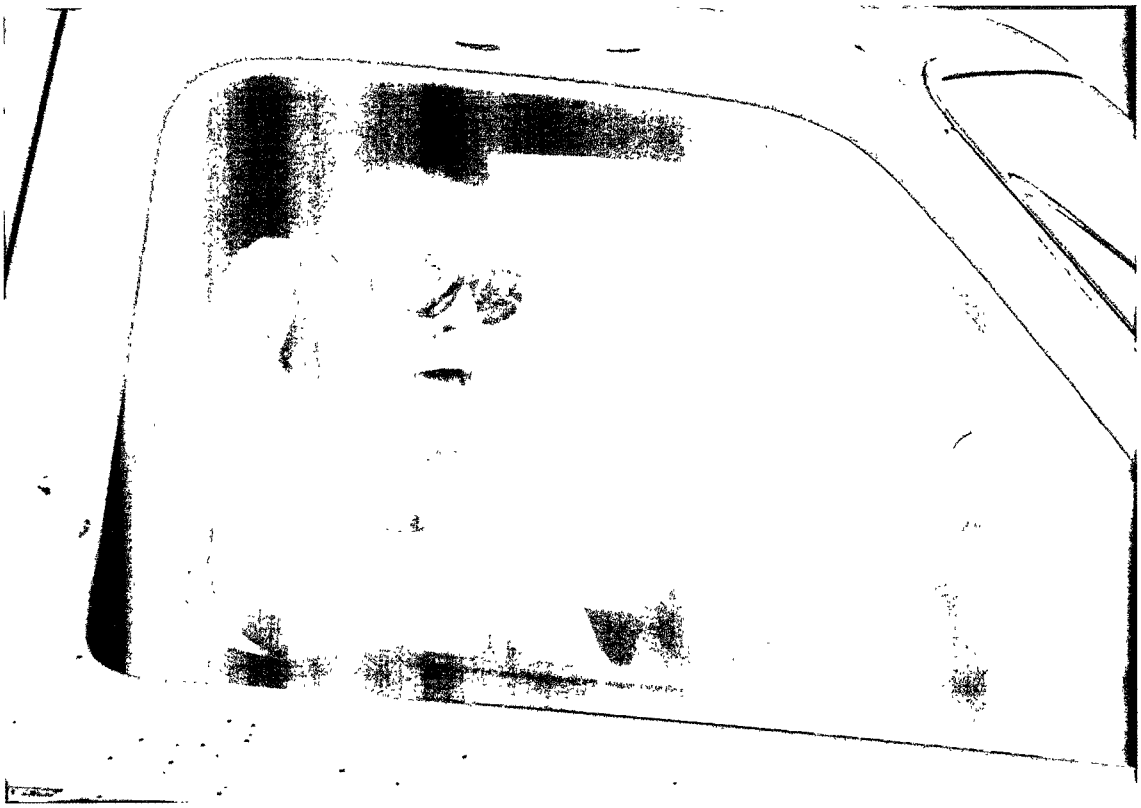


Karen Tam

until you're at home or in a parking lot," Yankoskie says. "There are times when you shouldn't be doing anything but driving—school zones, construction zones, inclement weather." Anyone using a phone while driving should let the other talker know that he or she is driving, she says, and should use a hands-free device if one is available.

Opponents of regulation of cell phone use and driving also point out that few studies, including the frequently cited 1997 *New England Journal of Medicine* study by two Canadian researchers, call for an outright ban on use of cell phones in cars. Some studies, in fact, cite the good cell phones do in allowing drivers to report accidents and traffic hazards.[22] Thomas Morrow, North Carolina director of government affairs for Sprint—a leading wireless phone service provider, says the Canadian study "shouldn't be treated as the gospel" when studies such as that conducted by the Highway Safety Research Center show cell phone use to be far down the list in terms of driver distraction.

Verizon Wireless has appeared somewhat more open to the regulation of hand-held phones in cars as long as (1) there is at least a two-year phase-in of the requirement, (2) the penalties aren't harsher than those for other distractions, and (3) the state legislation pre-empts local regulations. "We basically welcome state legislative review of this issue," says Chris Jones, Verizon's associate director for state public policy in the South. "We welcome legislative review of this issue as long as there is public support for it. We feel that requiring hands-free devices or use is a good reinforcement of safe driving in general. If you have two hands on the wheel, that's better than what you could do with just one hand on the wheel and your head cocked to the side."

Jones questions, though, whether there is a public mandate for rules on cell phones in cars. "That's something I have not seen," he says. Jones also questions the study in Utah, pointing out that the driving "simulator" that researchers used was a joy-

"How comfortable would you be if you knew that 3 percent of the drivers on the road were legally drunk?"

—DAVID STRAYER
UNIVERSITY OF UTAH RESEARCHER

"We welcome legislative review of this issue as long as there is public support for it."

—CHRIS JONES
VERIZON WIRELESS

stick in front of a computer screen. "That's not a person sitting behind the wheel, driving a car," he says.

Strayer notes that Jones' criticism, while accurate concerning his original study, does not tell the whole story. Strayer has since replicated his original findings using a state-of-the-art high fidelity driving simulator with a Crown Victoria cockpit. "The earlier studies have held up with the super high-end simulator, and they extend the basic pattern," says Strayer. "The results are qualitatively the same with the joystick as with the high-end simulator."

If North Carolina or another state adopts a hands-free requirement in vehicles, a 24-month phase-in would allow phone users to cycle out of their current contracts and upgrade to a new phone that is equipped for hands-free use, Jones says. Some companies, in fact, see speakerphones and other hands-free devices as good merchandise to sell. Verizon's stores feature a "Wall of Safety" filled with devices for hands-free use.

"As we are seeing consumer attention and interest in this issue, we are seeing a definite uptick in interest in these devices," Jones says. State legislation also should exempt the use of cell phones from vehicles for emergency calls, he says.

Sprint, while generally taking the position that the issue of cell phone use and driving requires more study, agrees that if cell phone use is regulated, the laws should be consistent from state to state. "It's bad to have variation by state," says Morrow.

State Highway Patrol: Cell Phones One of Several Dangerous Distractions

In the case where corrections officer Shannon Smith was killed in Johnston County, the driver—27-year-old Laura Elena Reyes—was convicted of misdemeanor death by motor vehicle and reckless driving. Reyes received a 45-day suspended prison sentence, two years on probation, a $500 fine, and a one-year revocation of her driver's license. The stiff sentence suggests that authorities already have leeway to sanction a driver who commits a dangerous act while talking on a cellular phone.

And because wireless phones have proven to be a boon to law enforcement, officials at the State Highway Patrol aren't particularly anxious to put new restrictions on them. Renee Hoffman, a spokesperson for the N.C. Department of Crime Control and Public Safety, the administrative home of the State Highway Patrol, says that the state's existing statute on careless and reckless driving gives officers a tool to deal with a broad range of distractions, whether the distraction is a cell phone, a hamburger, or lipstick.[23]

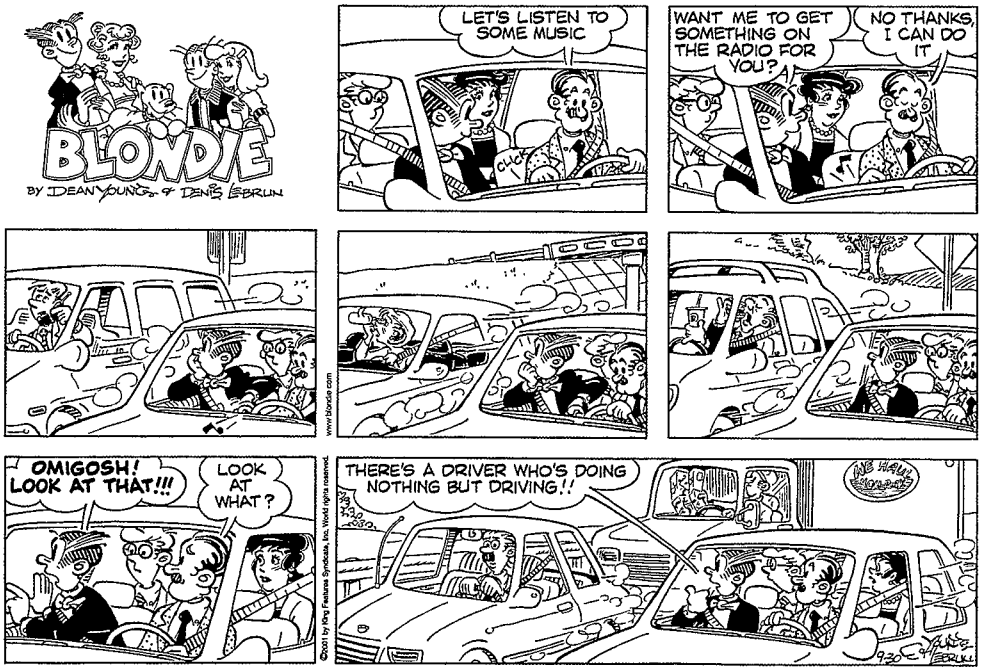
"The research says that cell phones are not any more of a distraction than other things people do in their cars—being distracted by kids, eating, doing make-up, or whatever," Hoffman says. "It gives us an appropriate charge if the situation calls for somebody to be charged with causing an accident. That law is already there," she says. "If you starting writing a statute for everything in a car that can cause a distraction, I'm not sure there's enough paper. Right now, there's nothing that tells us in the data that is available that we absolutely must have a stronger law on cell phones," she says.

Sgt. Everett Clendenin, spokesperson for the State Highway Patrol, agrees that cell phones represent one of several distractions that can interfere with safe operation of a motor vehicle. "Our official stance is that all distractions are a problem," says

Expiring Patent

No. 4,375,881. Portable desk for use with automobile steering wheel. "A portable reversible desk for detachable mounting on and support by the steering wheel of a motor vehicle comprising . . . smooth planar surfaces for the support of writing material . . . a pocket . . . for the holding of writing materials; and [clips] for detachably holding the desk to the rim of the steering wheel. . . ."

Reprinted from "The March Almanac," The Atlantic Monthly, *Boston, Mass., March 2000, p. 16.*



Clendenin. "The primary focus of the driver should be on driving. We'll leave it up to the General Assembly as to how to address the use of cell phones in cars."

Shannon Smith's mother-in-law, Betty Smith, says that she and Shannon's husband, Scott, view the accident that killed her daughter-in-law as a freak one. And they agree that the accident doesn't necessarily mean new laws are needed for mobile phones. "I agree it's distracting. But you can't have a law for everything," Smith says. "Making 10 laws is not going to change the end result."

Law enforcement officials say that callers with wireless phones have proven invaluable in reporting accidents, drunk drivers, or people who are driving recklessly.

"The advantage that the cell phone gives us for safety is huge," says Hoffman. "Because people have these cell phones, they are able to report things much more quickly. I would not want to see a situation where we lose that tool.

"We've had [civilian] people sitting downtown and witness a bank robbery and follow the bank robber from a safe distance," she says. "The guy was smart enough not to let the bank robber know he was being followed, and he led the law enforcement officers right to him."

Still, she says, motorists should use caution when dialing. "What we always advise people is when you are driving, you want to be paying 100 percent attention," Hoffman says. "That means no eating, no putting on your make-up. If the baby needs changing, pull off to the side of the road and take care of it. The same thing applies with cell phones. If you have to make a cell phone call, pull off the highway and do it safely."

The district attorney's office for the three-county district that includes Johnston County prosecuted Laura Reyes in Shannon Smith's death. District Attorney Thomas Lock says he's still not sure whether more laws are needed. "I think the idea warrants serious consideration," Lock says. "I'm not at this point willing to go so far as to advocate outlawing the use of hand-held cell phones in vehicles, but I could be persuaded very easily if there is empirical evidence that demonstrates that there is a relationship between hand-held cell phone use and accidents."

Smith's death is the only fatality Lock knows of in the district that was caused by a driver using a cell phone. And, he says there is no great groundswell of calls for new regulations. "Not as many as I expected," says Lock. Lock's view is like that of some researchers. "I'm unde-

Law enforcement officials say that callers with wireless phones have proven invaluable in reporting accidents, drunk drivers, or people who are driving recklessly.

Center Recommendations on Driving While Talking on the Telephone

While there appears to be broad agreement that driving while talking on the phone is a distraction, there is little agreement as to how great the distraction really is. A Canadian study concluded that cell phone use behind the wheel quadruples the risk of an accident for the duration of the conversation, making it similar in risk to driving while at the legal limit for alcohol consumption. At the other extreme, a study by the Highway Safety Research Center at the University of North Carolina at Chapel ranks the use of a cell phone while driving eighth among a laundry list of distractions that can contribute to an auto accident. And a number of studies fall somewhere in between. Meanwhile, there is no agreement as to whether the most oft-suggested solution, hands-free telephone sets, really represents an improvement since talking on the telephone engages the mind.

There is, however, broad agreement on one need. That is the need for further information. Several factors contribute to this information gap: (1) It makes sense intuitively that a number of drivers would be reluctant to admit they were talking on the telephone at the time of an accident. (2) The State Highway Patrol does not have a box to check on the state's accident report form that would provide a handy way of indicating cell phone related accidents or other driver distractions. While the first factor—reluctance to admit fault—may be an ingrained aspect of human nature, the second is easily remedied. Thus, the North Carolina Center for Public Policy Research offers the following recommendations:

1) The N.C. Division of Motor Vehicles should revise its accident report form to include frequent driver distractions—including cell phone use—prior to January 1, 2003. This would permit better tracking by the state and provide additional insight into the role cell phones play in automobile accidents. Perfect clarity is not achievable due to driver reluctance to admit cell phone use or any other distraction, but this simple step would improve the now-murky picture.

2) The State Highway Patrol should generate reports at two and four-year intervals indicating the percentage of accidents caused by various driver distractions and provide this information to the North Carolina General Assembly's Joint Legislative Transportation Oversight Committee. The patrol should report to the legislature's transportation oversight committee on the use of cell phones in vehicles involved in accidents—if the committee is reauthorized in 2003—or it should report to another standing legislative committee given this responsibility by the legislature's leadership.

3) The 2005 N.C. General Assembly should establish a study commission to review the data generated through revised accident report forms and then decide whether to recommend banning or regulating the use of cell phones in automobiles; legislative consideration should come earlier if accident reports or other clear and convincing evidence requires more urgent action. While cell phones clearly do distract drivers, additional accident information and further research should clarify the degree of danger they truly represent. If cell phone use while driving causes accidents in greater proportion than other distractions, the legislature should consider regulating or banning the devices. Until the answers are clear, the best solution may be for drivers to exercise caution and use common sense when it comes to driving and talking on the phone.

—Mike McLaughlin

Mike McLaughlin is editor of North Carolina Insight.

cided at this point," he says. "I think we need more research."

Wait for More Results?

State legislators who are currently preoccupied with the state's considerable budget troubles—a $1.5 billion shortfall as of May 2002—may take a similar wait-and-see stance. Legislative leaders say they don't expect to take up the issue until 2003. Basnight says that although he supports proposals to ban the use of hand-held phones while driving, his focus is elsewhere. "I'm not really giving it much attention now. I'm watching the budget," says Basnight.

After the 2001 session lasted from January until December, "We don't have much time to study," said House Speaker Jim Black. "That's an issue for 2003. Like Basnight, Black admits he depends heavily on his cell phone on his drives between his home in Mecklenburg County and Raleigh. In fact, Black says he once had two phones in his car—one with a 919 area code and one with a 704 area code. As for the headsets that are available, Black says, "The one I've got hurts my ear. We're not far away from technology to be hands-free without legislation."

But Black says that legislators also shouldn't be reluctant to enact restrictions on cell phones just because they use them themselves. "I don't have any preconceived notions about that. It makes good sense to me to have a hands-free phone, because I'm on the phone a lot in the car," he said. "It's just easier. I've got a chicken sandwich in the other hand—it's kind of hard to steer with your knee."

FOOTNOTES

[1] Accident testimony by Laura Elena Reyes, as quoted in Adrienne Lu, "Cell phone driver fined in accident," *The News & Observer*, Raleigh, N.C., May 18, 2001, p. 1B.

[2] "The distraction factor: Studies show that cell phones and driving don't mix. But will cell-phone legislation solve the problem?" *Consumer Reports*, Consumers Union of the U.S., Yonkers, N.Y., February 2002, p. 19.

[3] "Model headed home after second hospital stay," unsigned wire service report, *The News & Observer*, Raleigh, N.C., July 19, 2001, p. 2A.

[4] Megan Ward, "Teen's cell phone use may be to blame in fatal accident," *Hickory Daily Record*, Hickory, N.C., April 12, 2002, p. 1A.

[5] "AAA Carolinas Supports Banning Cell Phone Use," unsigned news release, AAA Carolinas, Charlotte, N.C., Aug. 30, 2000.

[6] "AAA Carolina Members Want Crackdown on Aggressive Drivers and Hand-Held Cell Phones," unsigned article, *Go Magazine*, AAA Carolinas, Charlotte, N.C., March–April 2002, p. 1.

[7] Number of U.S. wireless subscribers taken from the Cellular Telecommunications & Internet Association website at *www.wow-com.com/industry/*, Feb. 20, 2002.

[8] Matt Sundeen, "Cell Phones and Highway Safety: 2001 Legislative Update," National Conference of State Legislatures, Denver, Colo., August 2001. Taken from the NCSL website at *www.ncsl.org/programs/esnr/2001cellph.htm.*

[9] *Ibid.*

[10] "NY bans driving while on the phone," unsigned wire service report, *The News & Observer*, Raleigh, N.C., June 26, 2001, p. 6A.

[11] House Bill 74 of the 2001 Session.

[12] Donald A. Redelmeier, M.D., and Robert J. Tibshirani, M.D., "Association Between Cellular Telephone Calls and Motor Vehicle Collisions," *The New England Journal of Medicine,* Vol. 336, No. 7 (Feb. 1, 1997), pp. 453–458.

[13] Jane C. Stutts *et al.,* "The Role of Driver Distraction in Traffic Crashes," Highway Safety Research Center, University of North Carolina at Chapel Hill; prepared for AAA Foundation for Traffic Safety, Washington, D.C., May 2001. On the internet at *www.aaafoundation.org/projects/index.cfm?button=distraction.*

[14] Matt Sundeen, "Driving While Calling–What's the Legal Limit?" *State Legislatures*, National Conference of State Legislatures, Denver, Colo., October/November, 2001, p. 25.

[15] *Consumer Reports*, note 2 above, p. 18.

[16] Donald W. Reinfurt *et al.*, *Cell Phone Use While Driving in North Carolina*, Highway Safety Research Center, UNC-Chapel Hill, Chapel Hill, N.C., November 2001, Executive Summary, pp. i–ii.

[17] Nedra Pickler, "Phone use in vehicles put at 3%," The Associated Press as published in *The News & Observer*, Raleigh, N.C., July 24, 2001, p. 1B.

[18] David L. Strayer and William A. Johnston, "Driven to Distraction: Dual-Task Studies of Simulated Driving and Conversation on a Cellular Telephone," *Psychological Science*, American Psychological Society, Princeton, N.J., Vol. 12, No. 6 (November 2001), pp. 465–466.

[19] *Ibid.*

[20] *Consumer Reports*, note 2 above, pp. 18–19. This article surveys a range of studies on cell phone use while driving. The 1969 study by England's Medical Research Council found no driver impairment during routine driving, but poorer judgment when drivers were called upon to make a quick decision, the authors of the article report. A 2001 study by Cambridge Basic Research found poorer steering performance when drivers dialed a phone manually but not when using voice commands. Also in 2001, researchers at Miami University in Ohio concluded that using a phone created longer braking times.

[21] As quoted in "New NHTSA Survey Reinforces CTIA's Call for Education on Distracted Driving," news release, Cellular Telecommunications & Internet Association, Washington, D.C., July 23, 2001. Subsequent quotes appearing in this article from CTIA spokesperson Dee Yankoskie are taken from a telephone interview with Yankoskie.

[22] This statement is based on information provided by Thomas A. Morrow, North Carolina Director of Governmental Affairs for Sprint, a leading wireless phone service provider.

[23] North Carolina General Statute 20-140. The statute reads in part:

"(a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights and safety of others shall be guilty of reckless driving.

(b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving."

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UNIVERSITY OF NORTH CAROLINA: Governance and Coordination of Public Higher Education in All 50 States: Executive Summary, by Carolyn Waller, Ran Coble, Joanne Scharer, and Susan Giamportone, Vol. 19, Nos. 1–2, p. 108.

WASTE: Outhouses Not Completely Out in Eastern North Carolina, by Joanne Scharer, Vol. 19, Nos. 3–4, p. 58.

WATER: The Aftermath of Hurricane Floyd: Lessons Learned and Not Learned, by John Manuel, Vol. 19, Nos. 3–4, p. 81.

MEMORABLE MEMO

Michael F. Easley
Governor

State of North Carolina
Office of the Governor

Contact: Amanda Wherry
Phone: (919) 733-5612

For Release: **IMMEDIATE**
Date: June 3, 2002

ATTENTION EDITORS, REPORTERS, NEWS DIRECTORS:

HURRICANES STORM THE NORTH CAROLINA STATE CAPITOL

RALEIGH, N.C. - North Carolina's historic State Capitol Building will be splashed in red for the next two weeks in honor of the Carolina Hurricanes trip to the Stanley Cup Playoffs.

The statues in and around the State Capitol Building (1 E. Edenton St.) will be dressed in Carolina Hurricanes jerseys and hockey gear today (June 3) through the Stanley Cup finals. The Carolina Hurricanes flag will also be flown on top of the Capitol.

The Prince of Whales Cup will be available for viewing in the Governor's Office of the Capitol on Tuesday (June 4) from 9-11:30 a.m.

Parking is available at the N.C. History Museum on the corner of Wilmington Street and Jones Street and Alexander Square parking deck on Wilmington Street.

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*****CORRECTION*****
—— Original Message ——
From: Amanda Wherry
To: Undisclosed-Recipient:;
Sent: Monday, June 03, 2002 12:13 PM
Subject: HURRICANES STORM THE NORTH CAROLINA STATE CAPITOL

For Release: **IMMEDIATE** Contact: Amanda Wherry

Date: June 3, 2002 Phone: (919) 733-5612

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6/10/02

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Governor's Press Office
State Capitol, Raleigh, NC 27603-8001
(919) 733-5612 - Toll Free 1-800-662-7005
FAX (919) 733-5166

Would that esteemed visitor be Moby Dick, British royalty, or a hockey trophy? The third time's the charm for the Governor's Press Office. It's a hockey trophy. Good thing, too, because three strikes you're out in the press release writing business. Whoops, wrong sport. Excuse us, but we're still kind of new to playoff hockey in North Carolina. No slap shots intended, but apparently, so is the Governor's Press Office. They missed two easy catches (or glove saves to you hockey fans) and provided us a hat trick of memo copy just for display of the Prince of Whales (check that, it's Wales) Trophy. Hope nobody dropped the ball on the Stanley Cup, which was next to be exhibited in the Capitol. Or would that be dropped the puck? Regardless, *Insight* could use another memorable memo or three for the next edition, anonymity guaranteed.

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